

**NOTICE OF
JEFFERSON COUNTY COMMISSION MEETING
THURSDAY, MAY 2, 2013
9:30 A.M.**



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

AGENDA

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- April 04, 2013 Minutes
- April 16, 2013 Minutes - Laying of the Levy
- April 18, 2013 Minutes

APPROVAL OF PURCHASE ORDERS

- May 02, 2013

APPROVAL OF ACCOUNTS PAYABLE

- April 25, 2013
- May 02, 2013

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Jennifer Maghan, County Clerk
- Approval of employment (replacement) - Discussion/Action
2. 9:50 a.m. Interviews & Appointments - Jefferson County Development Authority
- Reappointment of Karan Townsend as a representative of the Town of Harpers Ferry for a 3 year term ending April 5, 2016 - Discussion/Action
3. 10:00 a.m. John Reisenweber - Director, Jefferson County Development Authority
- Resolution of Participation and Cooperation in the Certified Development Community Program - Discussion/Action
- Permission to hire Program Director - Discussion/Action
- Request the County Commission advertise for four (4) additional seats on the Jefferson County Development Authority Board of Directors - Discussion/Action
- To present Commercial Impact Fee language - Discussion/Action

4. 10:30 a.m. Roger Goodwin, Chief Engineer
 - Complete release of the Construction Bond security for D & D, L.C. - Dairy Queen Maddex Square Shopping Center (PC File #S06-02) - Letter of Credit #700061429 with Community Bank, Staunton, Virginia - Discussion/Action
 - Impact Fees Recalculation & Fee Schedule Update - Discussion/Action
5. 10:40 a.m. Sheriff Pete Dougherty
 - Approve the hiring of two Bailiffs - Discussion/Action
 - Approve the hiring of an Administrative Assistant - Discussion/Action
6. 10:50 a.m. **BREAK**
7. 11:00 a.m. Health Care Presentation - Debbie Keyser/Sally Gran - Discussion/Action
8. 11:45 a.m. Stephanie Grove, Assistant Prosecuting Attorney
 - Sheriff Department - Canine Handler back pay - (*Possible Executive Session*)

NEW BUSINESS:

9. Recommendation pertaining to County Agency - Discussion/Action (PN)
10. Approval of Resolution - Community Participation Grant Program for the Jefferson County Parks and Recreation in the amount of \$4,000 - pass through grant - Discussion/Action

FINANCIAL DIRECTOR REPORT:

- Approval of Internal Budget Revision # 110 - Circuit Clerk's Office - Discussion/Action
- Approval of Internal Budget Revision # 111 - County Clerk's Office - Discussion/Action
- Approval to close inactive bank account with Bank of Charles Town - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Financial Director job description - Discussion/Action
- Update on the Smoot Building/Teen Court - Discussion/Action

COUNTY COMMISSION REPORTS

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Jefferson County Homeland Security and Emergency Management Quarterly Report 1st quarter 2013.

11. **Break**

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

12. 7:00 p.m. Public Hearing - Mannings Incorporation

13. **Adjourn**

**CORRESPONDENCE:**

Invitation to an Open House at the Jefferson County Youth Report Center, May 2, 2013 11 a.m. - 1 p.m.

National Preservation Month program at the Jefferson County Courthouse, May 7, 2013. Sir Neil Crosson presents a talk on - "A Future for the Past: Preserving the Past as an Asset for the Future".

Invitation to the "Brown Breaking" Celebration Shepherdstown Library May 9<sup>th</sup>, 2013 - p.m.

Reminder - Offices closed May 27, 2013.

State Emergency Response Commission Conference Save the Date card - August 26-28, 2013, Charleston, WV.

Response letter from the Marvin G. Murphy, Assistant Deputy Secretary WV Division of Highways - in regards to questions raised by the Commission/Division of Highways Road Summit.

Thank you letter from Old Charles Town Library for financial support to the library.

Public Service Commission of West Virginia, Charleston - Commission Order.

Letter from State of West Virginia, Office of the Secretary, Department of Military Affairs and Public Safety regarding On-Site Visit for Grant Number # 10-SHS-10. Full report available for review in the Commission Office.

Kleinschmidt, Filing of Response to Comments on Pre-Application Document and Study Requests Millville Hydroelectric Project (FERC No. P-2343).

Copy of Letter sent to Roger Goodwin from the Middleway Conservancy regarding code violations.

County Commissioners Association of West Virginia, Legislative Update, Volume 16, Issue 11, April 15, 2013.

West Virginia Association of Counties, The County Legislative Line, April 15, 2013.

Ethics Reporter, March 2013 Advisory Opinion Update.

Extension Service, West Virginia University/Jefferson County - Volume 2 Number 2, April 2013.

West Virginia Lottery Weekly Settlement for Charles Town, week ending April 13, 2013.

West Virginia Lottery Weekly Settlement for Charles Town, week ending April 20, 2013.

*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, April 4, 2013**

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A meeting of the Jefferson County Commission was held on Thursday, April 4, 2013 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 Dale Manuel, Patsy Noland, Walter Pellish, Jane Tabb and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the April 4, 2013 meeting is available through the Jefferson County Commission Office.)

**PLEDGE OF ALLEGIANCE**

Commissioner Pellish led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Motion by Ms. Noland to approve the Minutes of the March 19, 2013 Budget Work Session. Motion seconded and unanimously approved.**

**Motion by Mr. Manuel to approve the Minutes of the March 21, 2013 Special Session with the noted corrections. Motion seconded and unanimously approved.**

**Motion by Ms. Tabb to approve the Minutes of the March 27, 2013 Public Hearing on the Budget. Motion seconded and unanimously approved.**

**APPROVAL OF PURCHASE ORDERS**

**Motion by Ms. Widmyer to approve Purchase Orders in the amount of \$27,011.06 being P. O. Nos. 51396, 49913, 49914, 51430, 49824, 49825, 49826, 49873, 49874, 49878, 49880, 50275, 50276, 50277, 51355, 52132, 51352, 51356, 51358, 51359, 51361, 51362, 51363, 50321, 550323, 50385, 50312, and 50322 . Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE**

**Motion by Ms. Tabb to approve the accounts payable for March 28, 2013 in the amount of \$579,703.08. Motion seconded and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT     | NOAMT       | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-----------|-------------|--------------|
| 069508 | PAYROLL | AMERICAN FAMILY LIFE ICU |       | \$ -      | \$ 3,703.54 | \$ 3,703.54  |
| 069509 | 439     | AMERICAN PLANNING ASSOC  | 50319 | \$ 225.00 | \$ -        | \$ 225.00    |
| 069510 | 425     | COMCAST                  |       | \$ -      | \$ 349.95   | \$ 349.95    |
| 069511 | 712     | AT&T/GA                  |       | \$ -      | \$ 181.83   | \$ 181.83    |

|        |         |                          |       |             |               |               |
|--------|---------|--------------------------|-------|-------------|---------------|---------------|
| 069512 | 425     | BIEDLERS ELEC MOTOR REP  | 51340 | \$ 305.02   | \$ -          | \$ 305.02     |
| 069513 | 425     | B-K OFFICE SUPPLY INC    | 51348 | \$ 1,229.25 | \$ -          | \$ 1,229.25   |
| 069513 | 440     | B-K OFFICE SUPPLY INC    | 50230 | \$ 45.00    | \$ -          | \$ 45.00      |
| 069514 | 425     | BOLAND SERVICES          | 51346 | \$ 650.00   | \$ -          | \$ 650.00     |
| 069515 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -        | \$ 49.85      | \$ 49.85      |
| 069516 | PAYROLL | BUREAU F/CHILD SPPRT ENF |       | \$ -        | \$ 212.31     | \$ 212.31     |
| 069517 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 461.54     | \$ 461.54     |
| 069518 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 23.08      | \$ 23.08      |
| 069519 | 404     | CASTO & HARRIS INC       | 52097 | \$ 647.65   | \$ -          | \$ 647.65     |
| 069520 | PAYROLL | VA DEPT OF TAXATION      |       | \$ -        | \$ 757.55     | \$ 757.55     |
| 069521 | 712     | FRONTIER WV, INC         |       | \$ -        | \$ 380.00     | \$ 380.00     |
| 069522 | 425     | CITY OF CHARLES TOWN     | 51341 | \$ 40.00    | \$ -          | \$ 40.00      |
| 069523 | 405     | MARCIA L. CHANDLER, RPR  | 50383 | \$ 29.00    | \$ -          | \$ 29.00      |
| 069524 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -        | \$ 27.69      | \$ 27.69      |
| 069525 | PAYROLL | COLONIAL LIFE            |       | \$ -        | \$ 756.42     | \$ 756.42     |
| 069526 | 440     | DELL MARKETING LP        | 50229 | \$ 4,579.71 | \$ -          | \$ 4,579.71   |
| 069527 | 425     | DAYCON                   | 51339 | \$ 1,313.01 | \$ -          | \$ 1,313.01   |
| 069528 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -        | \$ 154.83     | \$ 154.83     |
| 069529 | 717     | DONALD B. RICE TIRE CO.  | 51335 | \$ 1,347.24 | \$ -          | \$ 1,347.24   |
| 069530 | PAYROLL | DELTA DENTAL OF WV       |       | \$ -        | \$ 5,737.68   | \$ 5,737.68   |
| 069531 | 402     | VIVIAN FIELDS            |       | \$ -        | \$ 75.00      | \$ 75.00      |
| 069532 | 717     | FLEETPRIDE               | 51332 | \$ 169.50   | \$ -          | \$ 169.50     |
| 069532 | 717     | FLEETPRIDE               | 51353 | \$ 30.00    | \$ -          | \$ 30.00      |
| 069533 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -        | \$ 1,698.80   | \$ 1,698.80   |
| 069533 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -        | \$ 1,981.00   | \$ 1,981.00   |
| 069534 | 425     | GRAINGER, INC            | 51334 | \$ 618.72   | \$ -          | \$ 618.72     |
| 069534 | 425     | GRAINGER, INC            | 51354 | \$ 59.22    | \$ -          | \$ 59.22      |
| 069535 | 406     | GLOBAL SCIENCE & TECH    | 49867 | \$ 147.36   | \$ -          | \$ 147.36     |
| 069536 | 425     | GRIFFITH ENERGY SERVICE  |       | \$ -        | \$ 3,718.97   | \$ 3,718.97   |
| 069537 | 433     | GEOGRAPHIC INFO SERVICES | 50863 | \$ 1,662.90 | \$ -          | \$ 1,662.90   |
| 069538 | 712     | DANIEL HENDERSON         |       | \$ -        | \$ 335.50     | \$ 335.50     |
| 069539 | 401     | NICHELLE HOSBY           |       | \$ -        | \$ 75.00      | \$ 75.00      |
| 069540 | PAYROLL | ING NATIONAL TRUST       |       | \$ -        | \$ 2,025.00   | \$ 2,025.00   |
| 069541 | 712     | JEFFERSON PUBLISH CO INC | 49881 | \$ 81.00    | \$ -          | \$ 81.00      |
| 069541 | 401     | JEFFERSON PUBLISH CO INC |       | \$ -        | \$ 204.48     | \$ 204.48     |
| 069542 | 424     | THE JOURNAL              | 51357 | \$ 53.82    | \$ -          | \$ 53.82      |
| 069543 | 425     | JEFFERSON COUNTY SOLID   | 53045 | \$ 110.60   | \$ -          | \$ 110.60     |
| 069544 | 712     | DR ROBERT JONES          |       | \$ -        | \$ 1,000.00   | \$ 1,000.00   |
| 069545 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -        | \$ 40.00      | \$ 40.00      |
| 069545 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -        | \$ 4,888.00   | \$ 4,888.00   |
| 069546 | 412     | JUDITH A MATLICK         |       | \$ -        | \$ 109.80     | \$ 109.80     |
| 069547 | PAYROLL | COMPTROLLER OF MARYLAND  |       | \$ -        | \$ 782.56     | \$ 782.56     |
| 069548 | 425     | MOUNTAIN STATE MACHINE   | 51349 | \$ 235.00   | \$ -          | \$ 235.00     |
| 069549 | 425     | V.E. MAUCK PLUMBING SPPL | 51277 | \$ 2,531.29 | \$ -          | \$ 2,531.29   |
| 069550 | PAYROLL | HIGHMARK WV              |       | \$ -        | \$ 171,050.28 | \$ 171,050.28 |
| 069551 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -        | \$ 150.00     | \$ 150.00     |
| 069552 | 401     | PATRICIA A NOLAND        |       | \$ -        | \$ 89.18      | \$ 89.18      |
| 069553 | 425     | NORVAC LOCK TECHNOLOGY   | 51337 | \$ 162.00   | \$ -          | \$ 162.00     |



**Motion by Mr. Manuel to approve the accounts payable for April 4, 2013 in the amount of \$628,731.23. Motion seconded and unanimously approved.**

| CHCKNO       | DEPT    | VENDOR                   | PONUM | POAMT              | NOAMT                | CHECK AMOUNT         |
|--------------|---------|--------------------------|-------|--------------------|----------------------|----------------------|
| 069581       | 413     | APPLE VALLEY OFF.PRODUCT | 49966 | \$ 60.72           | \$ -                 | \$ 60.72             |
| 069582       | 412     | BARDANE PUBLIC HEALTH CT |       | \$ -               | \$ 383.00            | \$ 383.00            |
| 069583       | ALLOC   | BOLIVAR/HARPERS FERRY    |       | \$ -               | \$ 15,000.00         | \$ 15,000.00         |
| 069584       | 402     | B-K OFFICE SUPPLY INC    | 50270 | \$ 4,495.00        | \$ -                 | \$ 4,495.00          |
| 069584       | 712     | B-K OFFICE SUPPLY INC    | 49872 | \$ 40.00           | \$ -                 | \$ 40.00             |
| 069584       | 712     | B-K OFFICE SUPPLY INC    | 49875 | \$ 18.00           | \$ -                 | \$ 18.00             |
| 069585       | 401     | 201 N. GEORGE ST LLC     |       | \$ -               | \$ 9,638.92          | \$ 9,638.92          |
| 069586       | 401     | CO COMMISSIONERS ASSOC   |       | \$ -               | \$ 195.00            | \$ 195.00            |
| 069587       | 425     | OLD CHARLES TOWN LIBRARY |       | \$ -               | \$ 1,500.00          | \$ 1,500.00          |
| 069587       | ALLOC   | OLD CHARLES TOWN LIBRARY |       | \$ -               | \$ 15,000.00         | \$ 15,000.00         |
| 069588       | ALLOC   | COMMUNICATION OUTREACH   |       | \$ -               | \$ 1,216.94          | \$ 1,216.94          |
| 069589       | ALLOC   | EASTERN PANHANDLE TRANSI |       | \$ -               | \$ 3,455.75          | \$ 3,455.75          |
| 069590       | 717     | GUTTMAN OIL CO           |       | \$ -               | \$ 13,395.93         | \$ 13,395.93         |
| 069591       | 401     | RICOH USA, INC           |       | \$ -               | \$ 29.06             | \$ 29.06             |
| 069591       | 403     | RICOH USA, INC           |       | \$ -               | \$ 58.14             | \$ 58.14             |
| 069591       | 404     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069591       | 405     | RICOH USA, INC           |       | \$ -               | \$ 58.14             | \$ 58.14             |
| 069591       | 406     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069591       | 425     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069591       | 433     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069591       | 440     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069591       | 700     | RICOH USA, INC           |       | \$ -               | \$ 87.21             | \$ 87.21             |
| 069591       | 712     | RICOH USA, INC           |       | \$ -               | \$ 29.07             | \$ 29.07             |
| 069592       | ALLOC   | JEFFERSON CO BD OF HEALT |       | \$ -               | \$ 2,500.00          | \$ 2,500.00          |
| 069593       | ALLOC   | JEFF CO DEVELOPMENT AUTH |       | \$ -               | \$ 31,977.25         | \$ 31,977.25         |
| 069594       | ALLOC   | JEFFERSON CO EMERGENCY   |       | \$ -               | \$ 440,125.00        | \$ 440,125.00        |
| 069595       | 425     | JEFFERSON COUNTY SOLID   | 53045 | \$ 278.74          | \$ -                 | \$ 278.74            |
| 069596       | 439     | MARTINSBURG CHAMBER OF   | 50324 | \$ 25.00           | \$ -                 | \$ 25.00             |
| 069597       | ALLOC   | JEFF CO PARKS &          |       | \$ -               | \$ 55,510.15         | \$ 55,510.15         |
| 069598       | 403     | PIFER OFFICE SUPPLY, INC | 49903 | \$ 7.25            | \$ -                 | \$ 7.25              |
| 069599       | ALLOC   | SHEPHERDSTOWN PUB LIBRAR |       | \$ -               | \$ 15,000.00         | \$ 15,000.00         |
| 069600       | ALLOC   | SOUTH JEFFERSON PUBLIC   |       | \$ -               | \$ 15,000.00         | \$ 15,000.00         |
| 069601       | 975     | SUMMIT COMMUNITY BANK    |       | \$ -               | \$ 2,441.41          | \$ 2,441.41          |
| 069602       | 717     | TRI STATE TIRES          | 51360 | \$ 38.00           | \$ -                 | \$ 38.00             |
| 069603       | PAYROLL | UNICARE EAP              |       | \$ -               | \$ 322.20            | \$ 322.20            |
| 069604       | 406     | ASSOC OF WV ASSESSORS    | 49866 | \$ 700.00          | \$ -                 | \$ 700.00            |
|              |         |                          |       |                    |                      |                      |
| <b>TOTAL</b> |         |                          |       |                    |                      | <b>\$ 628,731.23</b> |
| <b>TOTAL</b> |         |                          |       | <b>\$ 5,662.71</b> | <b>\$ 623,068.52</b> | <b>\$ 628,731.23</b> |

Ms. Widmyer informed the Commissioners that three departments were over budget in Contracted Services.

**PRESENTATIONS:**

1. Mr. Manuel informed the audience that Planning Commission applicants will be appointed to the Planning Commission after the lunch break. Due to a commitment later in the day, Mr. Jeffery Bannon will be interviewed at this time, with the remaining applicants coming before the Commission after lunch. Mr. Manuel stated all applicants will be allowed three (3) minutes for an opening statement followed by questions from the Commissioners. Mr. Bannon introduced himself and shared with the Commissioners what he felt he could contribute to the Planning Commission.

**PUBLIC COMMENT:**

Peter Onoszko, resident of Harpers Ferry - requested the Commission not adopt the Resolution submitted by the Shepherdstown Quakers.

Chris Anders, State Coordinator for the West Virginia Campaign for Liberty and Jefferson County resident - Mr. Anders stated he represents the several thousand members of the WV Campaign for Liberty and stands firmly against the Quaker Resolution.

Janet Robinson, resident of Jefferson County - supports the US Constitution and the Constitution of the State of West Virginia affording citizens the right to bear arms; Ms. Robinson is opposed to the Quaker resolution.

Regina Smith, resident of Jefferson County - stated she is opposed to the Quaker Resolution.

Toby Robinson, Jefferson County resident - stated he is opposed to the Quaker Resolution.

David Tabb, Jefferson County resident - stated it is not the County Commission's ability to make law, and should they, they are breaking the law.

Russell Opseth, resident of Jefferson County - stated as a Viet Nam Veteran he did his tour of service, and he is here to defend his right to bear arms.

Kenneth Noel, resident of Jefferson County - believes taking away defensive weapons is counterproductive. If you want to reduce violence, you have to have a well armed populace. Mr. Noel is against the Quaker Resolution.

Richard Beddow, Jefferson County resident - opposes the Quaker Resolution as he believes this won't change the problems by banning guns.

Art Thomm, Jefferson County resident and Vice President of the West Virginia Citizens Defense League, the largest West Virginia pro-gun group in West Virginia - stated he is opposed to the Quaker Resolution.

Tom Millay, owner of Valley Guns in Berkeley County - believes the cause of gun violence is a law enforcement issue as they do not follow up or enforce the laws already on the books. Mr. Millay is not in favor of the Quaker Resolution.

**PRESENTATION (continued):**

2. Ms. Noland believes agenda item number two (2), A Resolution from the Shepherdstown Quaker group to “urge our Governor, State Legislature, President of the United States and Congress to immediately pursue all necessary and reasonable restrictions on the sales fire arms.” has no place on the agenda. Motion by Ms. Noland to have the agenda item 2 (two) removed from the agenda. Ms. Noland stated she believes this would take a two-thirds (2/3) vote. Mr. Manuel concurred and requested Legal Council voice an opinion. Ms. Noland stated she was willing to move forward with the agenda as we awaited Legal opinion.

Ms. Grove stated, after researching Robert’s Rules of Order, a two-thirds (2/3) vote is required to have an item removed from the agenda. Mr. Manuel stated the motion made by Ms. Noland is on the floor to remove item 2, The Resolution from the Quakers. Motion was seconded. Motion to remove agenda item two (2) fails on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing due to a lack of a two-thirds (2/3) vote. Agenda item two (2) remains on the agenda.

**QUAKERS TAKE A POSITION AGAINST GUN VIOLENCE**

**Affirmed at Shepherdstown Monthly Meeting**

**Jan 20, 2013**

*Thou shalt not kill. You shall love your neighbor, as yourself. If anyone strikes you on the right cheek, turn to him the other cheek as well.*

These are profound commandments of moral action present in the Bible. In Quaker tradition the testimonies of peace and non-violence counsel us to abhor violence of any kind. Thus we wholeheartedly support pleas for meaningful action on reasonable and rational gun-safety legislation, such as the Friends Council on Education letter of Jan 14, 2013.

Quakers include Democrats, Republicans and independents. We do not oppose gun ownership. Yet unfortunately, guns are often used to enforce one individual's will against others through violence or threats of violence. We do oppose permitting guns in public areas where there are children. We oppose access to weapons that are never appropriate for civilized use. According to the Journal of Trauma and Acute Care Surgery, 80% of all gun deaths and 87% of all child deaths by guns occur in the US.

Jesus' instruction to turn the other cheek is one of the most difficult commandments-difficult precisely because it runs counter to our instinctive nature when we are attacked by another person. Quaker testimony expresses Jesus' transcendent conviction that the answer to violence is not more violence. It is not an eye for eye, nor a tooth for a tooth. Instead it is a path that turns away from fear, hate, vengeance; that turns instead towards love, hope, forgiveness, compassion, and kindness.

Great religious leaders and philosophers throughout the ages teach essentially the same thing. We Quakers find that message in our heart to reject violence. Peaceful conflict resolution practices are an attainable ideal. When our forebears from out of the wilderness laid the foundation of the civilization they could only dream of-- they agreed, even in the mythic "Old West", to leave the guns outside the doors of civil society. In a democratic society, we affirm, under the rule of law, we will seek justice and the remedies to grievances of every kind through civil means, not shoot it out in the street.

This present epidemic of gun violence has deep roots involving many social issues: mental health, culture, social inequalities, poverty and more. These issues must be addressed. Peaceful conflict resolution is a sober process of distinguishing the *positions* people take from their *real interests*. It requires wisdom and patience to see common ground amidst apparently irreconcilable positions.

Violence is not *only* about guns, and gun violence is not *only* about mass killings. However the first step toward a commitment to peace, to an end to violence, is "leaving the guns at the doors" when we sit down to resolve conflict. That does not make the solution easy politically. But the absence of perfect solutions is no excuse for us to give up hope.

We ask that every political and faith leader go on record, now, and lend their voice to urgent effective action to reduce gun violence and insure that current and future generations may live and learn in our country free from the threat of gun violence. Do not remain silent.

Item 4.a  
03-11-2013

## RESOLUTION

### **A RESOLUTION TO URGE OUR GOVERNOR, STATE LEGISLATORS, THE PRESIDENT OF THE UNITED STATES AND CONGRESS TO IMMEDIATELY PURSUE ALL NECESSARY AND REASONABLE RESTRICTIONS ON SALES OF FIREARMS**

WHEREAS, gun violence is resulting in repeated and senseless deaths in the United States caused by not only mass murders of innocent people as at Sandy Hook Elementary School in Newtown, Connecticut and elsewhere, but also from daily shootings in our urban centers; and

WHEREAS, gun sales now involve large volumes of assault weapons suitable only for warfare killing of human beings and not for hunting; and

WHEREAS, ammunition magazines of more than ten rounds serve no legitimate civilian need but facilitate mass shootings; and

WHEREAS, increased background checks to limit sales to persons with records of criminal violence or mental instability or reinstating the ban on military-style assault weapons and high capacity ammunition magazines will not interfere with legitimate use of firearms by hunters or sportsmen, deter law enforcement efforts, the right to self defense, or otherwise interfere with rights that are defined as basic under the Second Amendment of the U.S. Constitution; and

WHEREAS, for many decades the level of gun violence in the United States has become a recurrent, unacceptable and unnecessary threat to the most fundamental rights of our citizens, the right to life, liberty and the pursuit of happiness and is destructive of domestic tranquility, a fundamental Constitutional right;

THEREFORE BE IT RESOLVED that the Elected Government of Harpers Ferry, West Virginia, strongly urges our Governor, State legislators, the President of the United States and Congress to immediately pursue all necessary and reasonable restrictions on sales of firearms to protect the future of our children and promote a more peaceful society.

- **Motion by Ms. Widmyer to approve the Quaker Resolution. Motion was seconded and fails on a vote of 2-3 with Ms. Noland, Ms. Tabb and Mr. Pellish opposing.**

**UNFINISHED BUSINESS:**

3. Change of venue for Mannings Public Hearing – Ms. Keyser stated this is no longer an issue to deal with as Mr. Blackmer is willing to waive the 30 day time frame so the Public Hearing can remain at the Blue Ridge Elementary School.

**NEW BUSINESS:**

4. Legislative Updates:

Patsy Noland reported on Legislative Updates she felt would impact the County.

- SB62 – Putting a rate payer on the PSD has passed the Senate in House Government Org.
- SB103 – Commuter Rail – passed Senate in House Finance.
- SB167- Futures Fund, a fund by Senator Kessler brought forward to plan for the financial future of the State, was on second reading, but looks dead.
- SB 371- Regional Jail- Prison overcrowding, passed the Senate and is Judiciary Committee now.
- SB 521 – Regional Jail - Driving Revoke Bill – passed the Senate ordered to the House.
- SB 527 – Having to do with filling vacancies in office. Increasing time to fill a position from 30 days to 60 day.

Dale Manuel reported on Legislative Updates he felt would impact the County.

- Termination of Employees – Employer would have four days instead of 72 hours to pay employees.
- Table Games bill was altered – dropped license fee with a loss of revenue of 4m – which would affect seniors.
- Compensation Bill for County Commissioners is pretty much dead for this year.
- In May, Governor Tomblin will come to cut the ribbon at the Hite Road Park.

Lyn Widmyer reported on a Legislative Update she felt would impact the County.

- SB 436 – HB 2916 - To remove the tax credit for renovations of Historic Properties.

5. Approval of Job Offer for 2013 Summer Planning Intern to be shared by the Planning & Zoning Department and GIS/Addressing Departments.

- **Motion by Ms. Widmyer to approve the recommendation of the Director of Planning & Zoning to hire Clayton Raines to fill the 2013 Summer Intern position**

**in accordance with the Department of Planning's Budgeted position. Motion was seconded and unanimously approved.**

**FINANCE DIRECTOR REPORT:**

6. Ms. Keyser presented the Finance Director's request as Mr. Shroyer verbally resigned his position.

Budget Revision #9 - Request to reduce budget line # 406/216 – Assessor Maintenance/Repair by \$2,000 and increase budget line 406/212 – Assessor Printing by \$2,000.

- **Motion by Mr. Manuel to approve Budget Revision # 9 as presented by Ms. Keyser. Motion seconded and unanimously approved.**

**COUNTY ADMINISTRATOR REPORT:**

Red Cross Blood Drive –May 22, 2013. Ms. Keyser requested permission from the Commission for the following:

- To hold a blood drive with the county employees;
- To allow employees to take 20 minutes out of their work day to donate;
- To open blood drive up to the public;
- To hold a contest between departments to encourage participation and have fun with the event.

- **It was the unanimous consent of the Commission to move forward with this project as presented.**

Regional Jail Summit – Magistrate Gail Boober, Dale Manuel and Debbie Keyser meet to discuss ways for potential jail savings. The group is planning a Regional Jail Summit and inviting different individuals who are working on this issue. The meeting will be a working lunch. Magistrate Gail Boober has volunteered to be the presenter as well as Patsy Noland.

Grievance Review Board – We no longer have the Grievance Review Board policy, it has been replaced by the Issue Resolution Policy. This policy was submitted by Tim Boyd and approved by the Commission. This is the policy we will now be following and will be utilized for an employee's complaint.

Finance Director Position – Mr. Shroyer resigned verbally as of March 31, 2013. It was the consensus of the Commission to look at the job description, make any necessary changes and then begin the search for a new Finance Director.

June/July Calendar – Ms. Keyser presented the Commissioners with a document reviewing upcoming deadlines concerning finances, due to offices being closed for holidays. It was the consensus of the Commission to meet on June 13<sup>th</sup> to better manage fiscal year needs. The Jefferson County Budget came back from the State approved.

Reminder of upcoming dates - April 11, 2013 Robert Rules of Order training, and April 16, 2013 the Laying of the Levy.

IT Report – Ms. Keyser gave a brief overview of the IT history and made the following recommendation to the Commission:

- Request Software Systems Inc. come in, review equipment, meet with department heads and elected officials and work with a committee to determine the short term, immediate needs of our IT situation. This will allow us to address critical issues using money in our current budget and allow the Commission time to decide what direction they wish to pursue regarding the IT department.
  - **Motion by Ms. Widmyer to move forward with Ms. Keyser’s recommendation as presented to stabilize the IT issues. Motion seconded and unanimously approved.**

The Commission recessed for break at 11:10 a.m.

The Commission reconvened at 11:20 a.m.

### **PRESENTATIONS (continued)**

7. Interviews and Appointments to the Jefferson County Development Authority for one (1) - three (3) year term ending April 5, 2016 and three (3) - one (1) year terms ending April 5, 2016 as representatives from the Town of Ranson, Bolivar and Hapers Ferry. Chuck Ellison was present to be interviewed for the Development Authority seat. Ms. Laurel Drake, Mr. Matthew Knott, Ms. Sheila Kelly Vertino and Mr. Lyle Tabb were not in attendance.
  - **Motion by Mr. Pellish to nominate Mr. Chuck Ellison to the Jefferson County Development Authority. Motion to close the nominations there being no further nominations. Motion seconded and unanimously approved. Mr. Ellison will be appointed to the Development Authority with a unanimous vote.**
  - **Motion by Ms. Widmyer to appoint Ms. Helen Dettmer at the request of Bolivar to the Development Authority and Mr. Dave Mills at the request of Ranson to the Development Authority. Motion is seconded and unanimously approved.**
8. Mr. Ed Hammon – Review of Fee Ordinance for the Jefferson County Emergency Service Agency.
  - **Motion by Mr. Manuel to set the Public Hearing date to present a draft proposal with the ability to amend the document with the understanding this is a draft proposal and is not supported by the Jefferson County Commission. It will be reviewed by the Commission after the Public Hearing. Motion seconded and unanimously approved.**
9. The Commission broke for lunch at 12:30 p.m.  
The Commission reconvened at 1:30 p.m.
10. Interviews and appointments to the Jefferson County Planning Commission. Currently there are three (3) – three (3) year terms ending March 31, 2016.  
The following citizens applied for a position of the Planning Commission Board:
  - Karen Townsend
  - Eric Smith
  - Wade Louthan

- Darlene Truman
- Aaron Howell
- William McLeod
- Earl L. Jackson
- Gary Phalen
- Eleanor Finn
- Jeffery Bannon
- Elliott Simon
- Deirdre Catterton
- Joseph Engel

The following applicants were in attendance to be interviewed:

- Wade Louthan
- Darlene Truman
- Aaron Howell
- Earl L. Jackson
- Gary Phalen
- Eleanor Finn
- William McLeod

Nominations:

|         | Wade Louthan | Darlene Truman | Aaron Howell | Gary Phalen | Deirdre Catterton | Eleanor Finn | Elliott Simon | Jeffery Bannon |  |
|---------|--------------|----------------|--------------|-------------|-------------------|--------------|---------------|----------------|--|
| Tabb    | X            | X              | X            | X           | X                 |              |               |                |  |
| Pellish | X            | X              |              | X           |                   | X            | X             |                |  |
| Noland  | X            | X              | X            | X           | X                 |              |               |                |  |
| Widmyer |              |                |              |             |                   | X            | X             | X              |  |
| Manuel  | X            | X              |              |             | X                 | X            |               |                |  |

|             |   |   |   |   |   |   |   |   |  |
|-------------|---|---|---|---|---|---|---|---|--|
| Total Votes | 4 | 4 | 2 | 3 | 3 | 3 | 2 | 1 |  |
|-------------|---|---|---|---|---|---|---|---|--|

The following applicants were elected to the Planning Commission:

- **Wade Louthan on a unanimous vote, Darlene Truman on a vote of 4-1 with Ms. Widmyer opposing and Gary Phalen on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing.**

**COUNTY COMMISSIONER'S REPORTS**

Dale Manuel:

- Attended the Public Hearing on the Budget.
- Participated in the Legislative Conference calls.
- Met with Magistrate Gail Boober and Debbie Keyser regarding a Jail Summit.
- Attended the Affordable Housing meeting.

Walt Pellish:

- o Attended the Development Authority meeting.
- o Attended the Public Hearing on the budget.

Jane Tabb:

- o Attended the PSD meeting.
- o Attended the Homeland Security Steering Committee meeting.
- o Attended the Public Hearing on the budget.

Lyn Widmyer:

- o Attended the Public Hearing on the budget.
- o Passed out flyers at the Train Station regarding SB 103 (Transportation).
- o Attended the Lunch & Learn with the Department of Highways.
- o Attended the Democratic Association meeting.

Patsy Noland:

- o Attended the Public Hearing on the budget.
- o Attended several board meetings which she is personally involved with.

**COUNTY ADMINISTRATOR REPORT (continued)**

Space needs/building options and possible litigation

- **Motion by Ms. Noland to enter into Executive Session to discuss litigation and potential contracts in accordance to §6-9A-(2). Motion seconded and unanimously approved.**
- **Motion to come out of Executive Session. Motion is seconded and unanimously approved.**

The Commission meeting was adjourned at 3:25 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

Respectively submitted  
Cynthia C. Schott  
Administrative Assistant

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DALE MANUEL, PRESIDENT

**SPECIAL SESSION:**

**(TO LAY THE LEVY)**

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

At a Special Session of the County Commission of said County and State continued and held in the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Tuesday, April 16, 2013, beginning at 10:00 o'clock a.m.

**PRESENT:** Dale Manuel, Vice President  
Jane Tabb, Commissioner  
Lyn Widmyer, Commissioner  
Sandra Slusher McDonald, Deputy County Administrator  
Cynthia C. Schott, Administrative Assistant

**In re: LEVY ORDER AND LEVY RATES APPROVED FOR FISCAL YEAR 2013 - 2014**

The meeting was called to order at 10:05 a.m. by Commissioner Manuel.

The purpose of the meeting was to Lay the Levy for FY2013 - FY2014.

Motion by Ms. Widmyer to adopt the Levy Order and Levy Rates for Fiscal Year 2013 - 2014 and to forward the proper documents to the State Auditor's Office. Motion seconded by Ms. Tabb and unanimously approved.

**AUTHORIZED RATES**

|                                            |                                         |
|--------------------------------------------|-----------------------------------------|
| Thirteen and seventy-five hundredths cents | (13.75) Class I Property                |
| Twenty-Seven and fifty hundredths cents    | (27.50) Class II Property               |
| Fifty-five and no hundredths cents         | (55.00) Class III and Class IV Property |

There being no further business, motion by Ms. Tabb to adjourn the Special Session to Lay the Levy. Motion seconded and unanimously approved.

Upon rising, the Commission adjourned until the regular meeting on Thursday, April 18, 2013 at 9:30 a.m..

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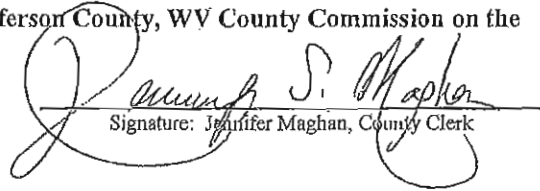
DALE MANUEL, PRESIDENT

Respectively Submitted:  
Cynthia C. Schott  
Administrative Assistant

Attachment: Levy Order and Rate Sheet FY2013 - FY2014

**JEFFERSON COUNTY, WV COUNTY, WEST VIRGINIA  
LEVY ORDER AND RATE SHEET  
REGULAR CURRENT EXPENSE LEVY  
2013 - 2014**

The following is a true copy from the record of orders entered by Jefferson County, WV County Commission on the 16<sup>th</sup> day of April, 2013.

  
Signature: Jennifer Maghan, County Clerk

|                                                                                                                           | Column E<br>Certificate of Valuation<br>Assessed Value for Tax Purposes | Levy<br>Rate/\$100 | Taxes<br>Levied      |
|---------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------|----------------------|
| <b>Current Year</b>                                                                                                       |                                                                         |                    |                      |
| <b>Class I</b>                                                                                                            |                                                                         |                    |                      |
| Personal Property                                                                                                         | \$ _____                                                                | 13.75              | \$ _____             |
| Public Utility                                                                                                            | _____                                                                   |                    | _____                |
| <b>Total Class I</b>                                                                                                      | \$ _____                                                                |                    | \$ _____             |
| <b>Class II</b>                                                                                                           |                                                                         |                    |                      |
| Real Estate                                                                                                               | \$ 1,834,160,930                                                        | 27.50              | \$ 5,043,943         |
| Personal Property                                                                                                         | 3,154,000                                                               |                    | 8,674                |
| <b>Total Class II</b>                                                                                                     | \$ 1,837,314,930                                                        |                    | \$ 5,052,617         |
| <b>Class III</b>                                                                                                          |                                                                         |                    |                      |
| Real Estate                                                                                                               | \$ 526,418,300                                                          | 55.00              | \$ 2,895,301         |
| Personal Property                                                                                                         | 252,924,640                                                             |                    | 1,391,086            |
| Public Utility                                                                                                            | 67,906,945                                                              |                    | 373,488              |
| <b>Total Class III</b>                                                                                                    | \$ 847,249,885                                                          |                    | \$ 4,659,875         |
| <b>Class IV</b>                                                                                                           |                                                                         |                    |                      |
| Real Estate                                                                                                               | \$ 270,042,130                                                          | 55.00              | \$ 1,485,232         |
| Personal Property                                                                                                         | 63,768,700                                                              |                    | 350,728              |
| Public Utility                                                                                                            | 31,079,197                                                              |                    | 170,936              |
| <b>Total Class IV</b>                                                                                                     | \$ 364,890,027                                                          |                    | \$ 2,006,896         |
| <b>Total Value &amp; Projected Revenue</b>                                                                                | <b>\$ 3,049,454,842</b>                                                 |                    | <b>\$ 11,719,388</b> |
| Less Delinquencies, Exonerations & Uncollectable Taxes                                                                    |                                                                         | 4.20% .....        | 492,214              |
| Less Tax Discounts                                                                                                        |                                                                         | 1.80% .....        | 202,089              |
| Less Allowance for Tax Increment Financing - see worksheet<br>(Subtracted from regular current expense taxes levied only) |                                                                         | .....              | _____                |
| <b>Total Projected Property Tax Collection</b>                                                                            |                                                                         | .....              | <b>11,025,085</b>    |
| Less Assessor Valuation Fund<br>(Subtracted from regular current expense taxes levied only)                               |                                                                         | 1.75% .....        | 192,939              |
| Net Amount to be Raised by Levy of Property Taxes<br>For Budget Purposes                                                  |                                                                         |                    | <b>\$ 10,832,146</b> |

# Minutes

## Jefferson County Commission

Thursday, April 18, 2013

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A meeting of the Jefferson County Commission was held on Thursday, April 18, 2013 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 Dale Manuel, Patsy Noland, Walter Pellish, and Lyn Widmyer. Jane Tabb was absent with notice. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the April 18, 2013 meeting is available through the Jefferson County Commission Office.)

Commissioner Manuel opened the April 18, 2013 County Commission with a moment of silence for the Community of Boston.

### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

### APPROVAL OF MINUTES

**Motion by Ms. Noland to approve the Minutes of the April 4, 2013 County Commission Meeting. Motion seconded. After discussion of the minutes, Ms. Noland moved to withdraw her motion to approve the minutes. Motion seconded and unanimously approved. It was the consensus of the Commission to have the April 4, 2013 minutes resubmitted at the May 5, 2013 meeting.**

### APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$131,409.48 being P. O. Nos. 50354, 50355, 50356, 50357, 50358, 50359, 50373, 51297, 51298, 51299, 51397, 51364, 51366, 51557, 51431, 51432, 51433, 49827, 49828, 49876, 49877, 51593, 50069, 50232, 52134, 51350, 51367, 51368, 51553, 51554, 51555, 50325, 50326, 50327, 50386, 50387, 51300, 51301, 51302, 51303, 51305, 51306, 52099, 52100, and 51556. Motion seconded and unanimously approved.

### APPROVAL OF ACCOUNTS PAYABLE

**Motion by Mr. Manuel to approve the accounts payable for April 11, 2013 in the amount of \$235,076.92. Motion seconded and unanimously approved.**

| CHCKNO | DEPT | VENDOR                | PONUM | POAMT       | NOAMT     | CHECK AMOUNT |
|--------|------|-----------------------|-------|-------------|-----------|--------------|
| 069608 | 700  | AUTOZONE              |       | \$ -        | \$ 343.16 | \$ 343.16    |
| 069608 | 717  | AUTOZONE              |       | \$ -        | \$ 600.33 | \$ 600.33    |
| 069609 | 425  | BATTERY MART          | 51358 | \$ 292.55   | \$ -      | \$ 292.55    |
| 069610 | 425  | B-K OFFICE SUPPLY INC | 51361 | \$ 687.00   | \$ -      | \$ 687.00    |
| 069611 | 424  | BOLAND SERVICES       | 51231 | \$ 270.00   | \$ -      | \$ 270.00    |
| 069611 | 425  | BOLAND SERVICES       | 51117 | \$ 991.01   | \$ -      | \$ 991.01    |
| 069611 | 425  | BOLAND SERVICES       | 51363 | \$ 2,304.81 | \$ -      | \$ 2,304.81  |

|        |         |                             |       |             |              |              |
|--------|---------|-----------------------------|-------|-------------|--------------|--------------|
| 069612 | PAYROLL | BUREAU F/CHILD SUPPORT      |       | \$ -        | \$ 49.85     | \$ 49.85     |
| 069613 | 412     | APRIL BLAKER                |       | \$ -        | \$ 23.73     | \$ 23.73     |
| 069614 | PAYROLL | BUREAU F/CHILD SPRT ENF     |       | \$ -        | \$ 212.31    | \$ 212.31    |
| 069615 | 439     | JENNIFER M. BROCKMAN        |       | \$ -        | \$ 461.50    | \$ 461.50    |
| 069616 | PAYROLL | BUREAU OF CHILD SUPPORT     |       | \$ -        | \$ 461.54    | \$ 461.54    |
| 069617 | PAYROLL | BUREAU OF CHILD SUPPORT     |       | \$ -        | \$ 23.08     | \$ 23.08     |
| 069618 | 424     | CHARLES TOWN UTILITY BRD    |       | \$ -        | \$ 89.52     | \$ 89.52     |
| 069618 | 425     | CHARLES TOWN UTILITY BRD    |       | \$ -        | \$ 793.60    | \$ 793.60    |
| 069619 | PAYROLL | CHILD SUPPORT ENFORCE AG    |       | \$ -        | \$ 27.69     | \$ 27.69     |
| 069620 | 425     | COVENANT BUILDING MAINT     |       | \$ -        | \$ 11,827.43 | \$ 11,827.43 |
| 069621 | 425     | DODSON'S SEPTIC             | 51362 | \$ 520.00   | \$ -         | \$ 520.00    |
| 069622 | 425     | DAYCON                      | 51356 | \$ 968.41   | \$ -         | \$ 968.41    |
| 069623 | PAYROLL | DIVERSIFIED COLLECTION      |       | \$ -        | \$ 154.83    | \$ 154.83    |
| 069624 | 424     | J.C.EHRLICH                 |       | \$ -        | \$ 34.00     | \$ 34.00     |
| 069624 | 425     | J.C.EHRLICH                 |       | \$ -        | \$ 603.38    | \$ 603.38    |
| 069625 | 425     | 84 LUMBER                   |       | \$ -        | \$ 100.70    | \$ 100.70    |
| 069626 | 717     | FISHER AUTO PARTS           |       | \$ -        | \$ 912.36    | \$ 912.36    |
| 069627 | 425     | GRAINGER, INC               | 51359 | \$ 136.06   | \$ -         | \$ 136.06    |
| 069628 | 433     | JESSICA GORMONT             |       | \$ -        | \$ 196.62    | \$ 196.62    |
| 069628 | 433     | JESSICA GORMONT             |       | \$ -        | \$ 152.00    | \$ 152.00    |
| 069629 | 428     | GLOBAL DATA CONSULTANTS     |       | \$ -        | \$ 1,595.00  | \$ 1,595.00  |
| 069630 | 424     | GRIFFITH ENERGY SERVICE     |       | \$ -        | \$ 2,028.85  | \$ 2,028.85  |
| 069630 | 425     | GRIFFITH ENERGY SERVICE     |       | \$ -        | \$ 4,174.47  | \$ 4,174.47  |
| 069631 | PAYROLL | ING NATIONAL TRUST          |       | \$ -        | \$ 2,025.00  | \$ 2,025.00  |
| 069632 | 712     | ITSAVVY LLC                 | 49874 | \$ 2,707.20 | \$ -         | \$ 2,707.20  |
| 069633 | 425     | JEFF CO PUBLIC SER DEPT     |       | \$ -        | \$ 813.45    | \$ 813.45    |
| 069634 | 402     | JEFFERSON PUBLISH CO INC    | 50276 | \$ 115.74   | \$ -         | \$ 115.74    |
| 069634 | 451     | JEFFERSON PUBLISH CO INC    | 50312 | \$ 143.80   | \$ -         | \$ 143.80    |
| 069634 | 451     | JEFFERSON PUBLISH CO INC    | 50322 | \$ 154.84   | \$ -         | \$ 154.84    |
| 069635 | 425     | JEFFERSON COUNTY SOLID      | 53045 | \$ 67.15    | \$ -         | \$ 67.15     |
| 069636 | 425     | JEFFERSON UTILITIES INC     |       | \$ -        | \$ 659.94    | \$ 659.94    |
| 069637 | PAYROLL | JEFFERSON SECURITY BANK     |       | \$ -        | \$ 4,848.00  | \$ 4,848.00  |
| 069637 | PAYROLL | JEFFERSON SECURITY BANK     |       | \$ -        | \$ 40.00     | \$ 40.00     |
| 069638 | 712     | LANGUAGE LINE SERVICES      |       | \$ -        | \$ 103.22    | \$ 103.22    |
| 069639 | 412     | JUDITH A MATLICK            |       | \$ -        | \$ 436.48    | \$ 436.48    |
| 069640 | 711     | TERRI MEHLING               |       | \$ -        | \$ 153.12    | \$ 153.12    |
| 069641 | PAYROLL | HELEN M. MORRIS, TRUSTEE    |       | \$ -        | \$ 150.00    | \$ 150.00    |
| 069642 | 406     | N.A.D.A. APPRAISAL GUIDE    | 51396 | \$ 215.00   | \$ -         | \$ 215.00    |
| 069643 | PAYROLL | NATIONWIDE RETIREMENT       |       | \$ -        | \$ 774.00    | \$ 774.00    |
| 069644 | 712     | NAEMD                       | 49824 | \$ 150.00   | \$ -         | \$ 150.00    |
| 069644 | 712     | NAEMD                       | 49825 | \$ 150.00   | \$ -         | \$ 150.00    |
| 069645 | 712     | NAYLOR LLC                  | 49873 | \$ 199.00   | \$ -         | \$ 199.00    |
| 069646 | 402     | PIFER OFFICE SUPPLY, INC    | 50277 | \$ 219.90   | \$ -         | \$ 219.90    |
| 069647 | 716     | CHRISTINA POPE              |       | \$ -        | \$ 322.00    | \$ 322.00    |
| 069648 | 424     | POTOMAC EDISON/OH           |       | \$ -        | \$ 3,167.07  | \$ 3,167.07  |
| 069648 | 425     | POTOMAC EDISON/OH           |       | \$ -        | \$ 36,002.25 | \$ 36,002.25 |
| 069649 | 425     | POTOMAC EDISON/OH           |       | \$ -        | \$ 5,083.42  | \$ 5,083.42  |
| 069650 | 425     | REESE'S NURSERY&LANDSCAP    | 51326 | \$ 880.00   | \$ -         | \$ 880.00    |
| 069651 | 425     | RCS SECURITY                | 51352 | \$ 187.50   | \$ -         | \$ 187.50    |
| 069652 | 402     | RECORD MANAGEMENT<br>SOLUTN | 49696 | \$ 35.00    | \$ -         | \$ 35.00     |

|              |         |                           |       |                     |                      |                      |
|--------------|---------|---------------------------|-------|---------------------|----------------------|----------------------|
| 069652       | 403     | RECORD MANAGEMENT SOLUTN  | 49887 | \$ 30.00            | \$ -                 | \$ 30.00             |
| 069653       | PAYROLL | RETIREE HLTH BENEFIT TRS  |       | \$ -                | \$ 6,916.00          | \$ 6,916.00          |
| 069654       | 425     | RCS SECURITY              |       | \$ -                | \$ 54.00             | \$ 54.00             |
| 069655       | 403     | SOFTWARE SYSTEMS, INC     | 49897 | \$ 392.00           | \$ -                 | \$ 392.00            |
| 069655       | 424     | SOFTWARE SYSTEMS, INC     | 49897 | \$ 450.00           | \$ -                 | \$ 450.00            |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 23.78             | \$ 23.78             |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 101.66            | \$ 101.66            |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 9,802.64          | \$ 9,802.64          |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 41,914.50         | \$ 41,914.50         |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 39,207.61         | \$ 39,207.61         |
| 069656       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 118.12            | \$ 118.12            |
| 069657       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 4,580.20          | \$ 4,580.20          |
| 069657       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 1,071.18          | \$ 1,071.18          |
| 069657       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 7,928.62          | \$ 7,928.62          |
| 069658       | 401     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 485.70            | \$ 485.70            |
| 069658       | 412     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 141.06            | \$ 141.06            |
| 069658       | 424     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 158.15            | \$ 158.15            |
| 069658       | 700     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 1,129.69          | \$ 1,129.69          |
| 069658       | 711     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 721.92            | \$ 721.92            |
| 069658       | 712     | STAPLES CREDIT PLAN       |       | \$ -                | \$ 1,098.01          | \$ 1,098.01          |
| 069659       | 403     | WV ASSOC OF CIRCUIT CLER  | 51430 | \$ 100.00           | \$ -                 | \$ 100.00            |
| 069660       | 425     | SHERWIN-WILLIAMS          |       | \$ -                | \$ 268.40            | \$ 268.40            |
| 069661       | 711     | SOFTWARE COMPUTER GROUP   | 53192 | \$ 150.00           | \$ -                 | \$ 150.00            |
| 069662       | 405     | BRANDON C.H. SIMS         |       | \$ -                | \$ 720.94            | \$ 720.94            |
| 069663       | 425     | SHENANDOAH VALLEY WATER   |       | \$ -                | \$ 645.25            | \$ 645.25            |
| 069664       | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -                | \$ 18,148.07         | \$ 18,148.07         |
| 069665       | 425     | CAPITAL TRISTATE          |       | \$ -                | \$ 446.57            | \$ 446.57            |
| 069666       | 425     | THOMPSON GAS              |       | \$ -                | \$ 862.93            | \$ 862.93            |
| 069667       | 712     | TELTRONIC                 | 49878 | \$ 458.00           | \$ -                 | \$ 458.00            |
| 069668       | 700     | US CAVALRY                | 51304 | \$ 41.97            | \$ -                 | \$ 41.97             |
| 069669       | 403     | UNITED SYSTEMS & SOFTWARE |       | \$ -                | \$ 199.00            | \$ 199.00            |
| 069670       | 424     | VERIZON                   |       | \$ -                | \$ 1,130.95          | \$ 1,130.95          |
| 069671       | 717     | NAPA AUTO PARTS           |       | \$ -                | \$ 292.46            | \$ 292.46            |
| 069672       | 425     | WM OF WEST VIRGINIA, INC  |       | \$ -                | \$ 672.77            | \$ 672.77            |
| 069672       | 716     | WM OF WEST VIRGINIA, INC  |       | \$ -                | \$ 95.93             | \$ 95.93             |
| 069673       | PAYROLL | WV CPRB/LOAN DIVISION     |       | \$ -                | \$ 51.30             | \$ 51.30             |
| 069674       | 405     | WV PROS.ATTYS ASSOC/WVPA  | 50385 | \$ 1,925.00         | \$ -                 | \$ 1,925.00          |
| 069675       | 402     | XEROX CORPORATION         | 49705 | \$ 1,155.14         | \$ -                 | \$ 1,155.14          |
| 069675       | 439     | XEROX CORPORATION         | 49952 | \$ 548.53           | \$ -                 | \$ 548.53            |
|              |         |                           |       |                     |                      |                      |
| <b>TOTAL</b> |         |                           |       |                     |                      | <b>\$ 235,076.92</b> |
| <b>TOTAL</b> |         |                           |       | <b>\$ 16,645.61</b> | <b>\$ 218,431.31</b> | <b>\$ 235,076.92</b> |

**Motion by Ms. Noland to approve the accounts payable for April 18, 2013 in the amount of \$158,939.49. Motion seconded and unanimously approved.**

| CHKNO  | DEPT  | VENDOR                   | PONUM | POAMT | NOAMT       | CHECK AMOUNT |
|--------|-------|--------------------------|-------|-------|-------------|--------------|
| 069677 | 424   | AT&T/IL                  |       | \$ -  | \$ 0.99     | \$ 0.99      |
| 069678 | ALLOC | AHA/ART&HUMANITIES ALLNC |       | \$ -  | \$ 1,464.09 | \$ 1,464.09  |

|        |       |                          |       |             |              |              |
|--------|-------|--------------------------|-------|-------------|--------------|--------------|
| 069679 | 406   | ANGELA L BANKS           |       | \$ -        | \$ 91.00     | \$ 91.00     |
| 069680 | 402   | B-K OFFICE SUPPLY INC    | 50275 | \$ 1,020.00 | \$ -         | \$ 1,020.00  |
| 069680 | 712   | B-K OFFICE SUPPLY INC    | 51592 | \$ 23.85    | \$ -         | \$ 23.85     |
| 069681 | 406   | MONICA BENNETT           |       | \$ -        | \$ 91.00     | \$ 91.00     |
| 069682 | 406   | ELIZABETH JUNE BOWERS    |       | \$ -        | \$ 91.00     | \$ 91.00     |
| 069683 | 401   | DELL MARKETING LP        | 50067 | \$ 5,170.02 | \$ -         | \$ 5,170.02  |
| 069684 | 700   | SCOTT DEMORY             |       | \$ -        | \$ 69.00     | \$ 69.00     |
| 069685 | 406   | RHONDA FIELDS            |       | \$ -        | \$ 91.00     | \$ 91.00     |
| 069686 | 700   | JOSEPH FORMAN            |       | \$ -        | \$ 184.00    | \$ 184.00    |
| 069687 | 700   | JOSEPH FORMAN            |       | \$ -        | \$ 207.00    | \$ 207.00    |
| 069688 | 415   | GENERAL COUNTY FUND-J FE |       | \$ -        | \$ 35,290.60 | \$ 35,290.60 |
| 069689 | 402   | SALLY GRAN               |       | \$ -        | \$ 26.84     | \$ 26.84     |
| 069690 | 717   | GUTTMAN OIL CO           |       | \$ -        | \$ 18,444.01 | \$ 18,444.01 |
| 069691 | 433   | GEOGRAPHIC INFO SERVICES | 50863 | \$ 3,159.56 | \$ -         | \$ 3,159.56  |
| 069692 | 700   | STEVEN HOLZ              |       | \$ -        | \$ 184.00    | \$ 184.00    |
| 069693 | 700   | STEVEN HOLZ              |       | \$ -        | \$ 207.00    | \$ 207.00    |
| 069694 | 700   | TREY HOCKMAN             |       | \$ -        | \$ 69.00     | \$ 69.00     |
| 069695 | 700   | BRANDEN HAYNES           |       | \$ -        | \$ 69.00     | \$ 69.00     |
| 069696 | 401   | RICOH USA, INC           |       | \$ -        | \$ 27.61     | \$ 27.61     |
| 069696 | 405   | RICOH USA, INC           |       | \$ -        | \$ 14.65     | \$ 14.65     |
| 069696 | 425   | RICOH USA, INC           |       | \$ -        | \$ 0.17      | \$ 0.17      |
| 069696 | 433   | RICOH USA, INC           |       | \$ -        | \$ 37.87     | \$ 37.87     |
| 069696 | 440   | RICOH USA, INC           |       | \$ -        | \$ 13.97     | \$ 13.97     |
| 069696 | 712   | RICOH USA, INC           |       | \$ -        | \$ 17.65     | \$ 17.65     |
| 069697 | ALLOC | JEFFERSON COUNTY HISTORI |       | \$ -        | \$ 1,464.09  | \$ 1,464.09  |
| 069698 | 717   | J & K PRECISION AUTO CAR | 51365 | \$ 54.95    | \$ -         | \$ 54.95     |
| 069699 | 424   | KONE INC.                | 50177 | \$ 327.75   | \$ -         | \$ 327.75    |
| 069699 | 425   | KONE INC.                | 50177 | \$ 1,154.25 | \$ -         | \$ 1,154.25  |
| 069700 | ALLOC | JEFF CO PARKS &          |       | \$ -        | \$ 15,373.00 | \$ 15,373.00 |
| 069701 | 402   | PIFER OFFICE SUPPLY, INC | 50278 | \$ 15.81    | \$ -         | \$ 15.81     |
| 069702 | 700   | ROMULO QUEZADA           |       | \$ -        | \$ 34.89     | \$ 34.89     |
| 069703 | 401   | RICOH USA, INC./GA       |       | \$ -        | \$ 252.73    | \$ 252.73    |
| 069703 | 403   | RICOH USA, INC./GA       |       | \$ -        | \$ 287.58    | \$ 287.58    |
| 069703 | 404   | RICOH USA, INC./GA       |       | \$ -        | \$ 123.90    | \$ 123.90    |
| 069703 | 405   | RICOH USA, INC./GA       |       | \$ -        | \$ 423.90    | \$ 423.90    |
| 069703 | 406   | RICOH USA, INC./GA       |       | \$ -        | \$ 123.90    | \$ 123.90    |
| 069703 | 425   | RICOH USA, INC./GA       |       | \$ -        | \$ 48.10     | \$ 48.10     |
| 069703 | 433   | RICOH USA, INC./GA       |       | \$ -        | \$ 197.41    | \$ 197.41    |
| 069703 | 440   | RICOH USA, INC./GA       |       | \$ -        | \$ 197.41    | \$ 197.41    |
| 069703 | 700   | RICOH USA, INC./GA       |       | \$ -        | \$ 295.90    | \$ 295.90    |
| 069703 | 712   | RICOH USA, INC./GA       |       | \$ -        | \$ 267.08    | \$ 267.08    |
| 069704 | 401   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 943.53    | \$ 943.53    |
| 069704 | 402   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 27.00     | \$ 27.00     |
| 069704 | 403   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 6,481.38  | \$ 6,481.38  |
| 069704 | 404   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 753.00    | \$ 753.00    |
| 069704 | 406   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 70.00     | \$ 70.00     |
| 069704 | 700   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 601.06    | \$ 601.06    |
| 069704 | 716   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 244.00    | \$ 244.00    |
| 069705 | 406   | RACHEL SILVIOUS          |       | \$ -        | \$ 91.00     | \$ 91.00     |
| 069706 | 712   | UPS                      |       | \$ -        | \$ 22.38     | \$ 22.38     |
| 069708 | 402   | UNITED BANKCARD CENTER   |       | \$ -        | \$ 987.84    | \$ 987.84    |

|              |       |                          |       |                     |                      |                      |
|--------------|-------|--------------------------|-------|---------------------|----------------------|----------------------|
| 069708       | 402   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 34.95             | \$ 34.95             |
| 069708       | 402   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 115.42            | \$ 115.42            |
| 069708       | 403   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 177.34            | \$ 177.34            |
| 069708       | 405   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 128.92            | \$ 128.92            |
| 069708       | 406   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 272.00            | \$ 272.00            |
| 069708       | 412   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 445.56            | \$ 445.56            |
| 069708       | 415   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 74.79             | \$ 74.79             |
| 069708       | 424   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 23,230.96         | \$ 23,230.96         |
| 069708       | 424   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 10.85             | \$ 10.85             |
| 069708       | 424   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 103.89            | \$ 103.89            |
| 069708       | 425   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 65.22             | \$ 65.22             |
| 069708       | 425   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 136.75            | \$ 136.75            |
| 069708       | 425   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 263.10            | \$ 263.10            |
| 069708       | 425   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 10.97             | \$ 10.97             |
| 069708       | 428   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 184.85            | \$ 184.85            |
| 069708       | 428   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 49.99             | \$ 49.99             |
| 069708       | 428   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 170.40            | \$ 170.40            |
| 069708       | 433   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 90.00             | \$ 90.00             |
| 069708       | 433   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 50.00             | \$ 50.00             |
| 069708       | 433   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 230.65            | \$ 230.65            |
| 069708       | 433   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 170.00            | \$ 170.00            |
| 069708       | 433   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 340.00            | \$ 340.00            |
| 069708       | 439   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 59.66             | \$ 59.66             |
| 069708       | 440   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 108.67            | \$ 108.67            |
| 069708       | 440   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 91.19             | \$ 91.19             |
| 069708       | 440   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 474.00            | \$ 474.00            |
| 069708       | 440   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 29.73             | \$ 29.73             |
| 069708       | 440   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 1,529.85          | \$ 1,529.85          |
| 069708       | 700   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 23.82             | \$ 23.82             |
| 069708       | 700   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 402.51            | \$ 402.51            |
| 069708       | 700   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 319.70            | \$ 319.70            |
| 069708       | 711   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 1,474.21          | \$ 1,474.21          |
| 069708       | 711   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 655.98            | \$ 655.98            |
| 069708       | 712   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 108.64            | \$ 108.64            |
| 069708       | 712   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 4,141.15          | \$ 4,141.15          |
| 069708       | 712   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 30.50             | \$ 30.50             |
| 069708       | 712   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 372.65            | \$ 372.65            |
| 069708       | 716   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 350.84            | \$ 350.84            |
| 069708       | 716   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 49.01             | \$ 49.01             |
| 069708       | 717   | UNITED BANKCARD CENTER   |       | \$ -                | \$ 270.40            | \$ 270.40            |
| 069709       | 425   | VALLEY HARDWARE COMPANY  | 51284 | \$ 16.59            | \$ -                 | \$ 16.59             |
| 069710       | ALLOC | JEFFERSON CO CONVENTION  |       | \$ -                | \$ 18,301.18         | \$ 18,301.18         |
| 069711       | 405   | WEST PAYMENT CENTER      | 49635 | \$ 2,043.88         | \$ -                 | \$ 2,043.88          |
| 069712       | 401   | WV ST TREASURER'S OFFICE |       | \$ -                | \$ 4,800.00          | \$ 4,800.00          |
|              |       |                          |       |                     |                      |                      |
| <b>TOTAL</b> |       |                          |       |                     |                      | <b>\$ 158,939.49</b> |
| <b>TOTAL</b> |       |                          |       | <b>\$ 12,986.66</b> | <b>\$ 145,952.83</b> | <b>\$ 158,939.49</b> |

**PUBLIC COMMENT:** There were no requests to address the Commission today from the public.

## PRESENTATIONS:

1. Stacie Rohn, Teen Court – Update on Teen Court and a request to occupy the vacant Smoot Building for training and Teen Court Sessions.
    - It was the feeling of the Commission Teen Court could use the Smoot Building, with the understanding the Commission might have to use it in the future. Ms. Keyser will draw up a contract between the Teen Court and the County Commission, take Ms. Rohn on a tour of the building and review specifics of our agreement with our liability insurance to insure coverage. Ms. Rohn will return to the County Commission for final approval after the completion of those tasks.
  2. Roger Goodwin, Chief Engineer – Complete release of the Construction Bond security for Jefferson Rentals, I.I.C – Lot 6 Burr Industrial Park (file #S03-18) – Cash-in-Escrow Agreement with United Bank, Charles Town, West Virginia.
    - **Motion by Ms. Widmyer to authorize the complete release of the remaining \$29, 039.00 construction bond amount for Jefferson Rentals, LLC – Lot 6 Burr Industrial Park (File # SO3-18). Motion seconded and unanimously approved.**
  3. Cynthia Schott, Administrative Assistant – update on Robert’s Rules of Order training. Ms. Schott requested permission from the Commission to make the following changes to the recording of the minutes due to her training at the Robert’s Rules of Order workshop.
    - a. Record motions and votes – moving away from the “transcribing” of events.
    - b. Not recording the name of the person who made the second to a motion, only noting a second was made.
    - c. Including the name and position of the person recording and submitting the minutes for approval.
- Ms. Widmyer requested the opposing Commissioner’s reasoning be reflected in the minutes. It was the consensus of the Commission these changes were acceptable.
4. Lynn Fields, Probate Office – Review to close estates that have met the deadlines/requirements; and to approve estates opened since the last quarterly review.
    - **Motion by Ms. Noland to convene as a Fiduciary Review Board. Motion was seconded and unanimously approved.**
    - **Motion by Ms. Noland to accept the documentation as presented by Ms. Fields, Probate Clerk. Motion seconded and unanimously approved.**
    - **Motion by Ms. Noland to come out of session as a Fiduciary Review Board and resume the Regular meeting. Motion seconded and unanimously approved.**

## NEW BUSINESS

Ms. Widmyer expressed her disappointment that the Manning’s Public Hearing would be taking place when she was unavailable. She stated she believed the Public Hearing could have been rescheduled as Mr. Blackmer was willing to allow the Commission 60 days to hold the Public Hearing. Ms. Widmyer understands a recording will be made for her but feels it is not the same as being there in person.

5. Approval of Community Participation Grant Program Resolution – Friends of Black Water in the amount of \$1,000.00.

**JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV**

**RESOLUTION**

The Jefferson County Commission met on the 18<sup>th</sup> day of April, 2013 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Dale Manuel, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and administer grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$1,000. The funds from this project will be used for the J.R. Clifford Project - "A New Home for Liberty: Human Rights, Slavery and the Creation of West Virginia" program and materials for the Friends of Blackwater.

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

DALE MANUEL, PRESIDENT  
JEFFERSON COUNTY COMMISSION

- **Motion by Ms. Widmyer to approve the Community Participation Grant Program Resolution for the Friends of Black Water in the amount of \$1,000, and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

6. Legislative Updates:

- a. Patsy Noland reported on Legislative Updates she felt would impact the County.
  - SB 371 – Governor’s Prison Overcrowding bill passed through the legislature.
  - SB 103- Commuter Rail bill has passed. Senator Snyder deserves tremendous credit for getting this accomplished.
  - SB 62 – Public Service District Rate Payer – not sure if this made it through.
  - SB 521 – Driving Revoke bill – not sure is this made it through.
- b. Dale Manuel reported on Legislative Updates he felt would impact the County.
  - Home Rule bill – did pass, was altered to some extent.
  - Magistrate bill – was shot down. The modified Magistrate equalization of the pay will get on the special session.
- c. Lyn Widmyer inquired as to the progress of the bill affecting tax credits for renovation/restoration of structures on the Historic Register. It was not clear at this point. Ms. Widmyer will research the outcome of the bill.

Mr. Manuel suggested once the Delegation has returned from the Legislative Session, the Commission invite them to give a firsthand update on the session.

7. The Commission recessed for break at 10:25 a.m.  
The Commission reconvened at 10:35 a.m.

## COUNTY ADMINISTRATOR REPORT

- Ms. Keyser apologized to the Commission on behalf of Commission Office Staff for being remiss to send out reminder notices regarding meetings. In the future an email will be sent on Friday afternoon with reminders of the upcoming week's meeting schedule.
- Ms. Keyser requested a meeting of the Commissioners and the Commission Office Staff to clarify the Commissioners' expectations of the staff.
- Ms. Keyser thanked Ms. Gran for her efforts in setting up meetings for employee to attend JNG regarding retirement planning.
- Ms. Keyser informed the Commission interviews are being held to fill the position of Deputy Director at the 911-Communications Center. Ms. Keyser is conducting the interviews.
- Ms. Keyser informed the Commission a letter has been sent to all Department Heads and Elected Officials regarding the deadlines for financial issues to expedite the closing of FY 2012-2013. Ms. Keyser reminded the Commission a meeting on June 13, 2013 has been scheduled to review invoices so they can be processed before the end of the fiscal year.
- Ms. Keyser informed the Commission incorrect figures were entered for the Circuit Clerk's budget. This will leave the Circuit Clerk with a shortfall of approximately \$40,000 for FY 2013-2014. After the start of the new FY 2013-2014, an internal budget revision will be submitted. Should the Circuit Clerk's office need additional funds, they can come from the Contingency Fund.
- Ms. Keyser recommended the budget issues stated above should be dealt with at the first County Commission meeting in the new fiscal year.
- Ms. Keyser informed the Commission the final health costs have been received. The employee health care will increase by 9.35% instead of the estimated 20%. This will relate to approximately a \$223,000.00 savings to the County. The increase breaks down to 1.35% for the Obama Care tax and 8% for medical claims.
- Ms. Keyser informed the Commission the dental insurance increase will be 5.7%.
- Ms. Keyser informed the Commission life insurance will remain at the same rates.
- IT Update – Ms. Keyser informed the Commission a meeting was held with Mike Manley, Software Solutions, Inc., Elected Officials, Department Heads, VoIP representative, Sandy McDonald and Charlotte Hernandez to discuss the current IT issues. Mr. Manley will make a presentation to the County Commission with his recommendations and estimated associated costs.
- Ms. Keyser informed the Commission, Loudoun County has signed the permanent Mutual Aid agreement.
- Internal Budget Revision # 110 – Circuit Clerks Office has been withdrawn till a future date.
- Ms. Keyser informed the Commissioners the Financial Director Job Description has been included in their packet. She has requested the Commissioners review the document and forward to her any changes they would like to see made. Once all the Commissioners changes have been received, Ms. Keyser will compile them and present them at a future Commission meeting to move forward in hiring a Financial Director.

## COUNTY COMMISSIONERS REPORTS

Dale Manuel:

- Participated in two (2) Legislative Conference Calls.
- Attended the School Board meeting to appoint the new members.
- Spoke at the Eastern Panhandle Association meeting.
- Attended the Animal Welfare Society Groundbreaking.
- Participated in the Water Advisory Commission meeting fieldtrip at Craftworks.
- Attended the meeting to Lay the Levy.
- Attended the Emergency Services Association meeting.
- Attended the Jefferson Center meeting.
- Attended the Council on Aging.

- Attended the Parks and Recreation meeting.

Patsy Noland:

- Attended the Council on Aging meeting.
- Attended the personal committee meeting with the Jefferson County Convention and Visitors Bureau.
- Attended the Region 9 meeting.
- Attended several personal committee meetings for different boards.

Walt Pellish:

- Attended the Development Authority meeting.

Lyn Widmyer:

- Attended the Literacy Council Brain Games
- Attended the Board of Health meeting.
- Attended the meeting to Lay the Levy.
- Attended the Roberts Rules of Order workshop.
- Participated in a 5k for Hospice of Winchester.
- Is working on prioritizing list for trash pick up through the regional jail.

The Commission meeting was adjourned at 11:17 a.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

---

DALE MANUEL, PRESIDENT

Respectively submitted  
Cynthia C. Schott  
Administrative Assistant

# PURCHASE ORDERS TO BE APPROVED

MAY 5, 2013

| DEPARTMENT             | PURCHASE ORDER | AMOUNT      | VENDOR                          | DESCRIPTION            |
|------------------------|----------------|-------------|---------------------------------|------------------------|
| ASSESSOR               | 51398          | \$ 606.11   | Pifer Office Supply             | Office Supplies        |
| CIRCUIT CLERK          | 49904          | \$ 262.74   | Software Systmes                | Data Storage           |
| COMMUNICATIONS (JCECC) | 51609          | \$ 2,350.00 | Teltronic                       | Repair Radios          |
|                        | 51610          | \$ 125.00   | Sen Communications              | Equipment Repair       |
| COUNTY CLERK           | 50279          | \$ 314.69   | Pifer Office Supply             | Office Supplies        |
|                        | 50280          | \$ 1,637.25 | Piefer Office Supply            | Office Supplies        |
|                        | 50282          | \$ 650.00   | WV Association of County Clerks | Association Dues 2013  |
|                        | 51611          | \$ 294.62   | Jefferson Publishing            | Legal Notices          |
| COURTHOUSE             | 51565          | \$ 200.56   | Daycon                          | Cleaning Supplies      |
|                        | 51566          | \$ 653.25   | BK Office Supplies              | Copy Paper             |
| EXTENSION AGENT        | 52133          | \$ 212.92   | WPS, Inc.                       | Half Year Contract     |
|                        | 52135          | \$ 198.00   | Campbell Business Manchine      | Supplies               |
| GIS/ADDRESSING         | 50866          | \$ 706.88   | D&S Construction                | Direct Mount Sign Sets |
|                        | 51371          | \$ 795.00   | Ducan & Panell                  | Softwre Maintenance    |
| OTHER BUILDINGS        | 51558          | \$ 627.25   | V.E. Mauck Plumbing Supplies    | Install new gas line   |
|                        | 51560          | \$ 699.25   | BK Office                       | Copy Paper             |
|                        | 51561          | \$ 584.00   | Donald B. Rice                  | Tires                  |
|                        | 51562          | \$ 1,362.06 | Daycon                          | Cleaning Supplies      |
|                        | 51564          | \$ 250.00   | Mid Atlantic Security, LLC      | Fill Extinguishers     |

|                     |       |                     |                      |                     |
|---------------------|-------|---------------------|----------------------|---------------------|
| PROSECUTOR'S OFFICE | 50388 | \$ 608.30           | Tracy Rice, RAPR     | Transcriptions      |
|                     | 50389 | \$ 557.50           | Marcia Chandler, RPR | Transcriptions      |
| ZONING DEPARTMENT   | 50328 | \$ 406.00           | Vital Signs          | Public Notice Signs |
| <b>GRAND TOTAL</b>  |       | <b>\$ 14,101.38</b> |                      |                     |

**AGENDA REQUEST FORM**

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



Name: Jennifer Maghan, County Clerk

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

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

Date Requested – 1<sup>st</sup> Choice: May 2, 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 employment (replacement) – 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 employment of the new hire for the county clerk's office**

Are documents attachments? Yes **XX** No

If not, explain:

Is a projector needed? Yes No

Contact information:

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

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

JEFFERSON COUNTY

Personnel Requisition

Department Name \_\_\_\_\_ Date \_\_\_\_\_ Date Needed 5-3-13

Job Title Deputy Clerk Salary 30K Criminal History Check \_\_\_ Yes  No

Suggested Recruitment Source(s) Newspaper

Applicants Interviewed By J. Maghan & G. Magala Position Reports To Jennifer Maghan

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

Budget Information

Addition \_\_\_ Replacement  Explain or For Whom Maria Pagano

Position Budgeted  Yes \_\_\_ No Proposed Salary 30K Date of Hire 5-3-13

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

Safety/Security \_\_\_\_\_ Hours Per Week \_\_\_\_\_

Approvals

Elected Official Approval J.M. - by phone <sup>4-29-13</sup> Date 4-29-13

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

# AGENDA REQUEST FORM

Name: Nichelle Adams Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: \_\_\_\_\_

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

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

Subject: Approval to reappoint Karan Townsend to the Development Authority for a three year term ending April 5, 2016 at the request and as a representative of the Town of Harpers Ferry

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): move to appoint \_\_\_\_\_ to the Development Authority for a three year term ending April 5, 2016 as a representative of the Town of Harpers Ferry.

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



# Corporation of Harpers Ferry

1000 WASHINGTON STREET • P.O. BOX 217

Harpers Ferry, West Virginia 25425

304-535-2206 • FAX 304-535-6520

**Joe Anderson**

MAYOR • CELL 304-582-2377

RECORDER  
KEVIN CARDEN

TREASURER  
KATHRYN PAYNE

CLERK  
DEE ANDERSON

## COUNCIL MEMBERS

BETSY BAINBRIDGE  
JERRY HUTTON  
DAN RISS  
CHARLOTTE THOMPSON  
GREG VAUGHN

Patsy Noland, Commissioner  
Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

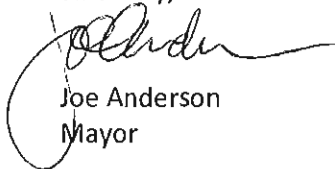
Dear Ms. Noland,

I am pleased to inform you that the Harpers Ferry Town Council is recommending Karan Townsend for re-appointment to represent Harpers Ferry on the Jefferson County Development Authority.

I have attached a copy of her letter of interest and resume. She can be reached at (304) 702-1872, by email at [KaranTownsend@gmail.com](mailto:KaranTownsend@gmail.com) and mailing address of PO Box 1412, Harpers Ferry, WV 25425.

Karan has been a local business owner and involved in town government for the past six years and we look forward to her continued service in this role.

Sincerely,



Joe Anderson  
Mayor

Attachment

**RECEIVED**

APR 16 2013

**Jefferson County Commission**

*The Town's Inn*  
*An inn for all seasons.*  
*At the confluence of the Rivers, on the Trail,*  
*A few steps from the train station, shopping, dining*  
PO Box 1412, 179 High Street, Harpers Ferry,, West Virginia 25425  
Restaurant/Shoppe: 304.535.1860 --Lodging: 304.932.0677--Mobile: 304.702.1872  
[www.TheTownsInn.com](http://www.TheTownsInn.com)

Item 4.c  
3-11-13

TO: Mayor and Council Members

FROM: Karan Townsend

DATE: 4 February 2013



I would like to continue serving on the Jefferson County Development Authority (JCDA) if no one more qualified than I am is available to serve. In spite of the time and expense required to downsize the lodging business ( that is, move out of the 4-bedroom, 4,000 SF Mountain house ) and upgrade the restaurant, I faithfully attended all 2012 meetings except one and facilitated communication between the County and the Town in a positive manner. My qualifications for this job as stated in the September 2011 letter I sent to you requesting my initial appointment remain relevant in my request for re-appointment:

*"The fact that I'm so involved with running a business in Lower Town might be considered a qualification for this job since every penny of my money and minute of my time (except for that invested in my church and family) is invested in the Inn in an effort to develop a viable year-round business in Lower Town.*

*From my perspective, one of the main ways for me to create a viable business in Lower Town is to live in Lower Town and to be involved in promoting, preserving, and protecting the Town, which is why I seek to remain active as a member of the Planning Commission, Historic Foundation, Canal Town Partnership, Visioning Committee, Merchant Association, Jefferson County Partnership, CVB, etc. Attending these meetings is appealing to me and beneficial since there is so much overlap in purpose and projects. My involvement in each of these various organizations is enhanced by my involvement in the other organizations and provides a foundation for my involvement in the county through participation in the JCDA as a representative from our Town.*

*As indicated in the attached resume, my career has been focused in the area of education (public school teacher, teacher of teachers, teacher of English to Speakers of Other Languages, that is, ESOL or ESL), but I also managed my husband's law office for thirty years and worked as a real estate broker / appraiser for almost a decade. I've been not only a small business owner but also a mother (and now a grandmother) since 1975.*

*Simply running the Inn is a 24/7 job, but the success of the Inn is likely to be enhanced by what happens in the Town and the County, so I'd appreciate your consideration of my application to serve on the JCDA.*

## Resume and References for Karan Townsend, Ed.D.

Item 4.c.  
3-11-13

Address: 179 High St.; PO Box 1412; Harpers Ferry, WV 25425 or 114 3<sup>rd</sup> St. NE, Washington, DC 20002  
Tel: 304.702.1872; Email: [karantownsend@gmail.com](mailto:karantownsend@gmail.com)

|                   |                        |                       |      |
|-------------------|------------------------|-----------------------|------|
| <b>Education:</b> | Doctorate of Education | University of Houston | 1979 |
|                   | Master of Education    | University of Houston | 1974 |
|                   | Bachelor of Science    | University of Houston | 1971 |

### Teaching/Business Experience:

|           |                                      |                                                                                                                |
|-----------|--------------------------------------|----------------------------------------------------------------------------------------------------------------|
| 2007-2012 | Innkeeper/Restaurateur/Consultant    | Town's Inn / English House / CEN                                                                               |
| 2002-2006 | English Faculty/Consultant           | Oakwood English Language Institute,<br>Northern Virginia Community College<br>Prince Georges Community College |
| 2001      | English Faculty/Consultant           | Unit Arab Emirates University, (Aug.-Dec.)                                                                     |
| 2000-2001 | Director of EFL Research/Development | New Horizons, Kuwait (August 00-July01)                                                                        |
| 1997-2000 | ESL Director/English Professor       | Washington Bible College, Washington ,DC                                                                       |
| 1996/2003 | ESL Instructor/Consultant            | EuroCentres/Diplomatic Lang. Services, VA                                                                      |
| 1993-1995 | Director of ESOL/Teacher             | Salzburg International Prep. School, Austria                                                                   |
| 1986-1993 | Director of ESOL/Consultant          | Baylor School of Medicine, TX Med. Center                                                                      |
| 1986-1993 | Real Estate Consultant/Researcher    | Landauer; Cushman & Wakefield, TX                                                                              |
| 1981-1993 | Law Office Manager                   | David Townsend, Attorney-at-Law; TX                                                                            |
| 1974-1981 | Program Development Specialist       | University of Houston, TX                                                                                      |
| 1970-1974 | Public School Teacher                | N. Forest I.S.D.; Pasadena I.S.D., TX                                                                          |

### Experience Highlights:

- Extensive faculty experience as a teacher of composition in undergraduate college programs and private language schools
- Extensive English language and teacher training program development and instructional experience, serving as a professor and program development specialist in culturally diverse American, European, and Middle Eastern colleges, language schools, business, and governments
- Extensive research and development experience, serving as consultant in the USA, Europe, and the Middle East in matters regarding general education, language education, business/professional education, and interpersonal/cross-cultural relations, particularly in the area of English for Speakers of Other Languages (ESOL)
- Law, business, real estate managing and consulting (business owner)
- Innkeeper / Restaurateur ( owner) of the Town's Inn in Harpers Ferry, West Virginia
- Member of Jefferson County Development Authority Board, Jefferson County Convention & Visitor Bureau Board, Harpers Ferry Planning Commission, Harpers Ferry Historic Town Foundation, Fellowship Bible Church, and numerous other community-centered non-civic organizations.

## Resume and References for Karan Townsend, Ed.D.

Item 4.c  
3-11-13

Address: 179 High St.; PO Box 1412; Harpers Ferry, WV 25425 or 114 3<sup>rd</sup> St. NE, Washington, DC 20002  
Tel: 304.702.1872; Email: [karantownsend@gmail.com](mailto:karantownsend@gmail.com)

NOTE: Each reference includes primary year(s) of professional association; type of relationship; contact information

2012 ~ Colleague in a Network of Language Schools

Mr. Daniel Spandler-Davison, Director, Columbia Education Network  
200 Maryland Ave., NE; Washington, DC 20002 USA  
502.275.9240; [ddavison@columbiaedunet.com](mailto:ddavison@columbiaedunet.com)

2007-2012~ Co-Worker in Town & County Government / Civic Organizations

Mr. Joe Anderson, Mayor of Harpers Ferry, West Virginia  
1000 Washington St.; PO Box 217; Harper's Ferry, WV 25425 USA  
304.582.2377; [joewa2@juno.com](mailto:joewa2@juno.com)

2004-2007 ~ Supervisor in a Private Language School

Mr. Lane McIntyre, Owner/Director, Oakwood English Language Institute  
7210 Braddock Rd.; Annandale VA 22003 USA  
703.941.5790; [laneoak@aol.com](mailto:laneoak@aol.com)

2004-2007 ~ Supervisor in a Community College

Ms. Janet Gianotti, Director, Northern Virginia Community College  
Community Education and Workforce Development  
3001 North Beauregard Street; Alexandria, VA 22311 USA  
(703) 845 6200; [jgianotti@nvcc.edu](mailto:jgianotti@nvcc.edu)

2002-2004 ~ Supervisor in a Community College

Ms. Esther Robbins, Language Studies Chair, Prince Georges Community College  
301 Largo Rd.; Largo, MD 20774 USA  
(301) 322 0942; [robbinex@pg.cc.md.us](mailto:robbinex@pg.cc.md.us)

2001 ~ Professional Colleagues in a University ( United Arab Emirates )

Dr. Kalifa, Director of University General Requirements Ms. Marily Gjerde, Teacher  
United Arab Emirates University, Women's Campus, P.O. Box 17172  
Al-Ain, United Arab Emirates; [marilyngjerde@yahoo.com](mailto:marilyngjerde@yahoo.com)

2000-2001 ~ Professional Colleagues in a Private School ( Kuwait )

Mr. Fahad Al-Othman, President; Dr. George Gjano, Director; Ms. Debi Allen, Manager  
New Horizons Computer Training Center/English Training Center  
P.O. Box 23339 Safat; 13094 Kuwait  
(965) 244 9797; [dkallen4@hotmail.com](mailto:dkallen4@hotmail.com)

1996-2000 ~ Professional Colleagues in a College / Seminary

Dr. Homer Heater, President of Washington Bible College/Capital Bible Seminary  
6511 Princess Garden Parkway; Lanham, MD 20706  
301.552.1400 ( home: 972.363.0150 )  
Dr. Ok Cha Soh, Professor  
8110 Craddock Rd.; Greenbelt MD 20770  
240.271.6441; [osoh@bible.edu](mailto:osoh@bible.edu)

1993-1996 ~ Supervisor in a Private Boarding School

Mr. Ted Rowley, Owner/Director  
Salzburg International Preparatory School; Salzburg, Austria  
8737 Caminito Abrazo; La Jolla, CA 92037  
858.731.1834; [intlstudy@erols.com](mailto:intlstudy@erols.com)

1985-1993 ~ Professional Colleague in Baylor College of Medicine English Programs

Dr. Michel Sabino, Faculty; Former President of Teachers of English to Speakers of Other Languages  
4411 McKinney St.; Houston TX 77023; USA  
703.836.0774; [sabinom@uhd.edu](mailto:sabinom@uhd.edu)

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: John Reisenweber on behalf of the Jefferson County Development Authority (JCDA) Board of Directors

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

Date Requested – 2<sup>nd</sup> Choice: May 16, 2013

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

Subject: Resolution of Participation and Cooperation (Local Economic Development Grant Program) – for signature by President of the JCC and County Clerk

Please provide the County Commission with a description of your request or presentation, including any background information: The JCDA is applying for the Local Economic Development (LED) grant of \$31,008 from the West Virginia Development Office, The JCDA is eligible for this grant annually.

**By way of the attached document, the JCC is assuring that matching funds are available from the County. This document needs to be on official JCC letterhead, presented to the JCC for a vote, and signed by the President of the JCC. JCDA staff will take the document to the County Clerk for signature.**

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

The JCDA respectfully requests the JCC to approve the attached resolution of support for the JCDA's application for the Local Economic Development (LED) grant of \$31,008 from the WV Development Office.

Attachments: JCDA Resolution of support

**WEST VIRGINIA  
CERTIFIED DEVELOPMENT COMMUNITY (CDC)  
PROGRAM  
RESOLUTION OF PARTICIPATION AND COOPERATION**

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and;

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and

Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and this year's budgeted amount well exceeds the required \$31,008.00 match; and

Whereas, it is a requirement of the Local Economic Development Grant Program to provide evidence of local match;

**THEREFORE, BE IT RESOLVED** that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

**BE IT FURTHER RESOLVED**, that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

**BE IT FURTHER RESOLVED**, that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 2<sup>nd</sup> day of May, 2013.

\_\_\_\_\_  
Signed:

Patsy Noland, President

\_\_\_\_\_  
Attested:

Jennifer S. Maghan, County Clerk

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: John Reisenweber on behalf of JCDA Board of Directors

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

Date Requested – 2<sup>nd</sup> Choice: May 16, 2013

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

Subject:

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

**To request permission to hire Program Director, position held by Whitney Barrett.**

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

**N/A**

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: John Reisenweber on behalf of JCDA Board of Directors

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

Date Requested – 2<sup>nd</sup> Choice: May 16, 2013

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

Subject:

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

**To request the County Commission advertise for additional seats (4) on the JCDA Board of Directors.**

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

**N/A**

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: John Reisenweber on behalf of JCDA Board of Directors

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

Date Requested – 2<sup>nd</sup> Choice: May 16, 2013

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

Subject:

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

**To present Commercial Impact Fee language.**

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

**N/A**

S:Office Operating/agenda request form

ORDINANCE NO. 2013-1

AN ORDINANCE OF JEFFERSON COUNTY, WEST VIRGINIA, AMENDING CERTAIN PARTS OF PRIOR COUNTY IMPACT FEE ORDINANCES 2005-1 AND 2005-3; REGARDING AMENDING AND/OR REDUCING CERTAIN IMPACT FEE RATES APPLYING TO NON-RESIDENTIAL UNITS FOR A SPECIFIED PERIOD OF TIME; REQUIRING A REVIEW OF COMMERCIAL AND ECONOMIC DEVELOPMENT AT THE END OF ONE YEAR .

WHEREAS, the County Commission of Jefferson County, West Virginia adopted Ordinance 2005-1 and 2005-3 on January 20, 2005, which Ordinances provide for Law Enforcement and Fire and EMS fees to be paid on new construction;

WHEREAS, the Jefferson County Commission recognizes that the adverse effects of the national recession and the financial and credit crises are still impacting the state and local economy;

WHEREAS, said impacts have resulted in a significant reduction in new non-residential commercial development and construction activity in Jefferson County;

WHEREAS, Non-residential Commercial development provides local jobs and economic opportunity to the citizens of Jefferson County;

WHEREAS, a decrease in Non-residential Commercial development has a negative impact upon the citizens of Jefferson County;

WHEREAS, the Jefferson County Commission hereby finds that it is in the best interest of the citizens of Jefferson County to encourage economic development by temporarily reducing the impact fees assessed on new Non-residential Commercial Development;

WHEREAS, the Commission has determined that a reduction on the rate of collection of the Law Enforcement and the Fire and EMS impact fees will further the desired purpose of stimulating economic development and non-residential commercial construction activity in Jefferson County;

WHEREAS, the County Commission desires an update from the Jefferson County Development Authority on the development and permitting activity of non-residential construction after the first year of the reduction to determine the effectiveness of the reduction in stimulating economic and commercial growth;

NOW, THEREFORE BE IT ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA:

SECTION 1. AMENDING THE NON-RESIDENTIAL IMPACT FEES SET FORTH IN ORDINANCES 2005-1 AND 2005-3.

- (1) The impact fee rates charged to Non-residential Development in Ordinance No. 2005-1 (Law Enforcement Impact Fees) and Ordinance No. 2005-3 (Fire and EMS Impact Fees) shall be reduced to by ninety-nine percent (99%) commencing on July 1, 2013 for a period of twelve

(12) months through the County Commission's review at the end of the twelve (12) month period.

- (2) At the end of the initial twelve month period, the County Commission, using the report received from the Jefferson County Development Authority, shall review the effectiveness of the reduction in encouraging commercial development and stimulating the local economy. After completion of such review, the Commission shall either: 1) maintain the reduction implemented by the Ordinance; 2) return the non-residential development impact fees to the fee schedule provided in Ordinance Nos. 2005-1 and 2005-3; or 3) implement a new non-residential development impact fee schedule.
- (3) The reduction in the non-residential fees as provided for in this Ordinance may extend beyond the initial twelve (12) month period and shall remain in effect until the County Commission completes its review of the reduction's impact on commercial and economic development.

#### SECTION 2. EFFECTIVE DATE.

This Ordinance shall take effect upon an affirmative, majority vote of the County Commission. Except as specifically provided otherwise herein, this Ordinance shall supersede all other Ordinance(s) of Jefferson County, West Virginia to the extent such other Ordinance(s) are in conflict herewith. However, the amended impact fees associated with non-residential development as set forth in this Ordinance shall not become effective until July 1, 2013.

#### SECTION 3. Severability.

- (1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.
- (2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 4. DEFINITIONS.

Terms used in this Ordinance shall have the meaning provided in the applicable "Definition" Section(s) of the Jefferson County Impact Fee Procedures Ordinance unless modified or otherwise stated herein.

SECTION 5. INCLUSION IN THE CODE.

It is the intention of the County Commission of Jefferson County, West Virginia, and it is hereby provided, that the provisions of this Ordinance shall be made part of the Jefferson County Impact Fee Ordinances. To this end, any section or subsection of this Ordinance may be re-numbered or re-lettered to accomplish such intention, and the word "Ordinance" may be changed to "Section", "Article", or any other appropriate designation.

SECTION 6. FULL FORCE AND EFFECT OF REMAINDER.

All section, subsections, clauses, sentences, phrases, and provisions of Ordinance Nos. 2005-1 and 2005-3 not changed or amended herein shall stay the same and remain in full force and effect until amended, repealed or otherwise acted upon by the County Commission of Jefferson County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the \_\_\_\_ day of June, 2013.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for D & D, L.C. – Dairy Queen Maddex Square Shopping Center (PC File #S06-02) - Letter of Credit #700061429 with Community Bank, Staunton, Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$233,846.00 construction bond amount for D & D, L.C. – Dairy Queen Maddex Square Shopping Center (PC File #S06-02).

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Dale Manuel*

May 2, 2013

VICE PRESIDENT

*Walt Pellish*

Mr. Paul K. Martin

COMMISSIONER

*Jane Tabb*

Senior Vice President  
Community Bank

COMMISSIONER

*Patsy Noland*

Bank Business Unit

P. O. Box 1209

COMMISSIONER

*Lyn Widmyer*

38 N. Central Avenue

Staunton, Virginia 24401

RE: Irrevocable Letter of Credit #7000061429 dated March 16, 2012 Construction Bond Surety for D & D, L.C. – Dairy Queen (File #S06-02).

Dear Mr. Martin:

The Jefferson County Commission authorizes a complete release of the remaining \$233,846.00 from the construction bond for D & D, L.C. – Dairy Queen (File #S06-02). This project is located on the north side of Route 45- Martinsburg Pike within the Maddex Square Shopping Center. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #7000061429, originally issued in the amount of \$233,846.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Dale Manuel, President  
Jefferson County Commission

DM:rfb

cc: Mr. Roger D. Peterson, CEO  
D & D, L.C.  
118 W. Johnson Street  
Staunton, Virginia 24401  
Mr. Pete Kubic  
Kubic Construction  
241 Edmond Road  
Kearneysville, WV 25430  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 04 / 19 / 13 J.C.P.C. File No. 506 - 02

Consultant/Engineer/Firm Name: KUBIC CONSTRUCTION INC

Mailing Address: 241 EDMOND ROAD

City: KEARNEYSVILLE State: WV Zip: 25430

Contact Person: PETE KUBIC Phone: 304-728-4384

Project/Subdivision Name: DAIRY QUEEN SHEPHERDSTOWN, MADDEX SQUARE

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

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

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

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

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

Comments: RECOMMEND RELEASE OF BOND

**Approved for:**  
BOND RELEASE  
By [Signature] 09/23/13  
County Engineer Date

Original Bond Amt. \$ 203,344 + 15% Cont. \$ 30,501<sup>00</sup> = Total Original Bond Amt. \$ 233,845

Total Current Bond Amount \$ 233,845.00

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

= Approved for Revised Bond Amount \$ 0.00

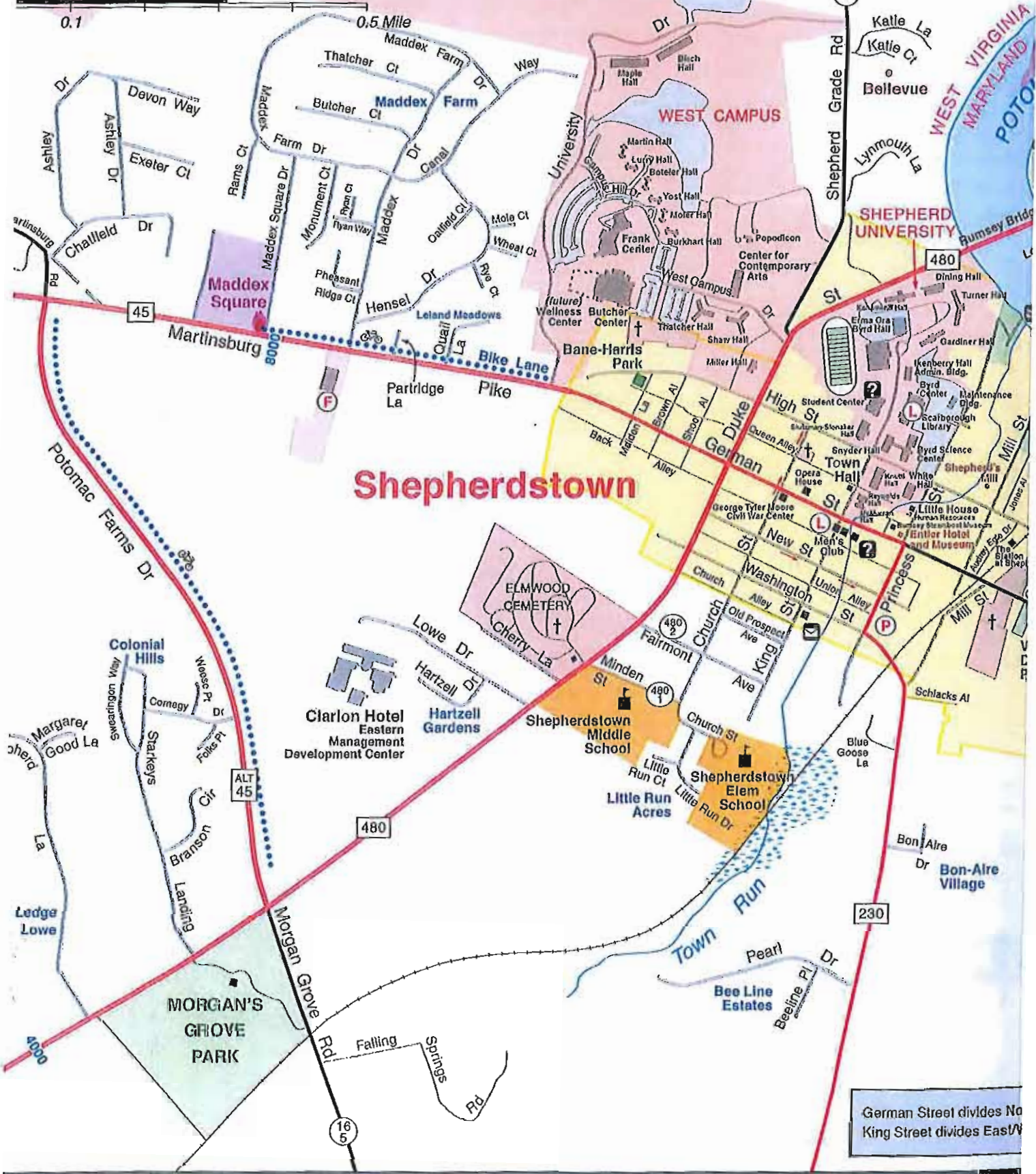
Reviewed By: JOSEPH W. KENT [Signature] Title: L.D.I.

Signature: [Signature] Date: 04 / 23 / 13

# Shepherdstown

0.1 0.5 Kilometer

Copy



German Street divides No  
King Street divides East/W

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin, Chief County Engineer

Department or Entity: Engineering Department

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 2, 2013

Date Requested – 2<sup>nd</sup> Choice: May 16, 2013

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

Subject: **Impact Fees Recalculation & Fee Schedule Update – Request for Proposals**

Please provide the County Commission with a description of your request or presentation, including any background information: **After presentation of the FY 2013-2014 Impact Fees Capital Improvement Plan to the County Commission on March 7, 2013, the County Commission directed the Chief County Engineer to draft a Request for Proposals to hire a consultant to recalculate the impact fees for the four impact fee entities and to update the fee schedules. The attached Request for Proposals is presented for approval and publication of the RFP legal advertisement.**

**The four Impact Fee entities are: Schools, Parks & Recreation, Law Enforcement, and Fire & EMS.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Move to (approve, approve with amendment, postpone or deny) the Impact Fees Recalculation & Fee Schedule Update RFP and the publication of the RFP legal advertisement.**

Attachments: **Impact Fees Recalculation & Fee Schedule Update – Request for Proposals.**

# REQUEST FOR PROPOSALS

## RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

### SPECIFICATIONS AND INSTRUCTIONS



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

JEFFERSON COUNTY COMMISSION  
JEFFERSON COUNTY, WV  
NOTICE

REQUEST FOR PROPOSALS

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

Notice is hereby given that sealed proposals will be received at the Engineering Department – Office of Impact Fees, until **10:00 AM., Wednesday, May 29, 2013**, local prevailing time, for furnishing all labor, materials and equipment, and performing all work necessary and incidental to: Recalculation of Impact Fees & Fee Schedule Update, in accordance with the specifications and contract documents within.

There will be no pre-proposal meeting. All questions regarding this RFP must be submitted in writing to the Jefferson County Engineering Department - Office of Impact Fees no later than 4:00pm on **Wednesday, May 15, 2013**. Questions received after that time will not be addressed. Questions should be emailed to Michelle Mason, Impact Fees Program Specialist, at [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org). All submitted questions and the County's written response to each will be available as an addendum on or before **Wednesday, May 22, 2013**. **Potential bidders are responsible for contacting the Jefferson County Engineering Department – Office of Impact Fees at 304-728-3331 or [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org) to request a copy of the addendum.** Bidders must acknowledge receipt of all addenda on the County proposal form which will be submitted with the proposal package.

Proposals shall be addressed and mailed to the:

Jefferson County Engineering Department  
Office of Impact Fees  
P.O. Box 716  
Charles Town, WV, 25414

Or hand delivered or shipped to the physical address of:

Jefferson County Engineering Department  
Office of Impact Fees  
116 East Washington Street, Suite 100  
Charles Town, WV 25414

and shall be labeled:

Jefferson County Impact Fees - Fee Schedule Update

Proposals shall be received by **10:00 AM., Wednesday, May 29, 2013**. One original and two copies of the full proposal package must be provided. They will be opened and the prices read aloud at that time in the Jefferson County Engineering Department conference room. Any Proposer who wishes his proposal to be considered is responsible for making certain that his proposal is received in the Engineering Department by the proper time. No oral, telegraphic, electronic, facsimile, or telephonic proposals or

CANCELLATION OF SOLICITATION. The Jefferson County Commission may cancel this solicitation at any time.

COMPLIANCE WITH LAWS. All proposals shall comply with current federal, state, and other laws relative thereto.

DEFINITION OF TERMS. For the purposes of this RFP, the following definitions will be used:

1. *Contract*—The entire and integrated written contract/agreement between the Owner and Contractor which shall consist of the Request for Proposal, all Addenda, the RFP Terms and Conditions, the Proposal, any written Change Order modifications, and Performance Bond(s). The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.
2. *Contractor* – Same as Successful Proposer.
3. *May* – Indicates something that is not mandatory, but permissible.
4. *Owner* - The Jefferson County Commission, the entity with whom Contractor has entered into the Contract/Agreement and for whom the Work is to be performed.
5. *Proposal* – The offer made by the Proposer.
6. *Proposer* – The person or firm making the offer to the Owner to perform work.
7. *RFP* – Acronym for “Request for Proposal.
8. *Shall/Must* - Indicates a mandatory requirement.
9. *Should* – Indicates something that is recommended but not mandatory.
10. *Submittal Deadline* – The date and time on or before which all proposals must be submitted.
11. *Successful Proposer* – The person, contractor, or firm to whom the award is made.

DOCUMENTS TO BE RETURNED WITH PROPOSAL. Failure to completely execute and submit the required documents before the Submittal Deadline may render a proposal non-responsive. The documents that must be returned by the Submittal Deadline are listed on the form entitled "Proposal Documents To Be Returned" and attached hereto.

INK OR TYPEWRITTEN. All information, prices, notations, signatures, and corrections must be in ink or typewritten. Mistakes may be crossed out and corrections typed or printed adjacent to the mistake and initialed in ink by the person signing the proposal.

NOMENCLATURES. The terms Successful Proposer, Successful Contractor, and Contractor may be used interchangeably in these specifications and shall refer exclusively to the firm with whom the Jefferson County Commission enters into a contract because of this solicitation.

PROPOSAL MODIFICATIONS. Any Proposer who wishes to make modifications to a proposal already received by the Jefferson County Commission must withdraw his proposal in order to make the modifications. Withdrawals must be made in accordance with the terms and conditions of this solicitation (see Proposal Withdrawal). All modifications must be made in ink, properly initialed by Proposer's authorized representative, executed, and submitted in accordance with the terms and conditions of this solicitation. It is the responsibility of the Proposer to ensure that modified or withdrawn proposals are resubmitted before the Submittal Deadline.

PROPOSAL, REJECTION OF. The Jefferson County Commission reserves the right to reject any or all Proposals or any part of a Proposal. The Jefferson County Commission reserves the right to reject the Proposal of any Proposer who previously failed to perform adequately for the Jefferson County Commission or any other governmental agency. The Jefferson County Commission expressly reserves the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due to Jefferson County.

PROPOSAL WITHDRAWAL. Proposers' authorized representative may withdraw proposals only by written request received by the Office of Impact Fees, Impact Fees Program Specialist, before the Submittal Deadline.

PROPOSER'S BACKGROUND. Proposer must provide a company profile. Information shall include:

- a. Company ownership and whether a sole proprietorship, partnership, or corporation. If incorporated, the state in which the company is incorporated and the date of incorporation.
- b. Location of the company offices.
- c. Number of employees both locally and nationally.
- d. Office location(s) from which employees will be assigned to the project.
- e. Name, address, and telephone number of the Proposer's point of contact for a contract resulting from this RFP.
- f. Company background/history demonstrating why the Proposer is qualified to provide the services described in this RFP.
- g. Length of time Proposer has been providing services described in this RFP. Please provide a brief description.
- h. Resumes for key staff to be responsible for performance of the scope of work of any contract resulting from this RFP.

Proposer must include in his proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Proposer or in which the Proposer has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The Jefferson County Commission reserves the right to reject any proposal based upon the Proposer's prior history with the Jefferson County Commission or with any

Commission reserves the right to waive any informality with any proposal submission. The Jefferson County Commission reserves the right to reject the proposal of any Proposer who previously failed to perform adequately for the County or any other governmental agency. The Jefferson County Commission expressly reserves the right to reject the proposal of any Proposer who is in default on the payment of taxes, licenses, or other monies due the Jefferson County Commission.

SELL OR ASSIGN. The successful Proposer shall not have the right to sell, assign, or transfer any rights or duties under this contract without the specific written consent of the Jefferson County Commission.

SIGNATURES. An individual who is authorized to bind the Proposer must sign the proposal.

SUBMITTAL DEADLINE. The Submittal Deadline is **10:00 AM, Wednesday, May 29, 2013.** Proposals must arrive in the Jefferson County Engineering Department – Office of Impact Fees, 116 East Washington Street, Suite 100, Charles Town, WV 25414. **The receiving time in the Engineering Department will be the governing time for acceptability of proposals.**

TAXES, EXEMPT. The Jefferson County Commission is exempt from Federal Excise and State Sales Tax. If requested, the Jefferson County Commission will furnish exemption certificates when the successful bidder submits invoices for payment.

TERMS OF THE OFFER. The Jefferson County Commission reserves the right to negotiate final contract terms with any Proposer selected. The contract between the parties will consist of the RFP together with any modifications thereto, the awarded Proposer's proposal, and all modifications and clarifications that are submitted at the request of the Jefferson County Commission during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded Proposer's proposal, and the awarded Proposer's proposal. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the Jefferson County Commission in evaluation of the proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the Jefferson County Commission of the facts relating to the proposal.

agreements, change orders, performance bond(s), and any and all written agreements which alter, amend or extend the contract.

CONTRACT TIME. The time limit for completing the work is **One-Hundred and Twenty (120) calendar days** from the date when the Notice to Proceed is delivered to the Contractor. Time is of the essence for all time limits for completion and readiness for final payment. The time limit shall only be extended by issuance of a Change Order issued by the Jefferson County Commission.

COOPERATION BETWEEN CONTRACTORS. The Jefferson County Commission reserves the rights to contract for and perform other or additional work on or near the work covered by these specifications. When separate contracts are let within the limits of any one project, each contractor shall conduct his work so as not to interfere with or hinder the progress or completion of the work being performed by other contractors. Contractors working on the same project shall cooperate with each other as directed. Each contractor involved shall assume all liability, financial or otherwise, in connection with his contract and shall protect and save harmless the Jefferson County Commission from any and all damages or claims that may arise because of inconvenience, delays, or loss experienced by him because of the presence and operations of other contractors working within the limits of the same project.

COORDINATION WITH AGENCIES. The Contractor shall be responsible for coordinating their work and activities with the proper regulatory agencies necessary in carrying out the scope of work. Contractor shall coordinate the work and activities during each agency's normal business hours and have their representative on site at the proper times.

DAMAGE. The contractor shall be held responsible for any breakage, loss of the Jefferson County Commission's equipment or supplies through negligence of the contractor or his employee while working on the Jefferson County Commission's premises. The contractor shall be responsible for restoring or replacing any equipment, facilities, etc. so damaged. The contractor shall immediately report to the Jefferson County Commission any damages to the premises resulting from services performed under this contract. Failure or refusal to restore or replace such damaged property will be a breach of this contract.

DEFINITIONS:

1. *Change Order*—A document which is signed by Contractor and Owner and authorizes an addition, deletion, or revision in the Scope of Work or an adjustment in the Contract Price or the Contract Times, issued on or after the Effective Date of the Agreement.
2. *Contract*—The entire and integrated written contract/agreement between the Owner and Contractor which shall consist of the Request for Proposal, all Addenda, the RFP Terms and Conditions, the Proposal, any written Change Order modifications, and Performance Bond(s). The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.
3. *Contractor*—Individual or entity with whom the Owner has entered into the Contract/Agreement as a result of this request for proposal.
4. *Notice of Award*—The written notice by Owner to the Successful Proposer/Bidder stating that upon timely compliance by the Successful Proposer/Bidder with the conditions precedent listed therein, Owner will sign and accept the Proposal/Agreement.

- (b) Completion of Work. If Contractor fails to comply with the conditions of the contract, or fails to complete the required work or furnish the required materials within the time stipulated, the Jefferson County Commission reserves the right to purchase in the open market, or to complete the required work, at the expense of the Contractor.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SPECIFICATIONS, CHANGES TO. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein or by written amendment. No changes, amendments, or modifications of any of the terms or conditions of the specification shall be valid unless reduced to writing and signed by both parties.

SPECIFICATIONS, DEFINITION. The term "specification" or "RFP specification" as used in this solicitation shall be interpreted to mean all the pages that make up this solicitation

DRAFT

The report must explicitly demonstrate that the methodology used to calculate the impact fees is in accordance with West Virginia State Code Chapter 7, Article 20. The report should address the following tasks as necessary to produce defensible fee schedules for each of the facilities/services categories selected by the County.

- A. **Land Use Assumptions.** Review and, if necessary, update annual projections of population, employment, housing, commercial, industrial, and other nonresidential square footage data for at least eight years.
- B. **Demand Factors and Levels of Service.** Review the demand factors that generate the need for new capital facilities. Evaluate existing levels of service. Determine the geographic service area for each category of service/facility for which impact fees will be calculated.
- C. **Review Capital Needs and Costs and Allocate to Growth.** Review the County's Capital Improvement Program and other pertinent information. Identify the capital needs and costs associated with anticipated growth.
- D. **Determine the need for and calculate credits to be applied against Capital Costs.** Credits should address potential issues of double payment and dedication of facilities by the developer.
- E. **Complete Impact Fee Methodology and Calculation.** The maximum justifiable fee for each category must be determined.
- F. **Conduct Funding and Cash Flow Analysis.** Should include an evaluation of anticipated funding sources independent of impact fees reflecting the Capital Improvement Plan.
- G. **Prepare Impact Fee Report.** The report should, at a minimum, contain the following information:
  - Executive Summary.
  - Detailed description of methodologies used during the study and clearly outline the steps involved to calculate the various cost and credit components and the maximum justifiable fee schedules.
  - Detailed description of all level of service standards and cost factors used and rationale.
  - Detailed schedule of all proposed fees for each category of services/facilities, listed by land use type and activity.
  - Other information which explains and justifies the recommended fee schedules.
  - Following the County's review of the draft report, the consultant will make mutually agreed upon changes and provide ten (10) bound copies of the final report to the County. Additionally, the final report will be provided electronically in Microsoft Word or compatible format.

## PROPOSAL DOCUMENTS TO BE RETURNED

### RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

Proposals should be clearly labeled and submitted in a sealed envelope or box bearing the name of the Proposer and the RFP Project Name. Proposer's authorized representative must properly initial any erasures or alterations of any kind. Proposals that contain omissions or improper erasures or irregularities may be rejected. No oral, electronic, telegraphic, or telephonic proposals or modifications will be considered. The following documents must be completed and submitted on or before the Submittal Deadline for the Proposal to be considered complete:

1. Proposal Form
2. Non-Collusion Affidavit
3. Proposer's Statement of Insurance Coverage
4. Proposer Statement of Relevant Experience

Additional information to be provided:

1. Company ownership. If incorporated, the state in which the company is incorporated and the date of incorporation.
2. Location of the company offices.
3. Number of employees both locally and nationally.
4. Location(s) from which employees will be assigned.
5. Name, address, and telephone number of the Proposer's point of contact for a contract resulting from this RFP.
6. Company background/history and why Proposer is qualified to provide the services described in this RFP.
7. Length of time Proposer has been providing services described in this RFP. Please provide a brief description.
8. Resumes for key staff to be responsible for performance of any contract resulting from this RFP.
9. Fee schedule for appropriate staff to provide the required services.

**Proposals must be submitted to the Finance Office One original and two (2) copies of the completed "Proposal Form" must be submitted with the proposal.**

A. The County may choose to proceed with impact fee analyses for fewer than the four, and potentially only one of the identified categories. For each of the categories below, please provide an individual cost proposal to complete all necessary work to develop a fee schedule for that one category, assuming that the analysis and fee calculation for only that category will be pursued:

1. Schools impact fee analysis/calculation:

Amount Bid \$ \_\_\_\_\_  
Amount Bid in Words \_\_\_\_\_

2. Law Enforcement impact fee analysis/calculation:

Amount Bid \$ \_\_\_\_\_  
Amount Bid in Words \_\_\_\_\_

3. Parks and Recreation impact fee analysis/calculation:

Amount Bid \$ \_\_\_\_\_  
Amount Bid in Words \_\_\_\_\_

4. Fire and Emergency Services impact fee analysis/calculation:

Amount Bid \$ \_\_\_\_\_  
Amount Bid in Words \_\_\_\_\_

B. Cost proposal to complete the full scope of work, including analysis and calculation of fee schedules for all four identified categories. If the Proposer realizes an economy of scale by performing the scope of work for all four of the impact fee categories, then this **Full Scope Total Amount** to complete the full scope of work for all four categories need not be equal to the sum of the individual category bid amounts provided above.

**Full Scope Total Amount Bid \$** \_\_\_\_\_

**Full Scope Total Amount Bid in Words** \_\_\_\_\_

\_\_\_\_\_  
Company Name of Proposer

\_\_\_\_\_  
Mailing Address (PO Box or Street Address)

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Name of Authorized Representative

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

\_\_\_\_\_  
Type of Business (Corp, Partnership, Sole Proprietorship)

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Facsimile Phone Number

**PROPOSER'S STATEMENT  
Of  
INSURANCE COVERAGE**

Jefferson County, West Virginia  
**RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE**

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the Request for Proposals – Recalculation of Impact Fees & Fee Schedule Update. Should the Proposer be awarded the contract for the work, Proposer further certifies that the Proposer can meet the specified requirements for insurance, and agrees to name the Jefferson County Commission as Additional Insured for the work specified and provide certificates of insurance for the insurance coverage.

Insurance Required:

- Workmen's Compensation and Employment Liability Insurance in compliance with statutory limits.
- Comprehensive General Liability Insurance including Products Completed, Contractual, Property, and Personal Injury coverage with combined single limits of \$1,000,000 per occurrence and in the aggregate.
- Professional Liability Insurance with a limit of \$1,000,000 per claim and in the aggregate.
- Automobile Liability Insurance including non-owned and hired automobiles with the limits listed below:
  - Bodily Injury \$500,000 each person  
\$500,000 each occurrence
  - Property Damage \$100,000 each occurrence

\_\_\_\_\_  
Name of Proposer (Person, Firm, or Corporation)

\_\_\_\_\_  
Signature of Proposer's Authorized Representative

\_\_\_\_\_  
Name & Title of Authorized Representative (Typed)

\_\_\_\_\_  
Date of Signing

**Jefferson County Benefits Reference Sheet**

May, 2013

| Benefits                          | Phone Number   | Other                                                                                                                |
|-----------------------------------|----------------|----------------------------------------------------------------------------------------------------------------------|
| AFLAC                             | 1-304-671-0383 | <a href="mailto:Anna_Sommers@us.AFLAC.com">Anna_Sommers@us.AFLAC.com</a> ( <a href="#">Anna underscore Sommers</a> ) |
| BCBS Customer Service             | 1-888-809-9121 | <a href="http://www.highmarkbcbswv.com">www.highmarkbcbswv.com</a>                                                   |
| BCBS Prescription Service (MEDCO) | 1-800-820-9730 | Customer Service Agent                                                                                               |
| BCBS HRA Account                  | 1-800-634-4571 | Customer Service Agent                                                                                               |
| BCBS Help Line                    | 1-888-258-3428 | Nurse Line                                                                                                           |
| COBRA - EBS Remsco                | 1-315-671-9820 | <a href="mailto:JoAnne.Reith@ebsrmsco.com">JoAnne.Reith@ebsrmsco.com</a>                                             |
| Colonial Life                     | 1-540-463-7097 | <a href="mailto:Bruce.Gardner@coloniallife.com">Bruce.Gardner@coloniallife.com</a>                                   |
| Delta Dental                      | 1-800-932-0783 | <a href="#">Customer Service 8:00am - 8:00pm</a>                                                                     |
| Delta Dental - Claims Address     |                | PO Box 2105<br>Mechanicsburg, PA 17055                                                                               |
| Delta Dental - Provider Finder    |                | <a href="http://www.deltadentalins.com">www.deltadentalins.com</a>                                                   |
| EAP - Unicare                     | 1-800-865-1044 | <a href="http://www.unicare.com">www.unicare.com</a>                                                                 |
| Guardian Life Insurance           | 1-800-627-4200 | <a href="http://www.guardiananytime.com">www.guardiananytime.com</a>                                                 |
| Guardian Vision Insurance         | 1-800-627-4200 | <a href="http://www.guardiananytime.com">www.guardiananytime.com</a>                                                 |
| PERS - Retirement Plan            | 1-800-654-4406 | <a href="http://www.wvretirement.com">www.wvretirement.com</a>                                                       |
| DSRS - Deputy Retirement          | 1-800-654-4406 | <a href="http://www.wvretirement.com">www.wvretirement.com</a>                                                       |
|                                   |                |                                                                                                                      |
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If you have benefit issues, your first recourse should be to contact the provider. If you are unable to resolve your benefit issues you should contact Sally Gran for assistance.

AGENDA REQUEST FORM

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



Name: Pete Daugherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5min

Date Requested – 1<sup>st</sup> Choice: 5/2/2013

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):

Approve Hire of Two Bailiffs.

Please provide the County Commission with a description of your request or presentation, including any background information: There are two vacant Bailiff positions (formerly held by Robert James and George Mannings) we are seeking approval to fill these previously budgeted positions with Kathleen Hertelendy and John Grove.

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

I move to approve the hiring of Kathleen Hertelendy and John Grove to the position of Bailiff.

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

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

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

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 4/18/13 Date Needed ASAP

Job Title Baulliff/Trip Guard Salary 12.50/hr Criminal History Check  Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By Sheriff, Chief, Brunswick Position Reports To Brunswick

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

Budget Information

Addition  Replacement  Explain or For Whom George Mannings

Position Budgeted  Yes  No Proposed Salary 12.50/hr Date of Hire \_\_\_\_\_

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

Safety/Security  Hours Per Week \_\_\_\_\_

Approvals

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 4/18/2013 Date Needed ASAP

Job Title Bailiff/Trip Guard Salary 12.50/hr Criminal History Check  Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By Sheriff, Chief, Brunswick Position Reports To Brunswick

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

Budget Information

Addition  Replacement  Explain or For Whom Robert James

Position Budgeted  Yes  No Proposed Salary 12.50/hr Date of Hire \_\_\_\_\_

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

Safety/Security  Hours Per Week \_\_\_\_\_

Approvals

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

AGENDA REQUEST FORM

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



Name: Pete Daugherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5min

Date Requested – 1<sup>st</sup> Choice: 5/2/2013

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):

Approve hire of Administrative Assistant

Please provide the County Commission with a description of your request or presentation, including any background information: The JCSO has a position for Administrative Assistant II available. We would like to fill said position with hiring of Jennifer Lemon. This is a replacement of a budgeted position.

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

I move to approve the hire of Jennifer Lemon to the position of Administrative Assistant II.

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

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

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

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 4/18/13 Date Needed ASAP

Job Title Administrative Asst II Salary 25,600 Criminal History Check \_\_\_ Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By Sheriff, Chief, Hansen, Maloney Position Reports To Maloney / Hansen

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

Budget Information

Addition \_\_\_ Replacement  Explain or For Whom Shannon Travis

Position Budgeted  Yes \_\_\_ No Proposed Salary 25,600 Date of Hire 5/6/13

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

Safety/Security \_\_\_ Hours Per Week 35

Approvals

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

**AGENDA REQUEST FORM**

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



Name: Stephanie Grove

Department or Organization: Assistant Prosecuting Attorney

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 05/02/2013

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): Sheriff Department - Canine Handler back pay

Please provide the County Commission with a description of your request or presentation, including any background information: Previous approval of back pay for canine handlers requires revision of the authorized amount to be paid in addition to determining funding source. Original approval was for \$44,000.00 an additional \$15,300.00 which includes

Salary and benefits. Executive Session necessary,

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

Move to approve revised canine handler pack pay in the amount of \$59,300.00 with funding coming from

Are documents attachments? Yes \_\_\_\_\_ No  \_\_\_\_\_

If not, explain: \_\_\_\_\_

Is a projector needed? Yes \_\_\_\_\_ No  \_\_\_\_\_

Contact information:

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

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

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: May 2, 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 Resolution – Community Participation Grant Program for the Jefferson County Parks and Recreation in the amount of \$4,000 – Discussion/Action**

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

**Grant Resolution and application for the Governor's Community Participation Grant in the amount of \$4,000 for the Jefferson County Parks and Recreation Commission – Pass Through Grant**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
**Motion to approve Community Participation Grant Program Resolution for the Jefferson County Parks and Recreation in the amount of \$4,000 and to authorize the President of the Commission to affix his signature to the appropriate documents**

Are documents attachments? Yes **XX** No

If not, explain:

Is a projector needed? Yes No

Contact information:

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

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

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

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## **RESOLUTION**

The Jefferson County Commission met on the 2<sup>nd</sup> day of May, 2013 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Dale Manuel, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$4,000. This project is to assist the Jefferson County Parks and Recreation. The funds from this project will be used to purchase equipment for Youth Programs.

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

\_\_\_\_\_  
DALE MANUEL  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

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

13LEDA0436

# Community Participation Grant Program

Fiscal Year 2013

Deadline: April 30, 2013

Grantee: Jefferson County Commission  
Project Title: Jefferson County Parks and Rec - Equipment for Youth Programs

Project Number: 13LEDA0436  
Amount: \$4,000

## Section 1: Grantee (Local Governing Agency)

|                        |                             |         |                             |
|------------------------|-----------------------------|---------|-----------------------------|
| GOVERNING AGENCY NAME: | Jefferson County Commission |         |                             |
| CONTACT PERSON:        | Sandy McDonald              | E-MAIL: | sandy@jeffersoncountywv.org |
|                        |                             | PHONE:  | 304-728-3282                |

Yes  No Are funds requested for a nonprofit organization? If yes, complete Section 2.

## Section 2: Subgrantee (Nonprofit Organization)

|                         |                                     |          |                  |
|-------------------------|-------------------------------------|----------|------------------|
| NONPROFIT ORGANIZATION: | Jefferson County Parks & Recreation |          |                  |
| EXECUTIVE DIRECTOR:     | Jennifer Myers                      | E-MAIL:  | jmyers@jcprz.org |
| ADDRESS:                | 235 Sam Michaels Lane               | CITY:    | Shen Jct         |
|                         |                                     | ZIP:     | 25425            |
| PHONE:                  | 304-728-3207                        | WEBSITE: | www.jcprz.org    |

Federal nonprofit certification, 501 (c) determination letter from Internal Revenue Service is attached.  
 Mission statement, brochure, or web page explaining the organization's mission and services provided is attached.

## Section 3: Project Details

Describe in specific terms the scope of the work to be completed and the proposed use(s) of the grant funds. A separate sheet may be attached if additional space is needed.

|                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF PROJECT:                                                                                                                                            |
| Monies will be used to purchase supplies & equipment for preschool & youth programs; such as mats, basketball stantions, sporting equipment, and archery programs. |

## PROJECT LOCATION:

|                                                                                    |                                                     |
|------------------------------------------------------------------------------------|-----------------------------------------------------|
| OWNER OF PROJECT SITE, PROPERTY OR BUILDING:                                       | Jefferson County Commission                         |
| LOCATION AND ADDRESS WHERE GRANT FUNDS WILL BE USED (SUFFICIENT TO DRIVE TO SITE): | 235 Sam Michaels Lane, Shenandoah Junction WV 25442 |

Attach a copy of the property deed if project site(s) or building(s) are owned by a nonprofit organization. Application WILL NOT be processed without a deed.

## Section 4: Funding Summary

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

|                                  | AMOUNT  | SOURCE<br>GRANT, BANK LOAN,<br>FUNDRAISING, ETC. | STATUS<br>PENDING, APPROVED,<br>ONGOING, ETC. | DOCUMENTATION<br>LETTER, RESOLUTION,<br>ETC. |
|----------------------------------|---------|--------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| GRANT FUNDS REQUESTED            | \$ 4000 |                                                  |                                               |                                              |
| LOCAL FUNDS (10% REQUIRED MATCH) | \$ 400  | Operations                                       | Approved                                      | Letter                                       |
| OTHER FUNDS                      | \$ -    |                                                  |                                               |                                              |
| TOTAL PROJECT COST               | \$ 4400 |                                                  |                                               |                                              |

## Section 5: Assurances and Signature

**The Grantee hereby assures the State that it and any Subgrantee(s) shall comply with the following laws, regulations, policies, and requirements:**

1. The Grantee will perform the work for which the grant was made as determined by the State.
2. The Grantee will start work on the project before the end of the fiscal year in which the grant award is made.
3. The Grantee will comply with the equal employment provision of Titles VI and VII of the 1964 Civil Rights Act and Presidential Executive orders 11246 and 11375 in its hiring practices for work to be performed using grant funds.
4. The Grantee will solicit competitive bids on any major work element exceeding \$2,500 in cost as per West Virginia Purchasing Division procedures outlined in Section 3 of the Purchasing Division handbook, authorized by the WV Code of State Rules Title 148 Series 1.
5. The Grantee will comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A for all contracts, involving, but not limited to, construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work necessary for the undertaking and completion of the project, regardless of the source of funds utilized to pay such construction contracts. Bids for such contracts shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3.
6. The Grantee will pay State prevailing wage rates on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.
7. The Grantee shall obtain professional services, such as consulting, through a request for proposals. Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.
8. The Grantee assures no costs will be incurred or commitments made relative to a grant prior to the approval of this grant and execution of a contract with the State of West Virginia.
9. The Grantee assures project sites and buildings will be publicly owned or owned by a federally certified nonprofit organization. The use of grant funds at/for private property or private gain is prohibited.
10. The Grantee assures that any part of the project to be occupied by the general public will be made accessible to the handicapped.
11. The Grantee assures that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
12. The Grantee will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDEO or members of the State Legislature in any contracts awarded for work to be performed.
13. The Grantee will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The Grantee further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
14. The Grantee assures that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the grantee and abide by the assurances described in section 5 of this application.

Grantee: Jefferson County Commission

Project Number: 13LEDA0436

Project Title: Jefferson County Parks and Rec - Equipment for Youth Programs

Amount: \$4,000

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

**No application will be processed without the following documentation:**

- Application with Original Signature
- Resolution by Unit of Local Government
- Documentation of Local Match (Minimum 10 Percent)
- Current IRS 501(c) Determination Letter - Required for Nonprofit Organizations
- Current Certificate of Existence/Authorization from WV Secretary of State – Required for Nonprofit Organizations
- Deed to project site - Required if property is owned by a Nonprofit Organization

To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the grantee and any subgrantee will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia and in Section 5 of this application. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

Name:  Dale Manuel  Title:  President

Signature: \_\_\_\_\_ Date:  May 2, 2013   
**Mayor or County Commission President**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

Name:  Jennifer Myers  Title:  Director

Signature:  Jennifer Myers  Date:  4/13/13   
**Executive Director, Nonprofit Organization**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

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



Internal Revenue Service

Date: January 22, 2004

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

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

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

Dear Sir or Madam:

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

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

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

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

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

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

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

Jefferson County Parks & Recreation Commission  
55-0676727

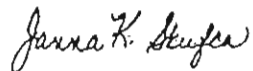
Sometimes governmental units are asked to provide proof of their status as part of a grant application. If your organization is applying for a grant from a private foundation, the foundation may be requesting certain information from your organization because of the restrictions imposed by the Code on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

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

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

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

Sincerely,



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

1804

THIS DEED, Made this 25 day of August, 1981, by and between THE STATE OF WEST VIRGINIA BY THE WEST VIRGINIA PUBLIC LAND CORPORATION, a public benefit corporation, Grantor, party of the first part, and THE JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA, Grantee, party of the second part;

WHEREAS, Samuel G. Michaels, by his will probated before the County Commission of Jefferson County, West Virginia, and of record in the Office of the Clerk of said county Commission in Will Book P, at page 42, devised to the State of West Virginia a certain interest in the hereinafter described property; and

WHEREAS, the Jefferson County Commission desires to purchase the hereinafter described parcel of land for the use and benefit of the citizens of Jefferson County and the public at large, and the State of West Virginia recognizing the benefits that will arise to its citizens and others by the development and use of the property by the Jefferson County Commission desires to transfer the property described below to the Jefferson County Commission pursuant to the provisions of West Virginia Code, 1931, as amended, Chapter 1, Article 5, Section 3, and Chapter 20, Article 1, Section 15; now therefore

## W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid by the party of the second part to the party of the first part, the receipt and sufficiency of all of which is hereby acknowledged, the party of the first part does hereby GRANT and CONVEY to the party of the second part all of their right, title and interest, together with the improvements thereon and the appurtenances thereunto belonging, in that tract of land located on the south side of W. Va. Secondary Route 22, being in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, designated tract No. 1, as shown upon that certain map entitled "Plat of Survey of Samuel G. Michaels Property, Situated in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, Containing 138.25 Acres By Survey and Being A Part of the Same Property Conveyed by William Engle, Trustee, to Samuel G. Michaels by Deed Dated April 1, 1874 - Deed Book C, Page <sup>125</sup>125," dated 1-29-76, approved by Samuel P. McClung, D.L.S. # 390, and more particularly bounded and described as follows:

Beginning at corner #1, a corner fence post in the southern right-of-way line of W.Va. Secondary Route 22 and a corner common to Robinson Ice and Storage Company, thence leaving said road right-of-way with a fence line common to Robinson Ice and Storage Company: S. 21° - 58' W. 2,843.52 feet to corner #2, a corner fence post; thence leaving Robinson Ice and Storage Company land and with a fence line common to William E. Walker, thence N. 84° - 13' W. 2,832.16 feet to corner #3, a corner fence post on or near the southern right-of-way of W.Va. Secondary Route 22 at the intersection of a private road leading onto the William E. Walker 89.66 acre tract; thence leaving William E. Walker land and with the southern right-of-way line of W.Va. Secondary Route 22 for the following calls: N. 25° - 00' E. 523.13 feet to a locust hub, N. 28° - 10' E. 140.44 feet to a locust hub, N. 37° - 14' E. 226.54 feet to a locust hub, N. 38° - 44' E. 929.40 feet to a locust hub, N. 46° - 44' E. 41.65 feet to a locust hub, N. 59° - 54' E. 42.23 feet to a locust hub, N. 68° - 39' E. 31.30 feet to a locust hub, N. 71° - 24' E. 504.88 feet to a locust hub, N. 69° - 34' E. 256.76 feet to a point in the southern right-of-way line, said point being 15 feet left of and at right angles to centerline station 23+00, thence southerly 25.00 feet to a point 40 feet left of and at right angles to centerline station 23+00, thence northeasterly 270.00 feet to a point 45 feet left of and at right angles to centerline station P.T. 20+30.28, thence northeasterly 385.00 feet to a point 40 feet left of and at right angles to centerline station P.T. 16+53.94, thence northeasterly 272.00 feet to a point 40 feet left of and at right angles to centerline station P.C. 13+45.61, thence N. 78° - 15' E. 245.61 feet to a point 40 feet left of and at right angles to centerline station 11+00, thence northeasterly 25.00 feet to a point 15 feet left of and at right angles to centerline station 11+00, thence N. 78° - 53' E. 913.58 feet to a locust hub, thence W. 70° - 17' E. 183.39 feet to the beginning, containing 137.424 acres, more or less, and being the same property conveyed by Samuel G. Michaels to the State of West Virginia by will dated September 22, 1972, and recorded in the Office of the Clerk of Jefferson County in Will Book "P" at page 42, minus 0.826 of an acre additional right-of-way conveyed by the State of West Virginia, Public Land Corporation to the West Virginia Department of Highways by deed dated September 2, 1977, and recorded in the Office of the Clerk of Jefferson County in Deed Book 431, at page 608.

The Grantor hereby reserves and excepts from this conveyance all oil, gas, coal and all other minerals lying and contained in, on, under or through the subject property together with the rights-of-ways and easements necessary to remove, recover and extract the same, except that the Grantor will not permit the placement of any oil or gas well on the surface of the subject property without the prior approval of the Grantee hereof, which approval shall not be arbitrarily or capriciously withheld.

The Grantor hereby covenants that it will WARRANT GENERALLY the property hereby conveyed and that the same is free and clear of all liens and encumbrances.

The subject property shall revert and become the property of the State of West Virginia for the use and benefit of the West Virginia Department of Natural Resources or its successors if the grantee fails to use the subject property for public recreational purposes.

The grantors hereby declare that this transfer is not subject to the excise tax on the transfer of real property as it is a transfer from the State of West Virginia to the Jefferson County Commission.

IN WITNESS WHEREOF the State of West Virginia by the PUBLIC LAND CORPORATION, a public benefit corporation, has caused its name to be signed to its corporate seal to be hereunto affixed by its proper officers thereunto duly authorized.

STATE OF WEST VIRGINIA by the  
PUBLIC LAND CORPORATION, a  
corporation.

By John A. Rockefeller IV  
Chairman

ATTEST:

Robert C. [Signature]  
Secretary

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, TO-WIT:

I, Sandra W. Lopinsky, a Notary Public within and for the County and State aforesaid, do certify that John A. Rockefeller IV, who signed the foregoing writing, bearing date on the 25 day of August, 1981, for the State of West Virginia by the Public Land Corporation, has this day in my said County, before me, acknowledged the said writing to be the act and deed of said corporation.

Given under my hand this 25 day of August, 1981.  
My commission expires: 2-1-89

Sandra W. Lopinsky  
NOTARY PUBLIC

This Instrument Prepared By:  
Robert D. Pollitt  
Assistant Attorney General

Approved as to form this 18  
DAY OF September 1981  
CHAUNCEY H. BROWNING  
ATTORNEY GENERAL  
BY Sandra W. Lopinsky  
ASSISTANT ATTORNEY GENERAL

WEST VIRGINIA PUBLIC LAND-CORPORATION  
SALE OF PROPERTY

ORDERED: That pursuant to Chapter 1, Article 5, Section 3, Code of West Virginia, 1931, as amended, the Board of Public Works does hereby approve the sale and transfer by the State of West Virginia by the West Virginia Public Land Corporation to the Jefferson County Commission a certain parcel or tract of land situate in Shepherdstown, Charles Town and Harpers Ferry Districts, Jefferson County, West Virginia, as more particularly described in the Deed to which this certificate is attached; for the sum of One Dollar (\$1.00).

STATE OF WEST VIRGINIA  
OFFICE OF THE SECRETARY OF STATE  
CHARLESTON

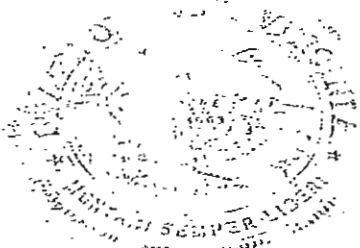
SS:

I, A. James Manchin, Secretary of State and Ex Officio Secretary of the Board of Public Works, do hereby certify that the foregoing is a true and correct copy of an Order entered by said Board on the

1st day of October, 1981.

Given under my hand this 1st day of October, 1981.

*[Signature]*  
A. James Manchin, Secretary of State and Ex Officio Secretary of The Board of Public Works



State of West Virginia, County of Jefferson, Sct.

IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

On DEC 16 1981, at 4:55 P.M., the foregoing

Deed of B. & S. was received in my said office and duly admitted to record.

Test,

John E. Ott  
Clerk of County Commission

\*\*\*\*\*

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: May 2, 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 Internal Budget Revision #110 - Circuit Clerk's Office - Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information: Budget revisions to add funds to the over budgeted line items - Contracted Services and Ads/Legal Publications

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
Motion to approve Internal Budget Revision #110 and to authorize the President to authorize his signature to the appropriate documents

Are documents attachments? Yes xxx No \_\_\_\_\_

If not, explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Is a projector needed? Yes \_\_\_\_\_ No xxx

Contact information:

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

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





STATE OF WEST VIRGINIA  
JEFFERSON COUNTY CIRCUIT/FAMILY COURT CLERK  
LAURA E. STORM  
P.O. BOX 1234  
CHARLES TOWN, WV 25414

304-728-3398 (Fax)

304-728-3231 (Phone)

TO: Debbie Keyser, County Administrator  
County Commission

FROM: Laura Storm, Circuit Clerk *Laura Storm*

DATE: April 17, 2013

RE: Budget Revisions

Please move the following account funds into my Contracted Services line item 001-403-02-230 to cover additional costs associated with my computer system.

|                                        |                  |
|----------------------------------------|------------------|
| 001-403-03-342 (Record Books)          | \$3553.19        |
| 001-403-03-353 (Computer Software)     | \$ 700.00        |
| 001-403-02-223 (Professional Services) | \$ 500.00        |
| 001-403-02-212 (Printing)              | \$ 100.00        |
| 001-403- 02-216 (Main/Rep-Equip)       | \$1000.00        |
| 001-403-02-214 (Travel)                | \$1000.00        |
| 001-403-02-221 (Train/Education)       | <u>\$1000.00</u> |
| Total                                  | <u>\$7853.19</u> |

Please also move \$35.00 from 001-403-02-216 (Main/Rep-Equip) to 001-403-02-220 (Ads/Legal Pubs) to cover the overage.

JEFFERSON COUNTY COMMISSION  
 STATEMENT OF EXPENDITURES, ENCUMBRANCES & APPROPRIATIONS  
 CIRCUIT CLERK  
 AS OF 03/2013

|                                                        | APPROPRIATIONS<br>(REVISED) | MONTH-TO-DATE<br>EXPENDITURES | YEAR-TO-DATE<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | UNENCUMBERED<br>BALANCE | EXPENDED and<br>ENCUMBERED % |
|--------------------------------------------------------|-----------------------------|-------------------------------|------------------------------|-----------------------------|-------------------------|------------------------------|
| 001-403-01-101-000-GG-000<br>CIR CLK OFFICIAL SALARY   | 55440.00                    | 4264.62                       | 42646.20                     |                             | 12793.80                | 76.92                        |
| 001-403-01-103-000-GG-000<br>CIR CLK SALARY AND WAGES  | 354232.17                   | 25709.06                      | 266822.90                    |                             | 87409.27                | 75.32                        |
| 001-403-01-104-000-GG-000<br>CIR CLK FICA EXPENSE      | 25771.68                    | 1770.88                       | 18582.83                     |                             | 7188.85                 | 72.10                        |
| 001-403-01-104-001-GG-000<br>CIR CLK MEDICARE EXPENSE  | 6027.25                     | 414.14                        | 4345.71                      |                             | 1681.54                 | 72.10                        |
| 001-403-01-105-000-GG-000<br>CIR CLK GROUP INSURANCE   | 113521.10                   | 8702.88                       | 83504.66                     |                             | 30016.44                | 73.55                        |
| 001-403-01-106-000-GG-000<br>CIR CLK RETIREMENT        | 57494.10                    | 4182.98                       | 43329.53                     |                             | 14164.57                | 75.36                        |
| 001-403-01-108-001-GG-000<br>CIR CLK OVERTIME          | 1000.00                     | 59.92                         | 380.22                       |                             | 619.78                  | 38.02                        |
| 001-403-01-108-002-GG-000<br>CIR CLK P-TIME/EXTRA HELP | 5000.00                     |                               | 2964.00                      |                             | 2036.00                 | 59.28                        |
| 001-403-02-212-000-GG-000<br>CIR CLK PRINTING          | 100.00                      |                               |                              |                             | 100.00                  |                              |
| 001-403-02-214-000-GG-000<br>CIR CLK TRAVEL            | 2300.00                     |                               | 638.71                       |                             | 1661.29                 | 27.77                        |
| 001-403-02-216-000-GG-000<br>CIR CLK MAIN/REP-EQUIPMNT | 5000.00                     |                               | 2365.17                      |                             | 2634.83                 | 47.30                        |
| 001-403-02-220-000-GG-000<br>CIR CLK ADS/LEGAL PUBS    | 100.00                      |                               | 135.00                       |                             | -35.00                  | 135.00                       |
| 001-403-02-221-000-GG-000<br>CIR CLK TRAIN/EDUCATION   | 1500.00                     | 199.00                        | 199.00                       |                             | 1301.00                 | 13.26                        |
| 001-403-02-222-000-GG-000<br>CIR CLK DUES/SUBSCRIPTION | 300.00                      |                               |                              |                             | 300.00                  |                              |
| 001-403-02-223-000-GG-000<br>CIR CLK PROF SERVICES     | 500.00                      |                               |                              |                             | 500.00                  |                              |
| 001-403-02-230-000-GG-000<br>CIR CLK CONTRCTD SERVICES | 12200.00                    | 2155.15                       | 13201.12                     | 1305.02                     | -2306.14                | 118.90                       |
| 001-403-03-341-000-GG-000<br>CIR CLK MATERIALS/SUPPLY  | 13000.00                    | 15.92                         | 10740.81                     |                             | 2259.19                 | 82.62                        |
| 001-403-03-342-000-GG-000<br>CIR CLK RECORD BOOKS      | 4000.00                     |                               | 446.81                       |                             | 3553.19                 | 11.17                        |
| 001-403-03-353-000-GG-000<br>CTR CLK COMPUTER SOFTWARE | 700.00                      |                               |                              |                             | 700.00                  |                              |
| TOTALS FOR GENERAL FUND                                | 658186.30                   | 47474.55                      | 490302.67                    | 1305.02                     | 166578.61               | 74.69                        |

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: May 2, 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 Internal Budget Revision #111 – County Clerk’s Office**

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 internal budget revision #111 for the County Clerk’s office**

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes No

Contact information:

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

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

**Internal Budget #111  
County Clerk's Office - 402**

This budget revision request is to move \$5,000 of available funds from County Clerk's part-time extra help line item to increase the County Clerk's overtime line item. The current charges to that expenditure line is over budget and needs to be funded in the amount stated to bring the budgeted allocation to a positive unexpended balance.

This is an internal budget adjustment and does not need to be sent to the State Auditor for approval.

Sandy Slusher McDonald  
Deputy County Administrator

Jefferson County, West Virginia  
 Department of Financial Management  
 Budget Revision for Fiscal Year Ending June 30, 2013

IRB III

| Budget Line No.           | Approved Budget | Requested Additions | Requested Reduction | Revised Budget |
|---------------------------|-----------------|---------------------|---------------------|----------------|
| 001-402-01-108-002-GG-000 | 5,000           |                     | 5,000               | 0              |
| 001-402-01-108-001-GG-000 | 4,500           | 5,000               |                     | 9,500          |
|                           |                 |                     |                     | 0              |
|                           |                 |                     |                     | 0              |
|                           |                 |                     |                     | 0              |
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|                           |                 |                     |                     | 0              |
|                           |                 |                     |                     | 0              |
| <b>Totals</b>             | <b>9,500</b>    | <b>5,000</b>        | <b>5,000</b>        | <b>9,500</b>   |

Name of requesting department: County Clerk Finance Dept.  
 Date Requested: 05/02/2013  
 Approving signature: *Laila Magaha for Jennifer Magaha*  
 Date Submitted to County Commission: 4-17-13  
 Date Approved: *Sandy McDonald*  
 Authorizing Signature: \_\_\_\_\_

Any request for a Budget Revision that is not an internal adjustment of current department budget funding must be submitted to the WV State Auditor's Office for approval before

Date Submitted to State Auditor's Office \_\_\_\_\_  
 Date Approved: \_\_\_\_\_  
 Authorizing Signature: \_\_\_\_\_

JEFFERSON COUNTY COMMISSION  
 STATEMENT OF EXPENDITURES, ENCUMBRANCES & APPROPRIATIONS  
 COUNTY CLERK  
 AS OF 03/2013

|                                                        | APPROPRIATIONS<br>(REVISED) | MONTH-TO-DATE<br>EXPENDITURES | YEAR-TO-DATE<br>EXPENDITURES | OUTSTANDING<br>ENCUMBRANCES | UNENCUMBERED<br>BALANCE | EXPENDED and<br>ENCUMBERED % |
|--------------------------------------------------------|-----------------------------|-------------------------------|------------------------------|-----------------------------|-------------------------|------------------------------|
| 001-402-01-101-000-GG-000<br>CO CLK OFFICIAL SALARY    | 55440.00                    | 4264.62                       | 42646.20                     |                             | 12793.80                | 76.92                        |
| 001-402-01-103-000-GG-000<br>CO CLK SALARY AND WAGES   | 498377.19                   | 35899.56                      | 375882.95                    |                             | 122494.24               | 75.42                        |
| 001-402-01-104-000-GG-000<br>CO CLK FICA EXPENSE       | 34925.66                    | 2426.23                       | 25449.34                     |                             | 9476.32                 | 72.86                        |
| 001-402-01-104-001-GG-000<br>CO CLK MEDICARE EXPENSE   | 8168.10                     | 567.46                        | 5952.17                      |                             | 2215.93                 | 72.87                        |
| 001-402-01-105-000-GG-000<br>CO CLK GROUP INSURANCE    | 142562.16                   | 11885.49                      | 106969.41                    |                             | 35592.75                | 75.03                        |
| 001-402-01-106-000-GG-000<br>CO CLK RETIREMENT         | 78164.41                    | 5525.17                       | 59006.37                     |                             | 19158.04                | 75.49                        |
| 001-402-01-108-001-GG-000<br>CO CLK OVERTIME           | 4500.00                     | 304.02                        | 4448.82                      |                             | 51.18                   | 98.86                        |
| 001-402-01-108-002-GG-000<br>CO CLK P/TIME/EXTRA HELP  | 5000.00                     |                               |                              |                             | 5000.00                 |                              |
| 001-402-02-212-000-GG-000<br>CO CLK PRINTING           | 1000.00                     |                               |                              |                             | 1000.00                 |                              |
| 001-402-02-214-000-GG-000<br>CO CLK TRAVEL             | 5000.00                     | 75.00                         | 1500.47                      |                             | 3499.53                 | 30.00                        |
| 001-402-02-216-000-GG-000<br>CO CLK MAIN/REP EQUIPMENT | 3500.00                     |                               |                              |                             | 3500.00                 |                              |
| 001-402-02-218-000-GG-000<br>CO CLK POSTAGE            | 200.00                      |                               |                              |                             | 200.00                  |                              |
| 001-402-02-220-000-GG-000<br>CO CLK ADS/LEGAL PUBS     | 5500.00                     |                               | 1619.90                      |                             | 3880.10                 | 29.45                        |
| 001-402-02-221-000-GG-000<br>CO CLK TRAIN/EDUCATION    | 6500.00                     | 15.00                         | 623.84                       |                             | 5876.16                 | 9.59                         |
| 001-402-02-222-000-GG-000<br>CO CLK DUES/SUBSCRIPTION  | 2300.00                     | 630.04                        | 913.82                       |                             | 1386.18                 | 39.73                        |
| 001-402-02-223-000-GG-000<br>CO CLK PROF SERVICES      | 3200.00                     |                               | 2500.00                      |                             | 700.00                  | 78.12                        |
| 001-402-02-230-000-GG-000<br>CO CLK CONTRACTED SERVICE | 39000.00                    | 7071.69                       | 31614.45                     | 6118.86                     | 1266.69                 | 96.75                        |
| 001-402-03-341-000-GG-000<br>CO CLK MAT/SUPPLIES       | 28000.00                    | 34.72                         | 5893.75                      | 4495.00                     | 17611.25                | 37.10                        |
| 001-402-03-342-000-GG-000<br>CO CLK RECORD BOOKS       | 5000.00                     |                               |                              |                             | 5000.00                 |                              |
| 001-402-03-349-000-GG-000<br>CO CLK CHGS BO GOV UNITS  | 800.00                      |                               |                              |                             | 800.00                  |                              |
| TOTALS FOR GENERAL FUND                                | 927137.52                   | 68699.00                      | 665021.49                    | 10613.86                    | 251502.17               | 72.87                        |

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: May 2, 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 to close inactive bank account – Discussion/Action

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

**Fund 068 bank account held with Bank of Charles Town (BCT) was created in 1998 which was used to reimburse unemployment compensation. The last check written from this account was 2005. The balance with interest is \$17,150. Currently, we pay Workforce WV Unemployment quarterly. The 4<sup>th</sup> quarter 2012 was paid in the amount of \$12,308.35 and the 1<sup>st</sup> quarter 2013 is \$5,059.03. These 2 quarters alone exceed the balance in fund 068. If approved, the check from fund 068 the check will be made payable to Sheriff of Jefferson County and will be put in account #001-382-MM-000 (refunds and reimbursements).**

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

**Motion to approve the closure of bank account with Bank of Charles Town fund 068 – unemployment compensation and to authorize the President of the Commission to affix his signature to the appropriate documents**

Are documents attachments? Yes            No

If not, explain:

Is a projector needed? Yes            No

Contact information:

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

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



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Dale Manuel*

VICE PRESIDENT  
*Walt Pellish*

COMMISSIONER  
*Jane Tabb*

COMMISSIONER  
*Patsy Noland*

COMMISSIONER  
*Lyn Widmyer*

**May 2, 2013**

**President  
Bank of Charles Town  
P.O. Box 906  
Charles Town, WV 25414**

Dear Sir:

At a regular meeting of the County Commission of Jefferson County, Thursday, May 2, 2013, the County Commission voted to close the Unemployment Compensation Account #3059642.

If you have any questions or need anything additional, please feel free to contact the Commission office at 304-728-3284.

Sincerely,

**Dale Manuel  
President  
Jefferson County Commission**

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

**Jefferson County, West Virginia  
Job Description**

|                        |                                  |                     |         |
|------------------------|----------------------------------|---------------------|---------|
| <b>Position Title:</b> | Director of Financial Management | <b>Grade Level:</b> | VII     |
| <b>Department</b>      | Finance                          | <b>Date:</b>        | 7/14/11 |
| <b>Reports to:</b>     | County Administrator             | <b>FLSA Status</b>  | Exempt  |

**Statement of Duties:** The Director of Financial Management is responsible for coordinating and supervising the County's financial planning (short and long-term), accounting, auditing and capital planning as well as serving as a liaison between the County Commissioners, Assessor, Sheriff's Tax Office, County Clerk and others involved in the fiscal operation of Jefferson County. Employee is required to perform all similar or related duties.

**Supervision Required:** Under the administrative direction of the County Administrator, the employee works from municipal policies and objectives, pertinent local bylaws, as well as State and Federal laws and regulations; employee establishes short and long-range plans and objectives for a major functional area of the County; established department performance standards and assumes direct accountability for department results. Consults with the County Administrator and Commissioners where clarification, interpretation, or exception to County policy or WV Code may be required. The employee exercises control in the development of departmental policies, goals, objectives and budgets. The employee is also expected to attempt to resolve all conflicts which arise and coordinate with others as necessary.

**Supervisory Responsibility:** Employee is accountable for the direction and success of financial services and programs accomplished through others. The Director is responsible for analyzing program objectives, determining the various work operations needed to achieve them, estimating the financial and staff resources required, allocating the available funds and staff, reporting periodically on the achievement and status of the program's objectives, and recommending new goals and/or objectives as necessary. The Director determines the department's organizational structure and operating policies and practices; formulates, prepares and defends budget and manpower requests and accounts for the effective use of funds and staff provided; coordinates program efforts within the Department and with other County departments; delegates authority to subordinates and holds them responsible for the performance of their unit's work; reviews work in terms of accomplishment of program objectives and progress reports, approves standards establishing quality and quantity of work; and assists or oversees the personnel function, including recommending hiring, disciplining, and training of employees.

Employee provides direct supervision over \_\_\_\_\_ ( ) full-time and \_\_\_ ( ) part-time employee who work at the same place and the same work shift. Work operations are subject to substantial cyclical or seasonal fluctuations in work procedures that can be planned for in advance.

**Confidentiality:** The employee has regular access at the County-wide level to a wide variety of confidential information, including official personnel files, criminal records/investigations, client records, and law suits, in accordance with the State Public Records Law.

**Accountability:** Consequences of errors, missed deadlines or poor judgment could result in

Finance Department  
Director of Financial Management  
4/5/2013

**Jefferson County, West Virginia**  
**Job Description**

adverse public relations, significant financial losses and/or legal repercussions to the County.

**Judgment:** Guidelines only provide limited guidance for performing the work. They may be in the form of administrative or organizational policies, generally accepted public financial management principles, local bylaws/ordinances, state or federal legislation or directives that pertain to a specific department or functional area. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the department or functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing financial operating policies.

**Complexity:** The work consists of employing many different concepts, theories, principles, techniques and practices relating to public finance. Assignments typically concern such matters as studying trends in the field for application to the work; assessing services and recommending improvements; planning long range projects; devising new techniques for application to the work, recommending policies, standards, or criteria to improve the effectiveness of financial operations of the County.

**Work Environment:** The work environment involves everyday discomforts typical of a county office setting subject to frequent interruptions. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. The employee is required to work beyond normal business hours in order to attend evening meetings or to attend County sponsored events.

**Nature and Purpose of Public Contact:** Relationships are constantly with co-workers, the public, news media, peers from other organizations, and with groups and/or individuals who have conflicting opinions or objectives, diverse points of view or differences where skillful negotiating and achieving compromise is required to secure support, concurrence and acceptance or compliance. Duties involve constant contact with local, state and federal government officials, community leaders and any other individuals to protect and promote not only a department's but also the County's overall interest. The employees must possess a high degree of diplomacy and judgment and must be able to work effectively with and influence all types of persons. The employee must have a well-developed sense of strategy and timing in representing the municipality effectively in critical and important situations which may influence the well-being of the County.

**Occupational Risk:** Risk exposure to the employee is similar to that found in a County office setting.

**Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

1. Develops, implements, and administers financial procedures and systems in accordance with local, state and federal laws and regulations.

**Jefferson County, West Virginia**  
**Job Description**

2. Directs employees in the processes and procedures for maintaining the County's financial records.
3. Responsible for developing accurate revenue and expenditure forecasts including the investment of County funds, cash management, and short and long-term debt financing.
4. Assists Department Heads in the management of County funds including the evaluation of changes requested.
5. Develops and monitors the County's annual operating and capital budgets and coordinates budgetary information with and other elected officials and department heads; amends budget as approved by Commissioners
6. Develops and updates a multiple year operating and capital budget.
7. Develops periodic financial and statistical reports regarding budget status including analysis of monthly closings and cash flow analysis and reports to Commissioners within a timely manner; meets with accountants, attorneys and others as required.
8. Develops and implements accounting and financial management policy and procedure.
9. Maintains a close continuing working relationship with the County Clerk's, Assessor's, and Sheriff's Tax offices and all departments with regard to financial management matters.
10. Identifies problem areas and takes immediate action to resolve issues, assuring a stable fiscal structure within the County.
11. Conducts fiscal research and provides assistance to Commissioners and staff regarding financial decision making and special projects.
12. Evaluates the County's financial position and issues periodic financial and operating reports for all departments, including grant in-aid agencies.
13. Assures compliance with all federal, state and local accounting principles, procedures and financial record-keeping requirements.
14. Manages the County's purchasing and inventory control procedures, and proposes recommendations as appropriate.
15. Develops a comprehensive management information master system plan and oversees the implementation and integration of the financial software within the County in cooperation with the County's outside MIS contractor or in-house operation.
16. Approves requests for changes, additions or deletions to the MIS system after consultation with the Commissioners.
17. Administers and monitors all vendor contracts to assure compliance and consistency with County goals and financial resources.
18. Establishes working relationship with vendors and develops procedures for verification and cost approval of purchases within the County.
19. Analyzes, consolidates, and directs all cost accounting procedures and prepares reports for County Commissioners.
20. Analyzes and conducts studies of economic, business and financial conditions and their impact on the County's revenue and capital investments.
21. Analyzes all contracts and/or projects for their financial impact prior to recommending same to the County Commissioners.
22. Institutes policies and procedures to assure maximum reimbursement from Federal/State funding sources for County programs.
23. Oversees property and casualty management including the reconciliation of all assets for capital and other financial reporting

**Jefferson County, West Virginia**  
**Job Description**

24. Participates in monthly Department Head meetings..
25. Participates in public forums and provides support to the County Administrator, County Commissioners as well as other County elected officials as requested.
26. Upon adoption of the annual budget, prepare a report for the public distribution that explains the budget in layman terms.

**Recommended Minimum Qualifications:**

**Education and Experience:** Bachelor's Degree in Finance or Accounting; seven to ten (7-10) years related work experience in a municipal setting with at least five (5) years in a supervisory level; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

**Special Requirements:** CPA preferred but not required. Class D Motor Vehicle Driver's License

**Knowledge, Abilities and Skill**

**Knowledge:** Thorough knowledge of the principles, practices, laws and regulations of government accounting, budget preparation and management techniques and practices and applicable financial or treasury provisions of the County and West Virginia General Laws including the investment of funds and the borrowing of short and long term debt financing government operations; working knowledge of computer applications for accounting and financial management. Knowledge of County government operations as well as pertinent County, State and Federal agencies. Knowledge of County budgeting techniques and practices as well as local, state and federal regulations and/or laws pertaining to local government financial operations. Working knowledge of financial operating software, information management, and automated accounting systems, the Internet, database management and spread sheet applications in support of the County's financial operations.

**Abilities:** Ability to analyze and interpret financial data and to present findings clearly in written and oral form; ability to establish and maintain cooperative relationships with County officials and other governmental representatives. Ability to function independently in a flexible manner and to establish and maintain effective working relationships with staff, vendors and disgruntled members of the public.

**Skill:** Proficient skill in working with numbers in an accurate and detailed manner; excellent analytical, oral, and written communication skills; must have excellent computer skills including demonstrated skill in use of business and automated municipal accounting and financial software applications. Must possess initiative and effective problem solving skills. Effective supervisory and interpersonal skills working with employees as well as local, state, and federal officials.

**Physical and Mental Requirements**

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.*

Finance Department  
Director of Financial Management  
4/5/2013

**Jefferson County, West Virginia**  
**Job Description**

**Physical Demands:** Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. The employee is occasionally required to lift objects such as books, office equipment, and paper.

**Motor Skills:** Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination such as operating a personal computer.

**Visual Demands:** Position requires the employee to constantly read documents, computer screens, and reports for understanding and analytical purposes. The employee is rarely required to determine color differences.



Lyn Widmyer, Commissioner • 1434 Cattail Run Road, Charles Town, WV 25414 • 304 -279-3201 • lynwidmyer@gmail.com

May 2 County Commission Meeting

TO: Jefferson County Commission

SUBJECT: Discussion of Job Description for Director of Financial Management

Since I will be out of town for discussion of this important topic, I have prepared a written summary of my concerns. Please find attached the recommended areas of change I suggested for the budget process that I prepared in May, 2009. I continue to support these changes.

The budget process needs improvement. The National Advisory Council on State and Local Budgeting identifies the following key characteristics of the budget process:

- Incorporates a long-term perspective
- Establishes linkages to broad organizational goals.
- Focuses budget decisions on results and outcomes;
- Involves and promotes effective communication with stakeholders.

**We should hire a Director of Financial Management who can develop a budget that has these characteristics.** Therefore, I suggest Statement of Duties be amended to include the following:

The Director of Financial Management is responsible for developing a budget that a) incorporates a long-term perspective, b) establishes linkages to broad organizational goals c) provides budget recommendations based on results and outcomes and d) promotes communications with stakeholders, including the public.

**We should hire a Director of Financial Management who can outline options for addressing short-term and long-term space needs.** I suggest the Statement of Duties be amended to include the following:

The Director of Financial Management shall provide for Commission review and approval a space needs program which will include: 1) a written analysis of existing and future (2-6 years) space needs 2) options for meeting those needs 3) fiscal implications for different alternatives.

**Essential Functions:**

I strongly support the following essential functions that are currently part of the job description:

6. Develops and updates a **multiple year operating** and capital budget.

17. Administers and monitors all vendor contracts...

20. Analyzes and conducts studies of economic, business and financial conditions and their impact on the County's revenues and capital investment.

22. Institutes policies and procedures to assure maximum reimbursement from federal/state funding sources for County programs.

26. Upon adoption of the annual budget, prepares a report for public distribution that explains the budget in layman terms.

## **JEFFERSON COUNTY BUDGET PROCESS:**

### Recommended areas of change

Prepared by Lyn Widmyer, County Commissioner, for the May 21, 2009 County Commission budget worksession

- 1. The budget should be performance based.** The whole purpose of the budget is to deliver services to the residents of Jefferson County in the most effective, efficient way possible. But current budget forms do not ask department heads to link budget requests to programs or to identify departmental service goals or to evaluate the success of programs already in place. This needs to be changed.
- 2. Budget deliberations should start in the fall.** The deadline for submitting the budget to the state is always March 29. The County Commission met three days a week during March to prepare the budget but I would have liked more time. Different revenue projections based on different assumptions about the economy should be prepared in late fall. This would give everyone from the public to department heads to elected officials a chance to understand and comment on different fiscal futures.
- 3. The public needs to be involved in setting budget priorities.** The budget process we followed this year failed to include public input.
- 4. The budget process should cover many years, not just one.** The state of West Virginia may only require a budget document for FY10 but Jefferson County should take a longer view. What are our budget priorities for the next 2 to 5 years? How will different revenue forecasts affect these priorities? How do we implement our long-term goals on a year by year basis?

## Teen Court Information

When the building was occupied by IT/Impact Fees electric is estimated at 229.30 per month and the water is 40.60 per mo. For four months the cost to the County would be approximately \$1,080 (full time usage).

Teen Court is requesting permission to use the building for four months and then both parties can re-evaluate their needs.

Teen court would have approximately 12 to 20 teens for a training session three times a week, usually in the evenings from 5:00 to 7:30 p.m.

The Teen Court Director and an attorney (or another adult) would be present at all sessions for training the teens.

The Teen Court works in conjunction with Drug Free Berkeley and Jefferson Prevention Group. The Drug Free Coordinator may also use the facility during the day as well as the Teen Court Coordinator. It is anticipated the building would be used 24 hours per week during the normal business working day.

If requested, Teen Court is willing to state the property in and outside the building is deemed to be non-smoking.

Parking for participants would be along the main street. There is no designated parking for the building. The County's parking lot can be used from 5:00 p.m. and after.

Microwave foods and snacks will be provided to the teens by Teen Court, which would utilize the kitchen facilities we have on the second floor.

Jefferson County would ensure smoke detectors are installed and in working condition, as well as two exits from the building.

Teen Court will be responsible for cleaning the facility from normal usage. Jefferson County will be responsible for general maintenance repair needed from normal wear and tear of the facility. Any damages resulting as an act from the occupant will be the occupant's responsibility.

The building is not ADA compliant, however, that does not seem to cause an issue with Teen Court as they can have a meeting at another facility if there is a teen needing accommodation.

The County Commission's files currently in storage in the building will be moved to a room and locked. Teen Court will need to ensure the County they will not allow access to the room by Teen Court participants.

United Way, the sponsor of Teen Court, is responsible for providing a copy of their insurance contract naming Jefferson County Commission as the insured.

The Teen Court Coordinator is responsible for ensuring the building is securely locked at the end of every session/use.

**Jefferson County Homeland Security and Emergency Management  
Quarterly Report to the Jefferson County Commission  
January-March, 2013**

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**Projects Completed:**

Community achieved StormReady Accreditation for the period 2013-2016 from the National Weather Service.

Arranged for NIMS ICS-300 and ICS-400 Training for local responders, dispatchers, and our PIO.

Attended WV Emergency Manager's Council meeting in January with State Director, Jimmy Gianato in Charleston. (Director Miller was re-elected as the Vice Chair of the group.)

Risk Assessment and Mitigation Plan (Update for 2013)-In Draft, sent to WV Division of Homeland Security and Emergency Management/Mitigation Division for review. After their approval, it will be sent to FEMA for review. Upon approval from FEMA, the draft will come back to the County Commission and municipalities for adoption of the plan.

Held meetings throughout the day and evening on February 11<sup>th</sup> for emergency responders and other stakeholders to kick off the Local Emergency Planning Committee's Hazardous Materials Plan to gather input from all groups.

EOC activation for the 2013 Presidential Inauguration (This day was also MLK holiday.)

EOC activation March 6 for predicted heavy snowfall (Snowstorm Saturn)

Participated in the VA Medical Center's planning meetings and Tabletop Exercise for their Project Newton Exercises.

Developed Departmental Budget (approved)

Annual Partnership Meeting held at Hollywood Casino on January 16<sup>th</sup>

Held 2 Business Continuity Planning Workshops at The Hampton Inn for local Businesses and Organizations.

Traveled to Sterling for required annual meeting with the National Weather Service Office (requirement for StormReady accreditation)

Mass Fatalities Conference October, 2013 (with JC Department of Health/LEPC)

Resilient Neighbors Network

Planning/Training/Exercise Calendar for 2013. (on-going)

**Things the County Commission Should be Aware of:**

Director will participate in an SNS (Strategic National Stockpile) review with the Jefferson County Health Department and representatives of the WV Department of Health and the state Threat Preparedness Coordinator on April 9

C.E.R.T. Training-Community Emergency Response Team training will be held beginning April 8 and continuing through May 2.

Director to participate in Envision Jefferson Public Safety Lunch-n-Learn on April 17 with the Planning Department at the Jefferson County Meeting Room at the Library.

Seeking grant funding to pay for Animals in Disaster pet shelter training.

Seeking grant funding for a Faith-Based / Volunteers Project.

The Jefferson County EOC will be activated for the VA Hospital's Full Scale Exercise on April 4, 2013.

The LEPC's Table Top Exercise will be held at the Jefferson County Maintenance Department meeting room on Friday evening, April 26 from 6-9 p.m.

WV Homeland Security Region 3 Exercises: Tabletop in May (Date TBA); Functional in July (Date TBA); and Full Scale on Saturday, September 14.

Quarterly Partnership Meeting will be held at The Anvil in Harpers Ferry on April 24

NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
PETITION TO INCORPORATE  
MANNINGS, WEST VIRGINIA as a CLASS IV TOWN

The County Commission of Jefferson County will hold a public hearing on Thursday, May 2, 2013 at 7:00 PM at the Blue Ridge Elementary School located 18666 Charles Town Road, Harpers Ferry, WV 25425. The purpose of the public hearing is to hear evidence for and against the proposed incorporation of Mannings, West Virginia as a Class IV Town and to determine whether the requirements of West Virginia Code sections 8-2-1 and 8-2-2 have been met. The petition for incorporation is filed under West Virginia Code 8-2-1 et seq.

The Petition for Incorporation and map of the territory to be incorporated may be reviewed during normal business hours at the following locations, Blue Ridge Grocery, 18619 Charles Town Road, Harpers Ferry, WV, the Office of the Jefferson County Commission, 124 E. Washington Street, Charles Town, WV, the Office of Jefferson County Clerk, Jefferson County Courthouse, 100 E Washington Street, Charles Town, WV. Information may also be found on the Mannings website at [manningswv.org](http://manningswv.org) and at the Jefferson County Commission website at [jeffersoncountywv.org](http://jeffersoncountywv.org).

Written comment may also be provided to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 or by email at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

In the event Jefferson County Schools are cancelled due to inclement weather, the meeting will be held at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Please call the County Commission office at 304.728.3284 if you have any questions regarding the location of the Public Hearing.

No decisions will be made at the public hearing.

By Order of The County Commission of Jefferson County  
Dale Manuel, President

To the County Commission of Jefferson County, West Virginia  
**PETITION TO INCORPORATE**  
**Mannings, West Virginia as a Class IV Town**

**WHEREAS, we the undersigned, at least thirty percent of the freeholders of properties in the hereinafter described Territory, said Territory entirely within Jefferson County, West Virginia, and entirely outside of any incorporated municipality, seek incorporation to obtain the advantages of municipal self-rule.**

**We respectfully petition to incorporate the said territory through process prescribed in WV Code Chapter 8, Art 2, Bounded as shown on the accompanying map, said map having been on public display at Blue Ridge General Store, Torlone's Pizza and Public Display Board in the proposed area of incorporation.**

**ACCORDINGLY, we respectfully petition the Honorable Commissioners of the Jefferson County Commission, compliant with WV Code Chapter 8-2, to schedule a public hearing not less than ten and not more than 30 days from March 21, 2013 and required public notification as a Class II legal advertisement.**

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AGENDA REQUEST FORM

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



Name: FRED BLACKMER

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

Estimation of amount of time needed for appointment: 30 minutes

Date Requested - 1<sup>st</sup> Choice: March 21, 2013

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

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

Documents and participation stated & scheduled

Subject (Wording to be placed on agenda):

MANNING PETITION FOR INCORPORATION

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

Re submission of Manning Incorporation Petition WITH ADDITIONAL INFORMATION

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

Schedule public hearing within 30 days

Are documents attachments?  Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information: FRED BLACKMER

Email address: fred@fredblackmer.com

Phone number: 304 536 3743

**True and accurate copy of original signature document previously submitted**

Verification and Review Update Included

Administrative Contact information regarding this application

Paul Ashbaugh  
1100 Chestnut Hill Road  
Harpers Ferry, WV 25425  
304.725.6754

and

Fred Blackmer  
9628 Moncove lake Road  
Gap Mills, WV 24941  
304.536.3743  
[mannings@fredblackmer.com](mailto:mannings@fredblackmer.com)

Additional Documents and Exhibits

On Request or On Line

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

# MANNINGS

West Virginia's Newest Town

June 20, 2013

County Locator Map

Plat

Vision Statement

Provision of Services

JC Municipal Data

Resident Q&A

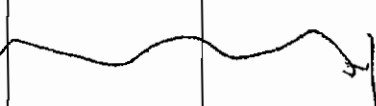
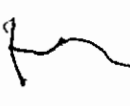
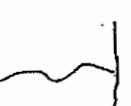



Lottery Information

Land Owner Petition

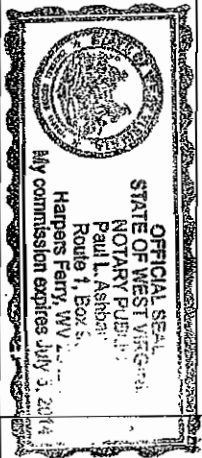
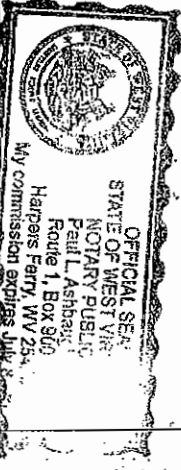
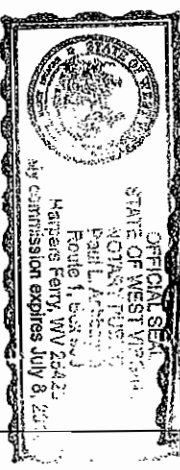


West Virginia Code Process

March 21, 2013

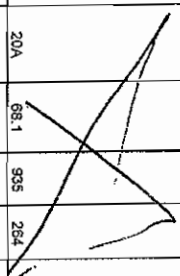
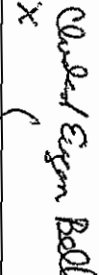
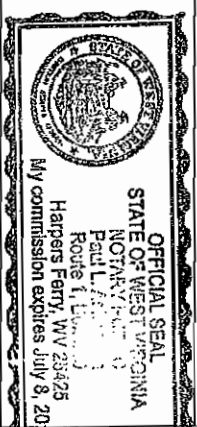
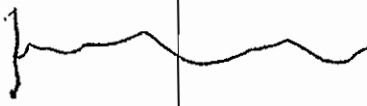
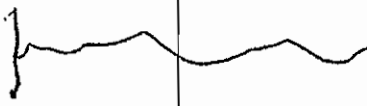
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL  | BK  | PG         | SIGNATURE                                                                          | DATE                                                                                                                                                                 | SEAL                                                                                |
|-----|----------------------|-----|------|-----|------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 41  | ACREE DARRELL        | 20A | 9    | 528 | 351<br>351 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |
| 43  | ACREE CAROL          | 20A | 7    | 553 | 107        |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |
| 66  | ACREE V. DARRELL III | 20A | 28   | 739 | 553        |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |
| 108 | AMLIN GREGORY A      | 20A | 68.2 | 424 | 276        |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 108 | AMLIN BARBARA B      | 20A | 68.2 | 424 | 276        |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |

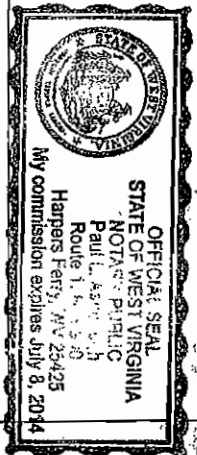

MANNINGS INCORPORATION PETITION TO THE JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL BK | PG  | SIGNATURE | DATE                                                                                                                                                                                                                                                                             | SEAL                                                                                  |
|-----|----------------------|-----|--------|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 122 | ARNOLD CHRISTOPHER L | 20A | 79     | 987 | 736       | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>29</u> by <u>April 2007</u><br/> My commission expires <u>3-2014</u><br/> <i>Paul L Ashbaugh</i><br/> Notary Public</p>                          |  |
| 122 | ARNOLD LEANNE        | 20A | 79     | 987 | 736       | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>29</u> by <u>April 2007</u><br/> My commission expires <u>3-2014</u><br/> <i>Leanne Arnold</i><br/> Notary Public</p>                            |  |
| 123 | ASHBAUGH JOSEPH D JR | 20A | 80     | 717 | 78        | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>17</u> by <u>Paul L Ashbaugh</u><br/> My commission expires <u>7-8-2014</u><br/> <i>Joseph D. Ashbaugh</i><br/> Notary Public</p>                |   |
| 9   | ASHBAUGH PAUL L      | 20  | 13     | 555 | 25        | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>12/16/08</u> by <u>Paul L Ashbaugh</u><br/> My commission expires <u>February 18, 2012</u><br/> <i>Paul L Ashbaugh</i><br/> Notary Public</p>    |    |
| 11  | ASHBAUGH DONNA K     | 20  | 14     | 555 | 25        | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>12/16/08</u> by <u>Donna K Ashbaugh</u><br/> My commission expires <u>February 18, 2012</u><br/> <i>Donna K. Ashbaugh</i><br/> Notary Public</p> |    |

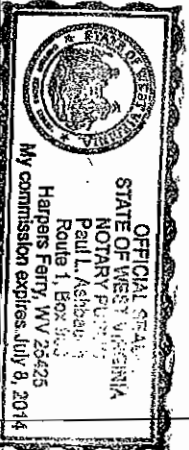
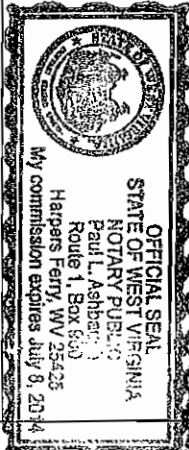
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                           | MAP | PCL  | BK   | PG  | SIGNATURE                                                                                           | DATE                                                                                                                                                | SEAL                                                                                 |
|-----|--------------------------------|-----|------|------|-----|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 107 | <del>BEAUFORT, M</del>         | 20A | 68.1 | 935  | 284 |                  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____ |                                                                                      |
| 26  | BELL CLEVELAND<br>EUGENE ET AL | 20  | 56   | WBII | 557 |  X<br>Eugene Bell | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____ |  |
| 26  | BELL CLEVELAND<br>EUGENE ET AL | 20  | 56   | WBII | 557 |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____ |                                                                                      |
| 26  | BELL CLEVELAND<br>EUGENE ET AL | 20  | 56   | WBII | 557 |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____ |                                                                                      |

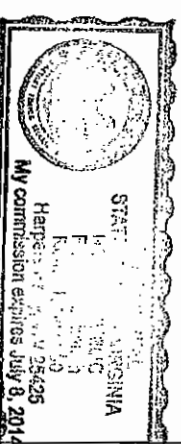
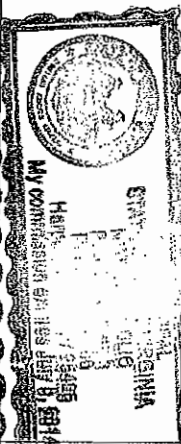
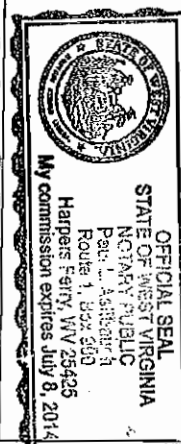
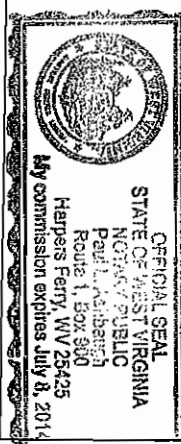
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                    | MAP | PCL | BK  | PG  | SIGNATURE                                           | DATE                                                                                                                                                                                                                                  | SEAL                                                                                  |
|-----|---------------------------------------------------------|-----|-----|-----|-----|-----------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 183 | BELL EVA MAY                                            | 218 | 20  | 482 | 728 | <i>Eva Bell</i>                                     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12th</u> day of <u>April</u> 2014.<br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i>        |  |
| 67  | BIGELOW JOHN K                                          | 20A | 19  | 986 | 433 | <i>John K. Bigelow</i>                              | Notary Public<br>STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>May</u> by <u>6-2007</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i> |    |
| 188 | <del>BOWEN GUY</del><br>Aronholt<br>Mark A.<br>Vicki L. | 21  | 24  | 948 | 375 | <i>Mark A. Aronholt</i><br><i>Vicki L. Aronholt</i> | Notary Public<br>STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                                                  |                                                                                       |
| 185 | BREEDEN CARRIE M                                        | 218 | 15  | 941 | 128 |                                                     | Notary Public<br>STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                                                  |                                                                                       |
| 170 | BROWN GWEN                                              | 21  | 59  | 992 | 37  |                                                     | Notary Public                                                                                                                                                                                                                         |                                                                                       |


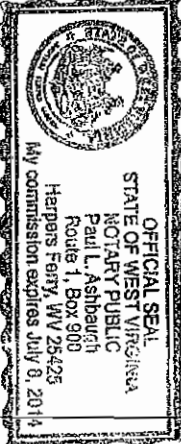
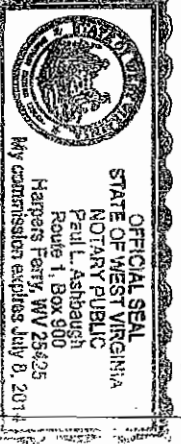
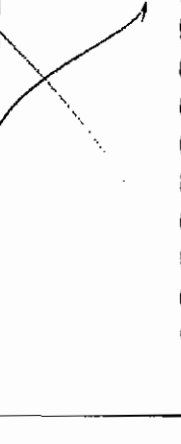
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME           | MAP | PCL | BK  | PG  | SIGNATURE           | DATE                                                                                                                                                                                                                                 | SEAL                                                                                 |
|-----|----------------|-----|-----|-----|-----|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 170 | BROWN SAMUEL   | 21  | 69  | 992 | 37  |                     | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p> <p>Notary Public _____</p>                                    |                                                                                      |
| 172 | BROWN ROBERT H | 21  | 61  | 992 | 473 | <i>Robert Brown</i> | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF <u>Jefferson</u></p> <p>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u></p> <p>My commission expires <u>July 8, 2014</u></p> <p>Notary Public _____</p> |  |
| 173 | BROWN SUSAN E  | 21  | 62  | 892 | 857 | <i>Susan Brown</i>  | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF <u>Jefferson</u></p> <p>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u></p> <p>My commission expires <u>July 8, 2014</u></p> <p>Notary Public _____</p> |   |
| 81  | BRUNNER HELEN  | 20A | 43  | 432 | 185 |                     | <p>Notary Public _____</p> <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p>                                    |                                                                                      |
| 82  | BRUNNER ROBERT | 20A | 44  | 408 | 94  | <i>Robert</i>       | <p>Notary Public _____</p> <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p>                                    |                                                                                      |

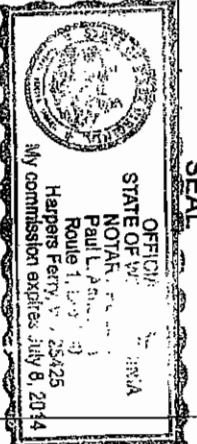
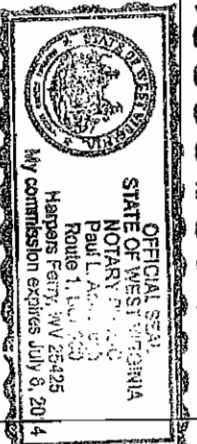
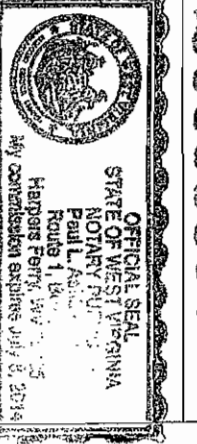
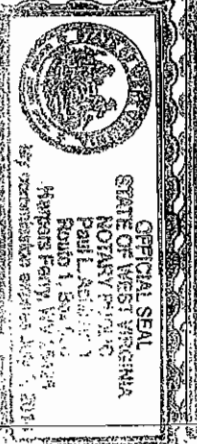
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME                             | MAP | PCL | BK  | PG  | SIGNATURE               | DATE                                                                                                                                                                                         | SEAL                                                                                 |
|----|----------------------------------|-----|-----|-----|-----|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 88 | Robert Joyce J<br><i>No page</i> | 20A | 46  | 427 | 271 | <i>Robert Joyce</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                         |                                                                                      |
| 94 | BURGESS SCOTT G<br><i>S</i>      | 20A | 56  | 929 | 811 | <i>Scott Burgess</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires _____<br>Notary Public    |  |
| 94 | KAREN L GRUBBS<br><i>a</i>       | 20A | 56  | 929 | 811 | <i>Karen L Grubbs</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires _____<br>Notary Public    |   |
| 90 | BUTCHER THOMAS A                 | 20A | 52  | 617 | 544 | <i>Thomas A Butcher</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Feb 19 2014</u><br>My commission expires _____<br>Notary Public |   |
| 90 | BUTCHER MARIA R                  | 20A | 52  | 617 | 544 | <i>Maria R Butcher</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Feb 19 2014</u><br>My commission expires _____<br>Notary Public |   |

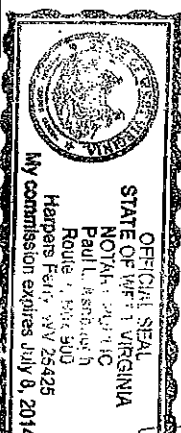
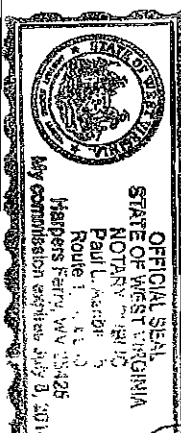
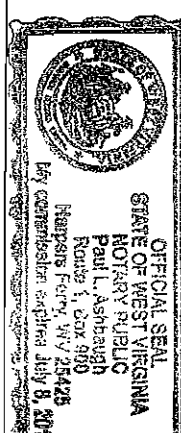
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                          | MAP | PCL | BK  | PG  | SIGNATURE                | DATE                                                                                                                                                                                                                                         | SEAL                                                                                  |
|-----|-----------------------------------------------|-----|-----|-----|-----|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 176 | BUTLER JEB DAVID<br><i>Linda L. Butler 10</i> | 21  | 84  | 953 | 169 | <i>Jeb D. Butler</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>20</u> by <u>Linda L. Butler</u><br>My commission expires <u>May 2007</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 127 | CARLSON TED J ET AL<br><i>11</i>              | 20A | 84  | 762 | 58  | <i>Ted J. Carlson</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>20</u> by <u>Mary 2007</u><br>My commission expires <u>May 2007</u><br><i>Paul L. Ashbaugh</i><br>Notary Public       |   |
| 127 | CARLSON TED J ET AL<br><i>L. Daniels</i>      | 20A | 84  | 762 | 58  | <i>Daniel S. Carlson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>20</u> by <u>May 20 2007</u><br>My commission expires <u>May 20 2007</u><br><i>Paul L. Ashbaugh</i><br>Notary Public  |    |
| 127 | CARLSON TED J ET AL                           | 20A | 84  | 762 | 58  | <i>[Signature]</i>       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                            |    |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                | MAP | PCL  | BK  | PG  | SIGNATURE                  | DATE                                                                                                                                                                                                                      | SEAL                                                                                  |
|-----|---------------------|-----|------|-----|-----|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
| 190 | CARPER GARLAND L JR | 21B | 19   | 797 | 325 | <i>X Garland L. Carper</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Aug - 2007</u><br>My commission expires <u>8-2014</u><br><i>Paul L. Adams</i><br>Notary Public  |  |
| 180 | CARPER CYNTHIA A    | 21B | 19   | 797 | 325 | <i>X Cynthia A. Carper</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Aug - 2007</u><br>My commission expires <u>8-2014</u><br><i>Paul L. Adams</i><br>Notary Public  |   |
| 145 | CARPER RONALD I     | 21  | 29.1 | 484 | 567 | <i>Ronald I. Carper</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>July - 2007</u><br>My commission expires <u>8-2014</u><br><i>Paul L. Adams</i><br>Notary Public |    |
| 145 | CARPER DONNA J      | 21  | 29.1 | 484 | 567 | <i>X Donna J. Carper</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>July - 2007</u><br>My commission expires <u>8-2014</u><br><i>Paul L. Adams</i><br>Notary Public |    |
| 20  | CARTER DAVID M      | 20  | 50   | 788 | 755 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                         |                                                                                       |

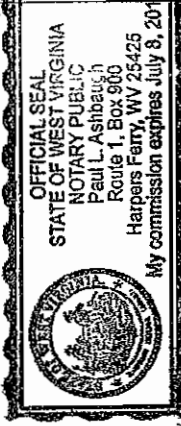


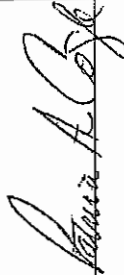
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                  | MAP | PCL  | BK   | PG  | SIGNATURE          | DATE                                                                                                                                                                                                                                     | SEAL                                                                                 |
|-----|-----------------------|-----|------|------|-----|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| 20  | CARTER TRIKANA T      | 20  | 50   | 788  | 753 |                    | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p> <p>Notary Public _____</p>                                        |                                                                                      |
| X   | 71 CHILDRESS KERMIT L | 20A | 33   | 908  | 266 | <i>[Signature]</i> | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF <u>Jefferson</u></p> <p>The foregoing instrument was acknowledged before me this _____ by <u>July 8, 2007</u></p> <p>My commission expires <u>July 8, 2014</u></p> <p>Notary Public _____</p> |  |
| X   | 71 CHILDRESS DIAN G   | 20A | 33   | 908  | 268 | <i>[Signature]</i> | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF <u>Jefferson</u></p> <p>The foregoing instrument was acknowledged before me this _____ by <u>July 8, 2007</u></p> <p>My commission expires <u>July 8, 2014</u></p> <p>Notary Public _____</p> |   |
| 154 | CLARK SCOTT A         | 21  | 38.2 | 1004 | 135 | <i>[Signature]</i> | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p> <p>Notary Public _____</p>                                        |   |
| 148 | CLINE JASON           | 21  | 28.4 | 950  | 130 |                    | <p>STATE OF WEST VIRGINIA</p> <p>COUNTY OF _____</p> <p>The foregoing instrument was acknowledged before me this _____ by _____</p> <p>My commission expires _____</p> <p>Notary Public _____</p>                                        |                                                                                      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                      | MAP | PCL | BK  | PG  | SIGNATURE                                       | DATE                                                                                                                                                                                                                                                                                   | SEAL |
|-----|-------------------------------------------|-----|-----|-----|-----|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 144 | Diave,<br>Cline, v                        | 21  | 29  | 428 | 116 | <i>Deane C. Cline</i><br><i>Melvin W. Cline</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <i>8</i> day of <i>July</i> <i>2007</i><br>by <i>Deane C. Cline</i><br><i>Melvin W. Cline</i><br>My commission expires <i>July 8, 2014</i><br>Notary Public           |      |
| 167 | CLIFF ROLAND S                            | 21  | 55  | 778 | 626 | <i>[Signature]</i>                              | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ day of _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                   |      |
| 164 | <i>17</i><br>CLIFF MARGARET R             | 21  | 46  | 237 | 405 | <i>Margaret R. Cliff</i>                        | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <i>8</i> day of <i>July</i> <i>2014</i><br>by <i>Margaret R. Cliff</i><br>My commission expires <i>July 8, 2014</i><br>Notary Public                                  |      |
| 8   | <i>Dec'd</i><br><del>COGLEY KATHY M</del> | 20  | 12  | 407 | 601 | <i>[Signature]</i>                              | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ day of _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                   |      |
| 8   | <i>106</i><br>COGLEY KATHY M              | 20  | 12  | 407 | 601 | <i>Kathy Cogley</i>                             | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <i>12-15-08</i> day of <i>December</i> <i>2008</i><br>by <i>Kathy Cogley</i><br><i>Paul L. Ashbaugh</i><br>My commission expires <i>July 8, 2014</i><br>Notary Public |      |

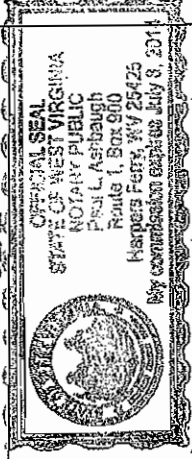
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME             | MAP | PCL  | BK   | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                                    | SEAL                                                                               |
|----|------------------|-----|------|------|-----|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
|    |                  |     |      |      |     |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                     |                                                                                    |
| 14 | COGLE GARRY W SR | 20  | 48.2 | 485  | 566 |                                                                                      | Notary Public                                                                                                                                                                           |                                                                                    |
|    |                  |     |      |      |     |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                     |                                                                                    |
| 14 | COGLE BRENDA G   | 20  | 48.2 | 485  | 566 |                                                                                      | Notary Public                                                                                                                                                                           |                                                                                    |
|    |                  |     |      |      |     |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u> |   |
| 17 | COGLE GLENN S    | 20  | 48.5 | 985  | 308 |   | Notary Public                                                                                                                                                                           |                                                                                    |
|    |                  |     |      |      |     |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u> |  |
| 17 | COGLE PATRICIA A | 20  | 48.5 | 985  | 308 |  | Notary Public                                                                                                                                                                           |                                                                                    |
|    |                  |     |      |      |     |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____                                     |                                                                                    |
| 13 | COGLE TIMOTHY E  | 20  | 48.1 | WB 9 | 86  |                                                                                      | Notary Public                                                                                                                                                                           |                                                                                    |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                 | MAP | PCL  | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                                    | SEAL |
|-----|--------------------------------------|-----|------|-----|-----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 13  | COGLE SARAH L<br><i>SP</i>           | 20  | 48.1 | 439 | 388 | <i>Sarah Cogle</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |      |
| 14  | <i>Amy D. Cogle</i><br>COGLE A       |     |      |     |     | <i>Amy D. Cogle</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |      |
| 15  | COGLE VICTOR L                       | 20  | 48.4 | 434 | 394 | <i>Victor Cogle</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                         |      |
| 15  | COGLE WILLIAM G<br><i>Same above</i> | 20  | 48.3 | 465 | 553 | <i>William G Cogle</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                    |      |
| 15  | COGLE SHARON L<br><i>SP</i>          | 20  | 48.3 | 465 | 553 | <i>Sharon Cogle</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <u>22</u> by <u>July 2007</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |      |
| 152 | COOK CYNTHIA D<br><i>Cynthi Cook</i> | 21  | 22.2 | 821 | 555 | <i>Cynthi Cook</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                         |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                | MAP | PCL  | BK  | PG  | SIGNATURE            | DATE                                                                                                                                                                                                                                                    | SEAL                                                                              |
|-----|---------------------|-----|------|-----|-----|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 133 | COOK TEDDY R        | 21  | 22.3 | 821 | 555 | <i>Teddy R. Cook</i> | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>Jefferson</u><br/> The foregoing instrument was acknowledged before me this<br/> <u>17</u> by <u>J.H. - 2007</u><br/> My commission expires <u>7-14-2014</u><br/> <i>[Signature]</i><br/> Notary Public</p> |  |
| 31  | COOPER ROY F JR     | 20  | 58.3 | 453 | 18  |                      | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this<br/> by _____<br/> My commission expires _____<br/> Notary Public</p>                                                                      |                                                                                   |
| 31  | COOPER CAROLYN F    | 20  | 58.3 | 453 | 18  |                      | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this<br/> by _____<br/> My commission expires _____<br/> Notary Public</p>                                                                      |                                                                                   |
| 29  | COOPER ROY FRANK    | 20  | 59.1 | 693 | 23  |                      | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this<br/> by _____<br/> My commission expires _____<br/> Notary Public</p>                                                                      |                                                                                   |
| 28  | COOPER ROY FRANK SR | 20  | 59   | 453 | 18  |                      | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this<br/> by _____<br/> My commission expires _____<br/> Notary Public</p>                                                                      |                                                                                   |

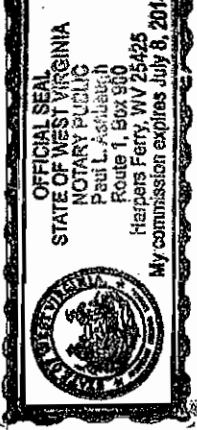
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                | DATE                                                                                                                                                                                                                                         | SEAL |
|-----|--------------------|-----|------|-----|-----|--------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 93  | DAVIS CLIFFORD G   | 20A | 55   | 871 | 20  | <i>Clifford G. Davis</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> day of <u>June</u> <u>2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Hoffer</i><br>Notary Public |      |
| 93  | DAVIS MARGARET L   | 20A | 55   | 871 | 20  | <i>Margaret L. Davis</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>10</u> day of <u>June</u> <u>2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Hoffer</i><br>Notary Public |      |
| 191 | DESKINS STEVEN P   | 21B | 19.1 | 959 | 322 | <i>Steven P. Deskins</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>7</u> day of <u>July</u> <u>2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Hoffer</i><br>Notary Public  |      |
| 191 | DESKINS GAIL M     | 21B | 19.1 | 959 | 322 | <i>Gail M. Deskins</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>7</u> day of <u>July</u> <u>2007</u><br>My commission expires <u>7/8/2014</u><br><i>Paul P. Hoffer</i><br>Notary Public  |      |
| 178 | DILLOW ELWOOD S JR | 21B | 8.1  | 295 | 320 |                          | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ day of _____ 2007<br>My commission expires _____<br>_____<br>Notary Public                                                       |      |


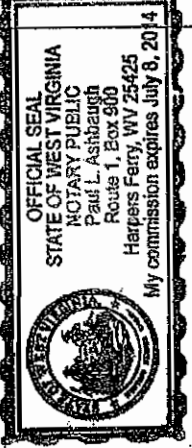
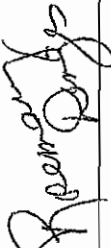
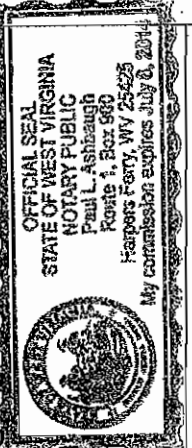



MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                     | MAP | PCL  | BK  | PG   | SIGNATURE | DATE                                                                                                                                                                                               | SEAL |
|-----|------------------------------------------|-----|------|-----|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 219 | DILLOW JERRY L                           | 21B | 44.2 | 942 | 90   |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                         |      |
| 212 | DILLOW JERRY L SR                        | 21B | 41.1 | 948 | 253  |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Aug 15 2014</u><br>My commission expires _____<br>Notary Public _____ |      |
| 216 | DILLOW JERRY L SR                        | 21B | 42.1 | 948 | 253  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                         |      |
| 195 | DILLOW JERRY LEE                         | 21B | 26   | 979 | 587  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                         |      |
| 195 | <u>Paul L. Dillow</u><br><u>Ashbaugh</u> | 21B | 23   | 133 | 0052 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                         |      |

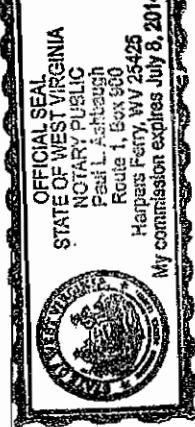
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                              | MAP | PCL BK | PG  | SIGNATURE                   | DATE                                                                                                                                                                                                                               | SEAL                                                                                |
|-----|-----------------------------------|-----|--------|-----|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 208 | <i>Paul + Donna Ashbaugh</i>      | 21B | 38     | 265 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                               |                                                                                     |
| 218 | <i>DILLOW ROGER FRANKLIN</i>      | 21B | 44     | 942 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                               |                                                                                     |
| 188 | DILLOW RONALD C                   | 21B | 25     | 978 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                               |                                                                                     |
| 197 | DILLOW RONALD C SR                | 21B | 24     | 982 |                             | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                               |                                                                                     |
| 215 | <i>of</i><br>DILLOW STELLA LOUISE | 21B | 42     | 940 | <i>Stella Louise Dillow</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <i>Jefferson</i><br>The foregoing instrument was acknowledged before me this <i>17 June 2007</i> by <i>Paul + Donna Ashbaugh</i><br>My commission expires <i>July 8, 2014</i><br>Notary Public |  |

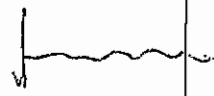
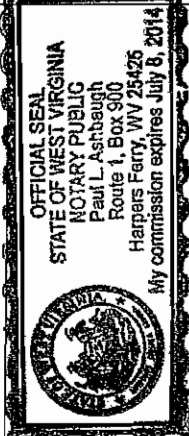

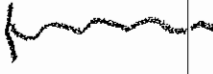
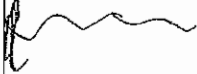
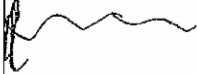
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME             | MAP | PCL | BK  | PG   | SIGNATURE                                                                             | DATE                                                                                                                                                                                                  | SEAL                                                                              |
|-----|------------------|-----|-----|-----|------|---------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 104 | DINGES CHARLES R | 20A | 66  | 459 | 0014 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u><br>Notary Public |  |
| 105 | DINGES ROSEMARY  | 20A | 67  | 459 | 0014 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>June 2007</u><br>My commission expires <u>July 8, 2014</u><br>Notary Public |  |
| 61  | DOUGLAS GORDON A | 20A | 22  | 936 | 74   |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |
| 61  | DOUGLAS GORDON A | 20A | 22  | 936 | 74   |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |
| 186 | REWEL STANLEY S  | 21B | 16  | 933 | 45   |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                      | MAP | PCL | BK   | PG  | SIGNATURE                 | DATE                                                                                                                                                                                                                             | SEAL                                                                                |
|-----|-----------------------------------------------------------|-----|-----|------|-----|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 186 | <i>Patricia</i><br>FEWELL PATRICIA L<br><i>Stawley S.</i> | 21B | 16  | 933  | 45  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 3   | FIRST BORN<br>PENTECOSTAL CHURCH                          | 20  | 9.2 | 682  | 96  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 4   | FIRST BORN<br>PENTECOSTAL CHURCH                          | 20  | 9.3 | 682  | 94  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |                                                                                     |
| 73  | FISHER ROBERT<br><i>RF</i>                                | 20A | 35  | 666  | 365 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                             |  |
| 7   | FLORIAN DEBORAH A                                         | 20  | 11  | 1008 | 435 | <i>Deborah A. Florian</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>June 2007</u><br>My commission expires <u>June 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |                                                                                     |






MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK   | PG  | SIGNATURE                                                                             | DATE                                                                                                                                                                                  | SEAL                                                                              |
|-----|--------------------|-----|------|------|-----|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 136 | FRALEY RONALD W SR | 21  | 23.1 | 796  | 410 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>JEFFERSON</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |  |
| 138 | FRALEY JOYCE L     | 21  | 23.1 | 796  | 410 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>JEFFERSON</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                   |
| 254 | FRAZIER WILLIAM    | 21C | 26   | 941  | 548 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____            |                                                                                   |
| 254 | FRAZIER SANDY      | 21C | 26   | 941  | 548 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____            |                                                                                   |
| 125 | GAGNON GREGORY R   | 20A | 82   | 1008 | 524 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____            |                                                                                   |


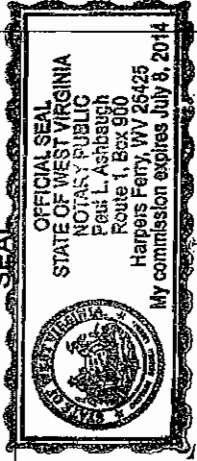




MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                              | MAP | PCL | BK   | PG  | SIGNATURE          | DATE                                                                                                                                                                                                                                 | SEAL                                                                                                                                                              |
|-----|---------------------------------------------------|-----|-----|------|-----|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 125 | <i>MD</i><br>GAGNON LISA M                        | 20A | 82  | 1006 | 524 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>17</u> by <u>June 22 2007</u><br>My commission expires <u>7-8-2014</u><br><i>[Signature]</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 12  | <i>MI</i><br>GIBSON ROYCE                         | 20  | 15  | 957  | 152 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>6</u> by <u>May 2007</u><br>My commission expires <u>7-8-2014</u><br><i>[Signature]</i><br>Notary Public      | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 75  | GILKESON SAMUEL T III                             | 20A | 37  | 981  | 628 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                    |                                                                                                                                                                   |
| 76  | GILKESON KAREN S                                  | 20A | 37  | 981  | 628 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                    |                                                                                                                                                                   |
| 232 | <i>MD</i><br>Davis<br>Charlo T. A.<br>GILL JOHN E | 21C | 6   | 818  | 370 | <i>[Signature]</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>24</u> by <u>June 2007</u><br>My commission expires <u>7-8-2014</u><br><i>[Signature]</i><br>Notary Public    | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE                | DATE                                                                                                                                                                     | SEAL                                                                              |
|-----|-------------------|-----|-----|------|-----|--------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 235 | GILL JOHN ELLWOOD | 21C | 7.2 | 946  | 26  | <i>John Ellwood</i>      | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 161 | GRAY MARY J       | 21  | 44  | WB T | 182 | <i>Mary J Gray</i>       | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 169 | GROVE JACKIE E SR | 21  | 58  | 942  | 291 | <i>Jackie E Grove</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 169 | GROVE SHARON M    | 21  | 58  | 942  | 291 | <i>Sharon M Grove</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 239 | HARDING WARREN D  | 21C | 8   | 470  | 726 | <i>Warren D. Harding</i> | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

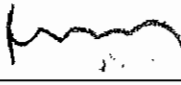
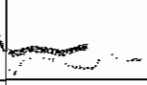


| #   | NAME               | MAP | PCL | BK   | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                                                                                                                                               | SEAL                                                                              |
|-----|--------------------|-----|-----|------|-----|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 288 | HARDING VICKY LYNN | 21C | 8   | 470  | 726 |   | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF <u>LINCOLN</u><br/> The foregoing instrument was acknowledged before me this <u>10</u> day of <u>August</u> <u>2014</u><br/> by <u>Vicky Lynn Harding</u><br/> My commission expires <u>July 8, 2014</u></p> <p><i>[Signature]</i><br/> Notary Public</p> |  |
| 196 | HARDY FRANK E SR   | 21B | 22  | 1001 | 683 |   | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>_____<br/> Notary Public</p>                                                                                                   |                                                                                   |
| 196 | HARDY DIANE L      | 21B | 22  | 1001 | 683 |  | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>_____<br/> Notary Public</p>                                                                                                   |                                                                                   |
| 87  | HIERS THEODORE D   | 20A | 49  | 811  | 78  |  | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>_____<br/> Notary Public</p>                                                                                                   |                                                                                   |
| 87  | HIERS MARILYN J    | 20A | 49  | 811  | 78  |  | <p>STATE OF WEST VIRGINIA<br/> COUNTY OF _____<br/> The foregoing instrument was acknowledged before me this _____ by _____<br/> My commission expires _____</p> <p>_____<br/> Notary Public</p>                                                                                                   |                                                                                   |

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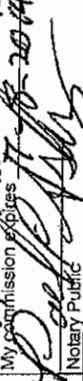

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                           | MAP | PCL BK | PG   | SIGNATURE | DATE                                                                                                                                                                                                                                            | SEAL |
|-----|--------------------------------|-----|--------|------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 54  | HOLLAND DARREN M               | 20A | 16     | 941  | 700       | <p>STATE OF WEST VIRGINIA<br/>COUNTY OF <u>Jefferson</u><br/>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br/>My commission expires <u>7-8-2014</u><br/><i>Darrell Hostler</i><br/>Notary Public</p>   |      |
| 55  | HOLLAND KATHLEEN M             | 20A | 17     | 941  | 700       | <p>STATE OF WEST VIRGINIA<br/>COUNTY OF <u>Jefferson</u><br/>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br/>My commission expires <u>7-8-2014</u><br/><i>Darrell Hostler</i><br/>Notary Public</p>   |      |
| 114 | HOSTLER JERRY L                | 20A | 72.1   | 836  | 117       | <p>STATE OF WEST VIRGINIA<br/>COUNTY OF <u>Jefferson</u><br/>The foregoing instrument was acknowledged before me this <u>3</u> by <u>June 2007</u><br/>My commission expires <u>7-8-2014</u><br/><i>Darrell Hostler</i><br/>Notary Public</p>   |      |
| 114 | HOSTLER BEVERLY K              | 20A | 72.1   | 836  | 117       | <p>STATE OF WEST VIRGINIA<br/>COUNTY OF <u>Jefferson</u><br/>The foregoing instrument was acknowledged before me this _____ by _____<br/>My commission expires _____<br/>Notary Public</p>                                                      |      |
| 113 | Hostler<br>Roland K<br>Hostler | 20A | 72     | WB W | 115       | <p>STATE OF WEST VIRGINIA<br/>COUNTY OF <u>Jefferson</u><br/>The foregoing instrument was acknowledged before me this <u>12-2-08</u> by <u>Paul L. Ashburn</u><br/>My commission expires _____<br/><i>Darrell Hostler</i><br/>Notary Public</p> |      |

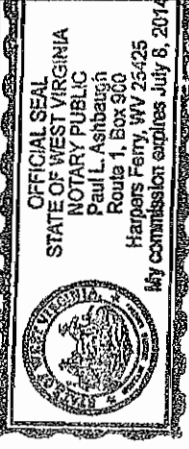
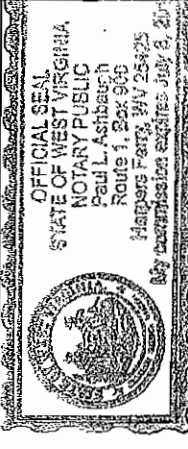
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                              | MAP | PCL  | BK  | PG  | SIGNATURE                                                                             | DATE                                                                                                                                                                                                          | SEAL                                                                                |
|-----|---------------------------------------------------|-----|------|-----|-----|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 102 | HOSTLER NORMAN H                                  | 20A | 64   | 295 | 101 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                     |
| 102 | HOSTLER LOIS M                                    | 20A | 64   | 295 | 101 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                     |
|     | HOSTLER R LEROY &<br>ROSIE<br>58 C/O ANNIE MARINE | 20A | 20   | 402 | 179 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                     |
|     | HOSTLER RAYMOND R<br>EST<br>112 %ANNIE MARINE     | 20A | 71   | 206 | 318 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                          |                                                                                     |
| 137 | HOUGH JAMES H                                     | 21  | 23-2 | 928 | 419 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>17</u> by <u>James H. Hough</u><br>My commission expires <u>8-8-2014</u><br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                                                                                                                                                                                                                                                                                                                                                                                        | DATE                                                                              | SEAL |
|-----|--------------------|-----|------|-----|-----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|------|
| 137 | HOUGH SHELLY S     | 21  | 23.2 | 928 | 416 | <br>STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>17 <sup>th</sup> by <u>Shelly S. Hough</u><br>My commission expires <u>11-16-2014</u><br><br>Notary Public |  |      |
| 242 | HOWELL MELISSA     | 21C | 14   | 985 | 684 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                                                                                                                                          |                                                                                   |      |
| 91  | HUTTO GEORGE DAVID | 20A | 53   | 819 | 544 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                                                                                                                                          |                                                                                   |      |
| 91  | HUTTO KAREN L      | 20A | 53   | 819 | 544 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                                                                                                                                          |                                                                                   |      |
| 98  | JACOBSON SHIRLEY B | 20A | 60   | 643 | 135 | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                                                                                                                                          |                                                                                   |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                  | MAP | PCL  | BK   | PG  | SIGNATURE          | DATE                                                                                                                                                                                                      | SEAL                                                                               |
|-----|---------------------------------------|-----|------|------|-----|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 186 | JEFFERSON COUNTY BOARD OF EDUCATION   | 21  | 98.2 | 541  | 702 |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                |                                                                                    |
| 237 | JENKINS LESTER W<br>C/O JOANNE WAINES | 21C | 9    | 298  | 41  |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                |                                                                                    |
| 189 | <b>39</b><br>JOHNSON PRESTEENT        | 21B | 18   | 941  | 398 | <i>X Patterson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires <u>4-8-2014</u><br>Notary Public _____ |   |
| 189 | JOHNSON KERRA J                       | 21B | 18   | 941  | 398 | <i>X Patterson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires <u>4-8-2014</u><br>Notary Public _____ |  |
| 126 | KAETZEL MARK A                        | 20A | 83   | 5008 | 477 |                    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                |                                                                                    |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME           | MAP | PCL | BK   | PG  | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|----------------|-----|-----|------|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 128 | KAETZEL LISA J | 20A | 83  | 1008 | 477 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 128 | KIRSCH JOHN T  | 21  | 18  | 857  | 555 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 128 | KIRSCH JULIE L | 21  | 18  | 857  | 565 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 86  | KOVACH FRANK L | 20A | 48  | 872  | 404 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 86  | KOVACH SANDY A | 20A | 48  | 872  | 404 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

3

02

15

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

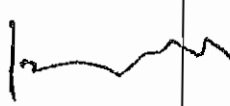

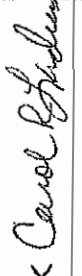

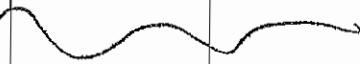

| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|-------------------|-----|-----|------|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 131 | KUEBBELER FRANKA  | 21  | 22  | 985  | 531 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 131 | KUEBBELER DONNA J | 21  | 22  | 985  | 531 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 158 | LALLY JESSIE      | 21  | 41  | WBII | 478 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 72  | LAMBERT DAVID H   | 20A | 34  | 1010 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 72  | LAMBERT LAURIE A  | 20A | 34  | 1010 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

5

26




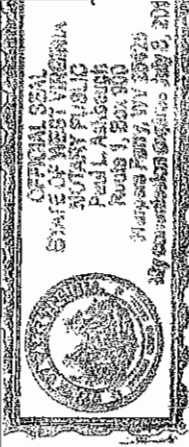

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                          | MAP | PCL  | BK  | PG  | SIGNATURE                                                                             | DATE                                                                                                                                                                                           | SEAL                                                                              |
|-----|-------------------------------|-----|------|-----|-----|---------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 168 | <del>LANDMESSER CAROL R</del> | 21  | 57   | 731 | 75  |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                |  |
| 168 | LANDMESSER CAROL R            | 21  | 57   | 731 | 75  | X  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 20, 2011</u><br>My commission expires _____<br>Notary Public |                                                                                   |
| 51  | LLOYD JEFFREY W               | 20A | 13.1 | 681 | 78  |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                           |                                                                                   |
| 51  | LLOYD KATHY S                 | 20A | 13.1 | 681 | 78  |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                           |                                                                                   |
| 52  | LLOYD JEFFREY W ET UX         | 20A | 24   | 622 | 125 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                           |                                                                                   |

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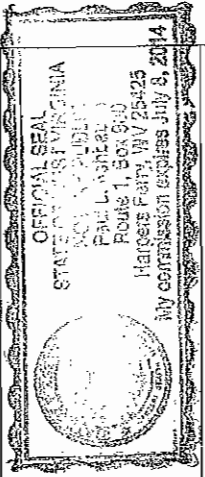
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #  | NAME                  | MAP | PCL  | BK  | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                                                  | SEAL                                                                               |
|----|-----------------------|-----|------|-----|-----|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 62 | LLOYD JEFFREY W ET UX | 20A | 24   | 622 | 125 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                            |                                                                                    |
| 62 | LLOYD JEFFREY W ET UX | 20A | 24   | 622 | 125 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                            |                                                                                    |
| 22 | LONGERBEAM BRUCE      | 20  | 52   | 848 | 80  |   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 11-8-2014</u><br>My commission expires _____<br>Notary Public _____ |  |
| 18 | LONGERBEAM TAMMY J    | 20  | 49.1 | 950 | 348 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                            |                                                                                    |
| 60 | LORD SHANE J          | 20A | 21   | 837 | 708 |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                            |                                                                                    |

MANNINGS INCORPORATION PETITION TO THE JEFFERSON COUNTY COURT


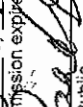
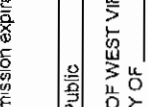
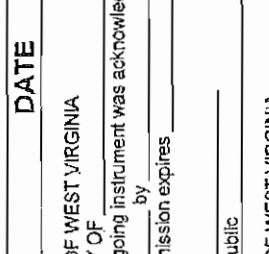


| #   | NAME                                     | MAP | PCL  | BK   | PG  | SIGNATURE                                       | DATE                                                                                                                                                                                                                                            | SEAL                                                                                                                                                             |
|-----|------------------------------------------|-----|------|------|-----|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 106 | LOTZ WILSON H<br>472                     | 204 | 88   | 316  | 62  | <i>William H. H. H.</i>                         | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Lotz Wilson</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public       | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
|     | <i>Downy K</i><br>Loveless<br><i>WVF</i> |     |      |      | X   | <i>Conrad Downy</i><br><i>Wayne F. Loveless</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Downy K</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public           | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 251 | LOVELESS WAYNE F<br>470                  | 21C | 22   | 730  | 388 | <i>Paul L. Ashbach</i>                          | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Wayne F</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public           | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 176 | MARSHALL DOUGLAS R<br>TRS                | 21  | 65   | 1000 | 50  | <i>Paul L. Ashbach</i>                          | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Douglas R</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public         | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 176 | MARSHALL KRISTEN J<br>TRS                | 21  | 65   | 1000 | 50  | <i>Paul L. Ashbach</i>                          | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Kristen J</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public         | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |
| 155 | GREGORY T<br>MARTIN<br>HA                | 21  | 46.1 | 822  | 471 | <i>Gregory T. Martin</i>                        | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>Gregory T. Martin</u> <u>2007</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbach</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbach<br>Route 1, Box 900<br>Harpers Ferry, WV 25425<br>My commission expires July 8, 2014 |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT


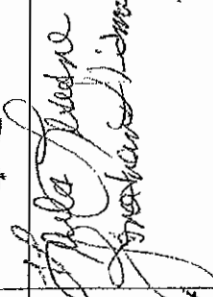


| #   | NAME                              | MAP | PCL  | BK  | PG  | SIGNATURE                  | DATE                                                                                                                                                                                                                                             | SEAL                                                                              |
|-----|-----------------------------------|-----|------|-----|-----|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 165 | MARTIN DEBRA K                    | 21  | 46.1 | 622 | 471 | <i>Debra K Martin</i><br>X | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br><u>2-17-14</u> by <u>Debra K Martin</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashcraft</i><br>Notary Public |  |
| 45  | MCLAUGHLIN JAMES M                | 20A | 9    | 468 | 444 | <i>[Signature]</i>         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                |                                                                                   |
| 42  | MCLAUGHLIN LAURIE                 | 20A | 6.1  | 351 | 342 | <i>[Signature]</i>         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                |                                                                                   |
| 89  | MCLAUGHLIN JENNINE<br>WOODS ET AL | 20A | 51   | 527 | 392 | <i>[Signature]</i>         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                |                                                                                   |
| 89  | MCLAUGHLIN JENNINE<br>WOODS ET AL | 20A | 51   | 627 | 392 | <i>[Signature]</i>         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                |                                                                                   |

2-17-14  
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H

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                             | MAP | PCL  | BK  | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                       | SEAL                                                                               |
|-----|----------------------------------|-----|------|-----|-----|--------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 98  | MCLAUGHLIN JENNINE<br>WOODS ETAL | 20A | 51   | 527 | 392 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                    |
| 177 | MILLER DAVID L                   | 21B | 8    | 882 | 242 |    | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                    |
| 192 | NEWLIN CHARLES H                 | 21B | 19.2 | 512 | 755 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |  |
| 192 | NEWLIN IDA C                     | 21B | 19.2 | 512 | 755 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                    |
| 1E  | OAKHILL, MHC LLC                 | 20  | 49   | 972 | 354 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                    |

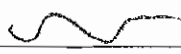
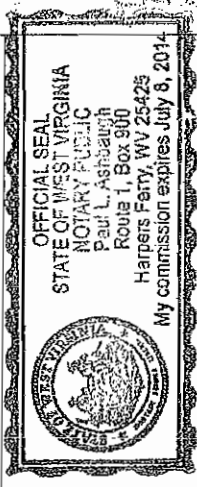
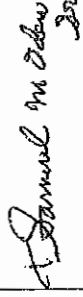
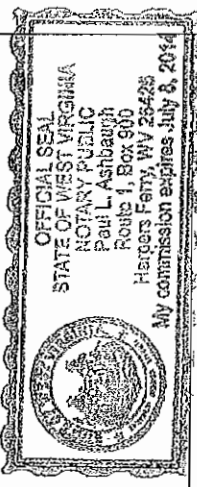
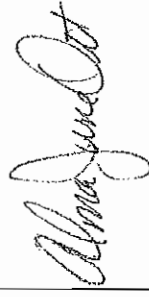
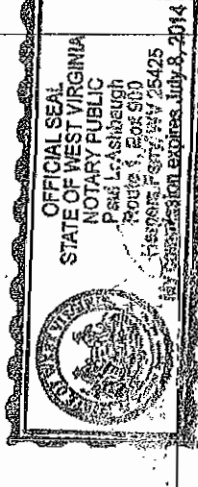
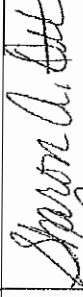

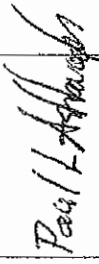
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                           | MAP | PCL | BK   | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                           | SEAL                                                                               |
|-----|------------------------------------------------|-----|-----|------|-----|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 139 | OAKHILL MHC LLC                                | 21  | 25  | 972  | 354 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____     |                                                                                    |
| 140 | OAKHILL MHC LLC                                | 21  | 26  | 972  | 354 |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____     |                                                                                    |
| 141 | OAKHILL MHC LLC                                | 21  | 27  | 972  | 365 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____     |  |
| 40  | Skidmore<br>Tawilhan G.<br>Lesesne<br>Karla G. | 20A | 5   | 1018 | 354 |  | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |                                                                                    |
| 247 | ODEN PHILLIP N                                 | 21C | 19  | 494  | 551 |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____     |                                                                                    |

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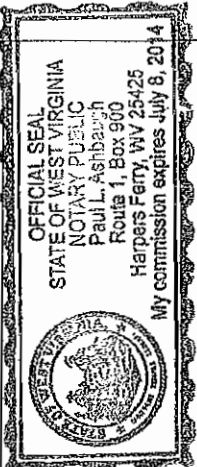
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                                                                           | MAP | PCL  | BK  | PG  | SIGNATURE                                                                                                                                                                  | DATE                                                                                                                                                                                                        | SEAL                                                                               |
|-----|----------------------------------------------------------------------------------------------------------------|-----|------|-----|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 249 | ODEN ADELIN E                                                                                                  | 21C | 20.1 | 358 | 367 |                                                                                         | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                        |   |
| 288 | 47<br>ODEN SAMUEL M                                                                                            | 21C | 29   | 386 | 388 |                                                                                         | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 7, 2007</u><br>My commission expires <u>July 8, 2014</u><br>Notary Public |   |
| 115 | 49<br>OTT ALMA JUNE                                                                                            | 20A | 73   | 652 | 663 |                                                                                         | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 7, 2007</u><br>My commission expires <u>July 8, 2014</u><br>Notary Public |  |
| 32  | OTT Sharon A.<br>401<br>OTT DANIEL C                                                                           | 20  | 59   | 524 | 426 | <br> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>July 2007</u><br>My commission expires <u>July 8, 2014</u><br>Notary Public    |                                                                                    |
| 248 | <br>OTT L. ASHBAUGH<br>AL | 21C | 20   | 667 | 310 |                                                                                                                                                                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                        |                                                                                    |

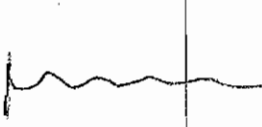
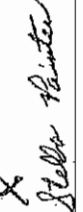
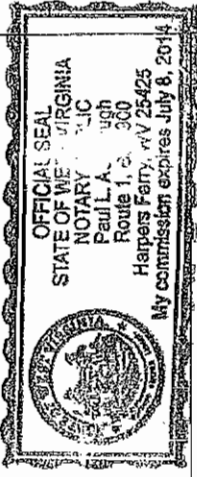

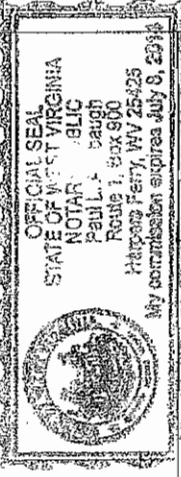


MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                  | MAP | PCL  | BK  | PG   | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|-------------------------------------------------------|-----|------|-----|------|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 248 | Paul L. Donna K. Ashbaugh<br>JOEL GLADYS R. LEE ET AL | 21C | 20   | 967 | 310  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 248 | Paul L. Donna K. Ashbaugh<br>JOEL GLADYS R. LEE ET AL | 21C | 20   | 967 | 310  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 188 | <del>JOEL GLADYS R. LEE</del>                         | 21B | 17.1 | 480 | 0017 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 23  | OTT JOHN W ELWOOD<br>HRS                              | 20  | 53   | 120 | 317  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 24  | OTT MARY M                                            | 20  | 54   | 571 | 77   |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                    | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                                                | SEAL                                                                              |
|-----|---------------------------------------------------------|-----|-----|-----|-----|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 245 | 50<br>OTT MILLARD & RUBY<br>ESTATE<br>% SHEILA JAGUIRRE | 21C | 17  | 555 | 146 | <i>Sheila Jaguirre</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>JEFFERSON</u><br>The foregoing instrument was acknowledged before me this<br><u>12-15-08</u> by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 248 | OTT MILLARD & RUBY R<br>ESTATE<br>% SHEILA JAGUIRRE     | 21C | 15  | 216 | 216 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                   |                                                                                   |
| 149 | OTT MILLARD & RUBY R<br>ESTATE<br>C/O SHEILA JAGUIRRE   | 21  | 32  | 509 | 553 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                   |                                                                                   |
| 229 | OTT RICKY A                                             | 21C | 3   | 584 | 19  |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                   |                                                                                   |
| 227 | OTT SUSAN C                                             | 21C | 2   | 944 | 352 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                   |                                                                                   |


MANNINGS INCORPORATION PETITION TO THE JEFFERSON COUNTY COURT

| #   | NAME             | MAP | PCL  | BK  | PG  | SIGNATURE                                                                                  | DATE                                                                                                                                                           | SEAL                                                                                |
|-----|------------------|-----|------|-----|-----|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 44  | OVEREND JOHN J   | 20A | 8    | 323 | 434 |                                                                                            | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |
| 225 | PAINTER CHARLES  | 21B | 49.1 | 357 | 319 |         | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |                                                                                     |
| 226 | PAINTER STELLA   | 21B | 50   | 357 | 324 | X<br>   | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |    |
| 229 | PAINTER DONALD W | 21C | 30   | 330 | 657 | X<br>   | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |   |
| 226 | PAINTER ANNE E   | 21C | 30   | 330 | 657 | X<br> | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                    | MAP | PCL  | BK  | PG  | SIGNATURE               | DATE                                                                                                                                                                                                      | SEAL                                                                              |
|-----|-----------------------------------------|-----|------|-----|-----|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 166 | PAINTER DONALD W JR<br>53               | 21  | 47   | 928 | 534 | <i>Donald W Painter</i> | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this<br>5-7-08 by <i>Donald W Painter</i><br>My commission expires <i>5/10/2014</i><br>Notary Public |  |
| 224 | PAINTER GOLDIE<br><i>Goldie Painter</i> | 21B | 49   | 357 | 343 | <i>Goldie Painter</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |
| 224 | PAINTER CHARLES                         | 21B | 49   | 357 | 348 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |
| 213 | PAINTER RALPHE                          | 21B | 41,2 | 586 | 163 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |
| 214 | PAINTER JUDY                            | 21B | 41,3 | 566 | 160 |                         | STATE OF WEST VIRGINIA<br>COUNTY OF JEFFERSON<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                     |                                                                                   |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                                    | MAP | PCL | BK  | PG  | SIGNATURE                   | DATE                                                                                                                                                                                                                                         | SEAL                                                                                                                                                              |
|-----|---------------------------------------------------------|-----|-----|-----|-----|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 206 | PAINTER RALPH E JR<br><i>RE</i>                         | 21B | 39  | 757 | 106 | <i>X Ralph E Painter Jr</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>Paul L Ashbaugh</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 800<br>Harpers Ferry, WV 25428<br>My commission expires July 8, 2014 |
| 210 | PAINTER TERESA A                                        | 21B | 40  | 757 | 106 | <i>Teresa Painter</i>       | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> by <u>Paul L Ashbaugh</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 800<br>Harpers Ferry, WV 25428<br>My commission expires July 8, 2014 |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>X Bonnie Painter</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>Paul L Ashbaugh</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L Ashbaugh</i><br>Notary Public | OFFICIAL SEAL<br>STATE OF WEST VIRGINIA<br>NOTARY PUBLIC<br>Paul L. Ashbaugh<br>Route 1, Box 800<br>Harpers Ferry, WV 25428<br>My commission expires July 8, 2014 |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>X Bonnie Painter</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                         |                                                                                                                                                                   |
| 228 | PAINTER WALTER F & NELLIE L - EST<br>C/O BONNIE PAINTER | 21C | 2.1 | 271 | 132 | <i>X Bonnie Painter</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                                         |                                                                                                                                                                   |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                             | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                         | SEAL |
|-----|--------------------------------------------------|-----|-----|-----|-----|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 74  | PALMER SARAH A                                   | 20A | 36  | 728 | 33  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.<br>Notary Public _____ |      |
| 244 | PENTECOSTAL FULL<br>GOSPEL CHURCH                | 21C | 16  | 168 | 1   |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.<br>Notary Public _____ |      |
| 194 | PENWELL ELLA L                                   | 21B | 21  | 175 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.<br>Notary Public _____ |      |
| 194 | PENWELL ROBERT H                                 | 21B | 21  | 175 | 226 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.<br>Notary Public _____ |      |
| 163 | PENWELL FRANCIS F.<br>ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____.<br>My commission expires _____.<br>Notary Public _____ |      |


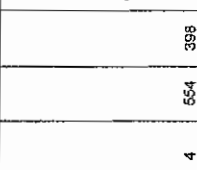
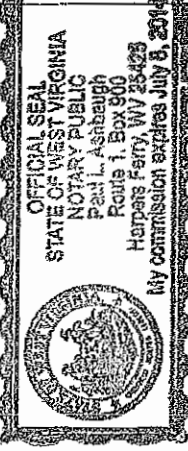
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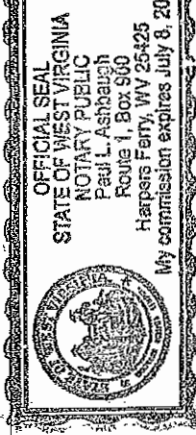
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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                             | MAP | PCL | BK  | PG  | SIGNATURE                                                                             | DATE                                                                                                                                                                                                                                                                                              | SEAL                                                                                |
|-----|--------------------------------------------------|-----|-----|-----|-----|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 163 | PENWELL FRANCIS F.<br>ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                                                                        |                                                                                     |
| 163 | PENWELL FRANCIS F.<br>ESTATE<br>C/O KATHY WARDEN | 21  | 45  | 477 | 104 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                                                                        |                                                                                     |
| 222 | PENWELL GENEVIVE                                 | 21B | 47  | 561 | 577 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                                                                        |                                                                                     |
| 222 | PENWELL WILLIAM O                                | 21B | 47  | 561 | 577 |                                                                                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                                                                        |                                                                                     |
| 230 | 56<br>PENWELL GLEN K                             | 21C | 4   | 554 | 398 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>15</u> by <u>Jefferson</u><br>My commission expires <u>7-8-2014</u><br><br>Notary Public |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

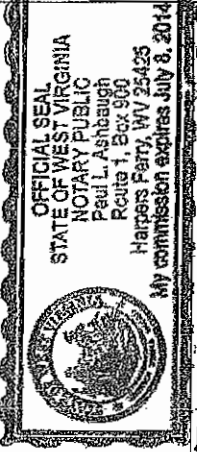
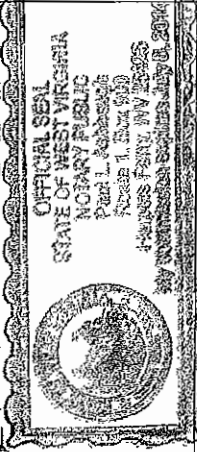
| #   | NAME                                    | MAP | PCL  | BK  | PG  | SIGNATURE                     | DATE                                                                                                                                                                                                                                            | SEAL                                                                                |
|-----|-----------------------------------------|-----|------|-----|-----|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 228 | PENWELL KENNETH LEE                     | 21B | 48   | 208 | 470 |                               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 160 | PENWELL MELVIN L.<br>ESTATE             | 21  | 43   | 180 | 427 |                               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 160 | PENWELL MELVIN L.<br>ESTATE             | 21  | 43   | 160 | 427 |                               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 160 | PENWELL MELVIN L.<br>ESTATE             | 21  | 43   | 160 | 427 |                               | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 237 | Charles E<br>Penwell<br>PENWELL VELMA A | 21C | 28.1 | 686 | 354 | X<br><i>Charles E Penwell</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>12-11-03</u> by <u>Charles E Penwell</u><br>My commission expires <u>5-7-2014</u><br>Notary Public <i>Charles E Penwell</i> |  |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME              | MAP | PCL | BK   | PG  | SIGNATURE                 | DATE                                                                                                                                                                                                                                                                         | SEAL |
|-----|-------------------|-----|-----|------|-----|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 5   | PHILLIPS ROBERT D | 20  | 9.4 | 1004 | 185 | <i>Robert Phillips</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>12-17-08 by <i>Robert Phillips</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014   |      |
|     | <i>SB</i>         |     |     |      |     | <i>Robert Phillips</i>    | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>12-17-08 by <i>Robert Phillips</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014   |      |
| 5   | PHILLIPS FLORENCE | 20  | 9.4 | 1004 | 185 | <i>Charles D. Pierson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>10-2-07 by <i>Charles D. Pierson</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014 |      |
|     | <i>SB</i>         |     |     |      |     | <i>Charles D. Pierson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>10-2-07 by <i>Charles D. Pierson</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014 |      |
| 96  | PIERSON CHARLES D | 20A | 61  | 459  | 140 | <i>Ann J. Pierson</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>June 2007 by <i>Ann J. Pierson</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014   |      |
|     |                   |     |     |      |     | <i>Ann J. Pierson</i>     | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>June 2007 by <i>Ann J. Pierson</i><br>My commission expires <i>8-2-2014</i><br><i>Paul L. Ashbaugh</i><br>Notary Public<br>My commission expires July 8, 2014   |      |
| 100 | PIERSON ANN J     | 20A | 62  | 225  | 188 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                        |      |
|     |                   |     |     |      |     |                           | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                        |      |
| 84  | PREVOST RONALD C  | 20A | 46  | 965  | 389 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF Jefferson<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                                                        |      |

X

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                     | MAP | PCL | BK  | PG  | SIGNATURE                 | DATE                                                                                                                                                                                                                      | SEAL                                                                               |
|-----|--------------------------|-----|-----|-----|-----|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 24  | PREVOST BEVERLES J       | 20A | 45  | 985 | 389 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                    |
| 38  | PRICE MARY A TR          | 20A | 4   | 760 | 543 |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                    |
| 25  | 160<br>RAGOZINE EDWARD J | 20  | 55  | 933 | 424 | <i>Edward J. Ragozine</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3 June 2007</u> by <u>[Signature]</u><br>My commission expires <u>7-8-2014</u><br>Notary Public _____ |   |
| 25  | RAGOZINE BETTY L         | 20  | 55  | 933 | 424 | <i>Betty L. Ragozine</i>  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>3 June 2007</u> by <u>[Signature]</u><br>My commission expires <u>7-8-2014</u><br>Notary Public _____ |  |
| 200 | RAMSBURG DAVID           | 21B | 29  | 977 | 20  |                           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                    |

X 56

57

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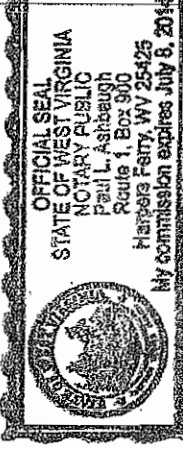
MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                    | MAP | PCL  | BK  | PG  | SIGNATURE             | DATE                                                                                                                                                                                                                | SEA |
|-----|-------------------------|-----|------|-----|-----|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| 255 | RAMSBURG VELMA<br>RENEE | 21C | 28   | 958 | 561 | <i>Velma Ramsburg</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>29</u> day of <u>July</u> <u>2007</u><br>My commission expires <u>8-8-2014</u><br>Notary Public |     |
| 147 | RAY BRANDY M            | 21  | 29.3 | 945 | 78  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                |     |
| 147 | RAY BRANDON L           | 21  | 29.3 | 945 | 78  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                |     |
| 206 | REGESTER NANCY M        | 21B | 36   | 357 | 71  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                |     |
| 208 | REGESTER RONALD C       | 21B | 36   | 357 | 71  |                       | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                |     |

59


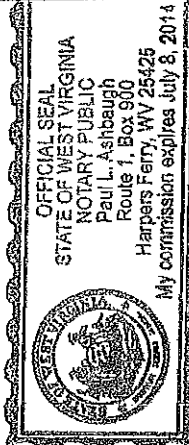
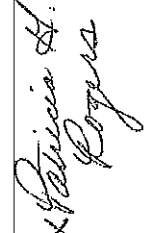
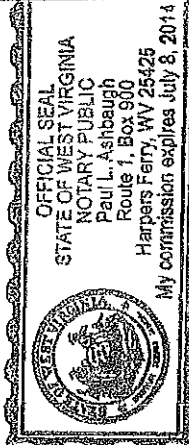

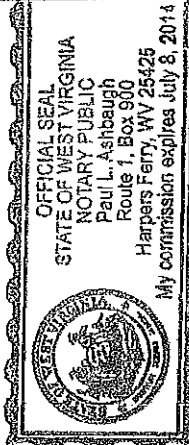
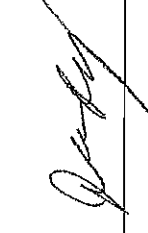
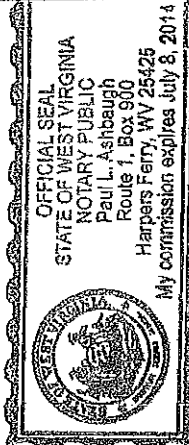

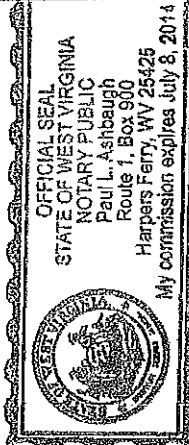
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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL  | BK  | PG  | SIGNATURE                  | DATE                                                                                                                                                                                                                                            | SEAL                                                                                |
|-----|----------------------|-----|------|-----|-----|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 70  | RINKER TONY A        | 20A | 32   | 929 | 365 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 70  | RINKER KATHY JACKSON | 20A | 32   | 929 | 365 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 63  | ROBERTS LINDA        | 20A | 25   | 807 | 157 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 47  | ROBERTS LINDA L      | 20A | 10.1 | 894 | 286 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                     |
| 101 | ROBINSON ORLANDO     | 20A | 63   | 980 | 461 | <i>Orlando B. Robinson</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>Jefferson</u> _____<br>My commission expires <u>July 17 - 8 - 2017</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |

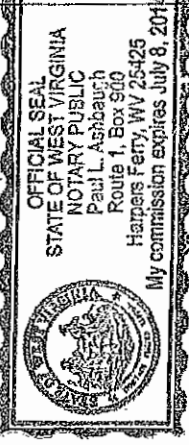
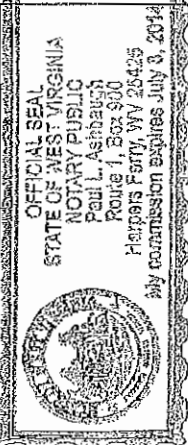
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6B  
6C

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                 | MAP | PCL  | BK  | PG  | SIGNATURE                                                                             | DATE                                                                                                                                                                            | SEAL                                                                              |
|-----|----------------------|-----|------|-----|-----|---------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 35  | ROBISON MICHAEL W-TR | 20  | 61.5 | 974 | 557 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 35  | ROBISON MICHAEL W-TR | 20  | 61.5 | 974 | 557 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 174 | ROGERS PATRICIA G    | 21  | 63   | 953 | 491 |    | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 124 | ROGERS WILLIAM R     | 20A | 81   | 980 | 980 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |
| 124 | ROGERS JACQUELINE M  | 20A | 81   | 980 | 980 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public |  |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                             | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                                               | SEAL                                                                               |
|-----|--------------------------------------------------|-----|-----|-----|-----|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 97  | SHENANDOAH NORTH<br>COMMUNITY<br>ASSOCIATION INC | 20A | 59  | 478 | 705 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                    |
| 85  | SIEWICK ROBERT C                                 | 20A | 27  | 621 | 582 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                    |
| 184 | SIMMONS DALE E                                   | 21B | 14  | 614 | 630 | <i>Dale E. Simmons</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8-27-17</u><br>by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 184 | SIMMONS MARY M                                   | 21B | 14  | 614 | 630 | <i>Mary M. Simmons</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>8-27-17</u><br>by <u>Paul L. Ashbaugh</u><br>My commission expires <u>7-8-2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 142 | SINGER RONALD H                                  | 21  | 28  | 972 | 352 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public _____                                                                      |                                                                                    |

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67

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

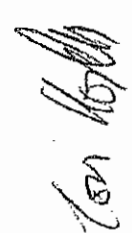
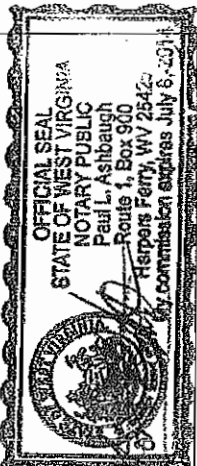
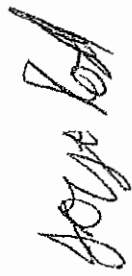
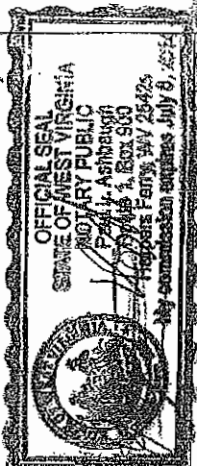
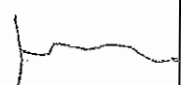

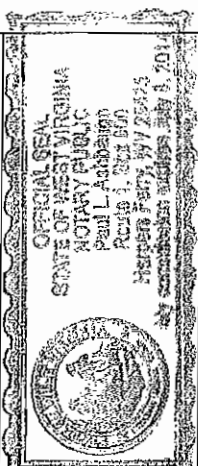
| #   | NAME            | MAP | PCL  | EK  | PG  | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|-----------------|-----|------|-----|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 34  | SMITH DANIEL G  | 20  | 61.4 | 974 | 552 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 34  | SMITH BRENDA L  | 20  | 61.4 | 974 | 552 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 121 | SMITH DOUGLAS W | 20A | 78   | 821 | 529 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 252 | SMITH THOMAS M  | 21C | 24   | 826 | 494 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 253 | SMITH DAWN R    | 21C | 25   | 826 | 494 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                      | MAP | PCL  | BK  | PG  | SIGNATURE                                                                            | DATE                                                                                                                                                                                                                                 | SEAL                                                                               |
|-----|---------------------------|-----|------|-----|-----|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| 88  | 66<br>Koplets Frank<br>H. | 20A | 50   | 532 | 539 |   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>July 7-8-2014</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 88  | Koplets Joyce<br>M.       | 20A | 50   | 532 | 539 |   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>July 7-8-2014</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |   |
| 151 | STAUBS GRAFTON W          | 21  | 34   | 763 | 443 |   | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                    |                                                                                    |
| 146 | STAUBS THELMA M           | 20A | 73.1 |     |     |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>by <u>July 7-8-2014</u><br>My commission expires <u>July 8, 2014</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |  |
| 202 | STAUBS PAMELA A           | 21B | 31   | 929 | 423 |                                                                                      | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this<br>by _____<br>My commission expires _____<br>Notary Public                                                                    |                                                                                    |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                            | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|-------------------------------------------------|-----|-----|-----|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 203 | STAUBS CHRISTOPHER R                            | 21B | 32  | 929 | 428 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 103 | STAUBS THELMA G                                 | 20A | 65  | 251 | 236 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 52  | SWEENEY KATHLEEN M<br>KATHLEEN SWEENEY<br>LLOYD | 20A | 14  | 587 | 467 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 171 | TATE TOMMY J                                    | 21  | 60  | 954 | 735 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 171 | TATE AVONIKA E                                  | 21  | 60  | 954 | 735 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME                                     | MAP | PCL | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                       | SEAL |
|-----|------------------------------------------|-----|-----|-----|-----|-----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 250 | THRAGDILL TEDDY<br>EDWARD                | 21C | 21  | 944 | 14  |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 2   | TRUSTEES FIRSTBORN<br>PENTECOSTAL CHURCH | 20  | 9.1 | 258 | 418 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 27  | TURNER DUANE L                           | 20  | 57  | 681 | 632 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 27  | TURNER DONNA L                           | 20  | 57  | 681 | 632 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |
| 21  | TURNER RONALD L                          | 20  | 51  | 948 | 185 |           | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____ |      |

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MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

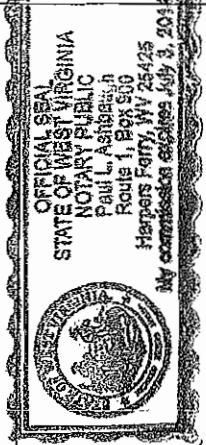
| #   | NAME                   | MAP | PCL  | BK  | PG  | SIGNATURE | DATE                                                                                                                                                                                                              | SEAL |
|-----|------------------------|-----|------|-----|-----|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 21  | TURNER JEANNE S        | 20  | 51   | 948 | 185 |           | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                    |      |
| 76  | 66<br>VAN DOREN HAL C  | 20A | 38   | 866 | 382 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>Hal Van Doren</u><br>My commission expires <u>7-3-2014</u><br>Notary Public      |      |
| 77  | VAN DOREN TERRI L      | 20A | 39   | 966 | 700 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>Terri L. Van Doren</u><br>My commission expires <u>7-3-2014</u><br>Notary Public |      |
| 111 | VANDOREN HAROLD C      | 20A | 70.1 | 602 | 227 |           | STATE OF WEST VIRGINIA<br>COUNTY OF<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                                    |      |
| 255 | 69<br>VIANDS CARL F JR | 21C | 27   | 288 | 244 |           | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this <u>20</u> by <u>Carl F. Viands Jr.</u><br>My commission expires _____<br>Notary Public           |      |

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME               | MAP | PCL  | BK  | PG  | SIGNATURE                  | DATE                                                                                                                                                                                                                                          | SEAL |
|-----|--------------------|-----|------|-----|-----|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|
| 235 | VIANDS CHARLOTTE M | 21C | 27   | 286 | 244 | <i>Charlotte M. Viands</i> | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>6-15-07 by <u>Charlotte M. Viands</u><br>My commission expires <u>6-15-07</u><br><i>Paul L. Ashbaugh</i><br>Notary Public |      |
| 134 | VIANDS JEFFREY L   | 21  | 22.4 | 964 | 417 | <i>Jeffrey L. Viands</i>   | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this<br>6-15-07 by <u>Jeffrey L. Viands</u><br>My commission expires <u>6-15-07</u><br><i>Paul L. Ashbaugh</i><br>Notary Public   |      |
| 234 | VIANDS LEWIS W, JR | 21C | 7.1  | 298 | 35  |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                       |      |
| 234 | VIANDS JENNIE J    | 21C | 7.1  | 298 | 35  |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                       |      |
| 36  | VON STEIN THOMSON  | 20A | 1    | 698 | 673 |                            | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____<br>by _____<br>My commission expires _____<br>Notary Public                                                                       |      |

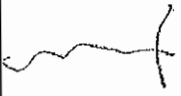
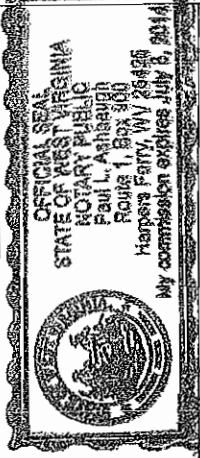
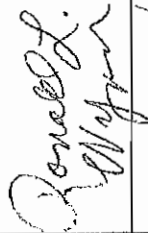
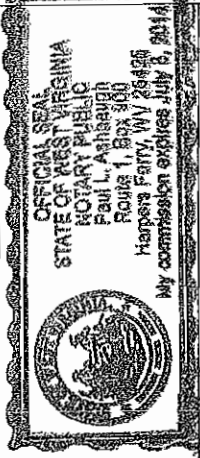
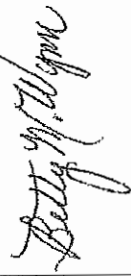
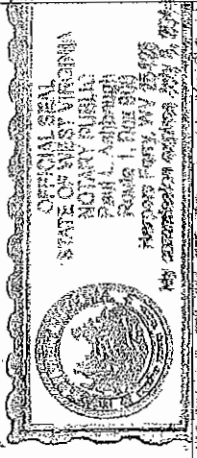
79  
69

**MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT**

| #   | NAME                                | MAP | PCL | BK  | PG  | SIGNATURE              | DATE                                                                                                                                                                                                                      | SEAL                                                                                |
|-----|-------------------------------------|-----|-----|-----|-----|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| 53  | WARD DANIEL E                       | 20A | 15  | 475 | 19  |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                     |
| 53  | WARD LAURIE M                       | 20A | 15  | 475 | 19  |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                     |
| 179 | WELLER LOTTIE V                     | 21B | 9   | 596 | 224 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                     |
| 239 | WILEY CARL WEST<br>% NANCY REGISTER | 21C | 11  | 156 | 365 |                        | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public _____                                                |                                                                                     |
| 135 | WILEY PHILLIP                       | 21  | 23  | 796 | 408 | <i>Phillip M Wiley</i> | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires <u>13</u> <u>17-8-2014</u><br><i>Phillip M Wiley</i><br>Notary Public _____ |  |

80

MANNINGS INCORPORATION PETITION to the JEFFERSON COUNTY COURT

| #   | NAME          | MAP | PCL | BK   | PG  | SIGNATURE                                                                           | DATE                                                                                                                                                                                                | SEAL                                                                              |
|-----|---------------|-----|-----|------|-----|-------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|
| 24C | WILEY MARY L  | 21C | 12  | 664  | 746 |  | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                |  |
| 55  | WYNN RONALD L | 20A | 18  | 914  | 552 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires <u>8-2-2014</u><br>Notary Public |  |
| 56  | WYNN BETTY M  | 20A | 18  | 914  | 582 |  | STATE OF WEST VIRGINIA<br>COUNTY OF <u>Jefferson</u><br>The foregoing instrument was acknowledged before me this _____ by <u>May 2007</u><br>My commission expires <u>8-2-2014</u><br>Notary Public |  |
| 10  |               | 20  | 13  | 13.1 |     |                                                                                     | STATE OF WEST VIRGINIA<br>COUNTY OF _____<br>The foregoing instrument was acknowledged before me this _____ by _____<br>My commission expires _____<br>Notary Public                                |                                                                                   |

*Sheet 1*

|                                               |                 |                          |                                                                     |
|-----------------------------------------------|-----------------|--------------------------|---------------------------------------------------------------------|
| # Property Owners<br>158                      | #Parcels<br>235 | # Valid Signatures<br>68 | Questionable signatures<br>10 missing, 4 questionable - see sheet 2 |
| Verification Review<br>(Property Tax Records) | Feb-13          |                          | 4 questionable may be admin error                                   |
| Signatures required<br>Property Owners<br>158 | 30%<br>47       | 34%<br>54                | 37%<br>58                                                           |

sheet 2

| Name                       | Variation from listing                                                                                       |
|----------------------------|--------------------------------------------------------------------------------------------------------------|
| Bell Eva May               | Last record: 2010                                                                                            |
| Aronhalt Mark A, Vicki L   | No record for lots                                                                                           |
| Cook Cynthia D, Teddy R    | Parcel # is 22.2 in listing, 22.3 in county record<br>Parcel #s are 66, 67 in listing, 67 0000 6002, 67 0000 |
| Dinges Charles R, Rosemary | 6001 in county record                                                                                        |
| Florian, Deborah           | Last record: 2010                                                                                            |
| Holland Darren, Kathleen   | Last record: 2011                                                                                            |
| Landmesser Carol           | Last record: 2010                                                                                            |
| Penwell Velma, Charles     | Last record: 2010<br>Ok except both Parcel #s are incorrect. Listing: 61, 62.                                |
| Peirson                    | County record: 62, 63                                                                                        |
| Ramsburg Velma Renee       | Last record: 2010                                                                                            |
| Robinson Orlando           | Parcel # is 63 in listing, 64 in county record                                                               |
| Rogers Patricia            | Last record: 2011                                                                                            |
| Wiley Phillip, Mary        | Last record: 2009                                                                                            |
| Snider                     | Last record: 2011                                                                                            |

Verification Review

**WV Code Incorporation Application**

**Requirements Narrative (exhibit 8)**

**CHAPTER 8. MUNICIPAL CORPORATIONS.  
ARTICLE 2. CREATION OF MUNICIPALITIES.**

**PART I. GENERAL.**

**§8-2-1. Requirements for incorporation; size and character of territory; population.**

(a) Any part of a county or counties may be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or as a Class IV town or village, as classified in section three, article one of this chapter if the area proposed for incorporation meets the following conditions:

- (1) The area is not currently within any municipality urban in character;

*Territory to be incorporated is not within any of the five current Jefferson County incorporated municipalities. Refer to county location map, exhibit 3.*

- (2) For areas that are more than one square mile there must be an average of not less than five hundred inhabitants or freeholders per square mile;

*Territory to be annexed is .86 square miles (550 +/- acres) Inhabitants per square mile does not apply.*

- (3) For areas less than one square mile there must be at least one hundred inhabitants or freeholders;

*The number of addressable structures in the area proposed for incorporation indicates that the minimum of one hundred inhabitants has been met.*

- (4) The total area to be incorporated must not include an amount of territory disproportionate to its number of inhabitants; and

*Inhabitants per acre is similar to the other five incorporated areas of Jefferson County. Refer to population density exhibit 4.*

- (5) The proponents of incorporation shall provide to the county commission a proposal which shall include:

- (A) A map or maps of the area to be incorporated showing the following information:

*Refer to county location map, exhibit 3.*

- (i) The present boundaries of nearby municipalities and the proposed boundaries of the area to be incorporated; and

*Boundaries of “nearby” municipalities and the proposed boundaries of Mannings are displayed in exhibit 3. Survey description is included in Plat.*

- (ii) The proposed extensions of water mains and sewer outfalls to serve the incorporated area, **if such utilities are to be operated by the municipality.** The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

*There are no plans for Mannings to own or operate central sewer or water systems on the date of incorporation. Provision and expansion of these services are addressed in exhibit 5, statement 9.*

(B) A statement that the area to be incorporated meets the applicable requirements of this article.

*Every effort has been made to meet WV Code requirements for initial incorporation application.*

(C) A statement setting forth the plans of the proposed municipality for providing to the area to be incorporated each major municipal service and whether the service will be provided by the municipality or by contract with a public or private entity. The plan shall:

*Specific major municipal services and how they will be provided are detailed in exhibit 6. These issues will be addressed to provide service similarly to the practice of the County and Municipal jurisdictions*

- (i) Provide for police protection, fire protection, solid waste collection, public water and sewer services and street maintenance services to the area to be incorporated on the date of incorporation;
  - 1. *Police protection will be continued by written agreement with State, County and Municipal law enforcement agencies.*
  - 2. *Fire protection will be through requirement of WV Code and similar practices of current Jefferson County Municipalities.*
  - 3. *Solid waste collection will be addressed as required in WV Code and similar practices of current Jefferson County and Municipalities.*
  - 4. *Public water and sewer services will be continued at their current level. New and/or expanded service will be provided in accordance with WV PSC, WV DEP, JC Health Department and Mannings ordinance.*
  - 5. *Street maintenance services will begin based on funding availability.*
- (ii) A statement of the impact of the incorporation on any rural fire department providing service in the area to be incorporated and a statement of the impact of the incorporation on fire protection and fire insurance rates in the area to be incorporated; and
  - 1. *Rural fire department impact: Mannings is currently served directly by Blue Ridge Fire Company (BRFC). It is a volunteer, non-profit corporation. BRFC funding is primarily through private donations and fund raising activity. County and Municipal jurisdictions*

*contribute to volunteer services based on budget considerations. This process is expected to include Mannings. (exhibit 7)*

2. *Fire protection and insurance rate impact: There will be no negative impact to the proposed incorporated area or surrounding areas. It is anticipated that as services and infrastructure are enhanced, fire protection will improve. Fire insurance rates will be reduced as service improvements are made.*

(iii) A statement showing how the proposed incorporation will affect the proposed municipalities finances and services.

1. *Proposed municipal finances: Finances will be considered by the Town Council. It is that body that will determine municipal needs and availability of funds. Tax rates, levy and service needs will be determined by the residents of the area to be incorporated.*
2. *Provision of major services has been detailed in exhibit 6. Additional services, amenities and funding sources will be at the discretion of residents and their elected representatives*
3. *County services will remain unchanged or enhanced.*

(b) The creation of any new municipality is prohibited if:

- (1) The area to be incorporated is within close proximity to an existing municipality and the existing municipality is capable of more effectively and efficiently providing services to the area; or

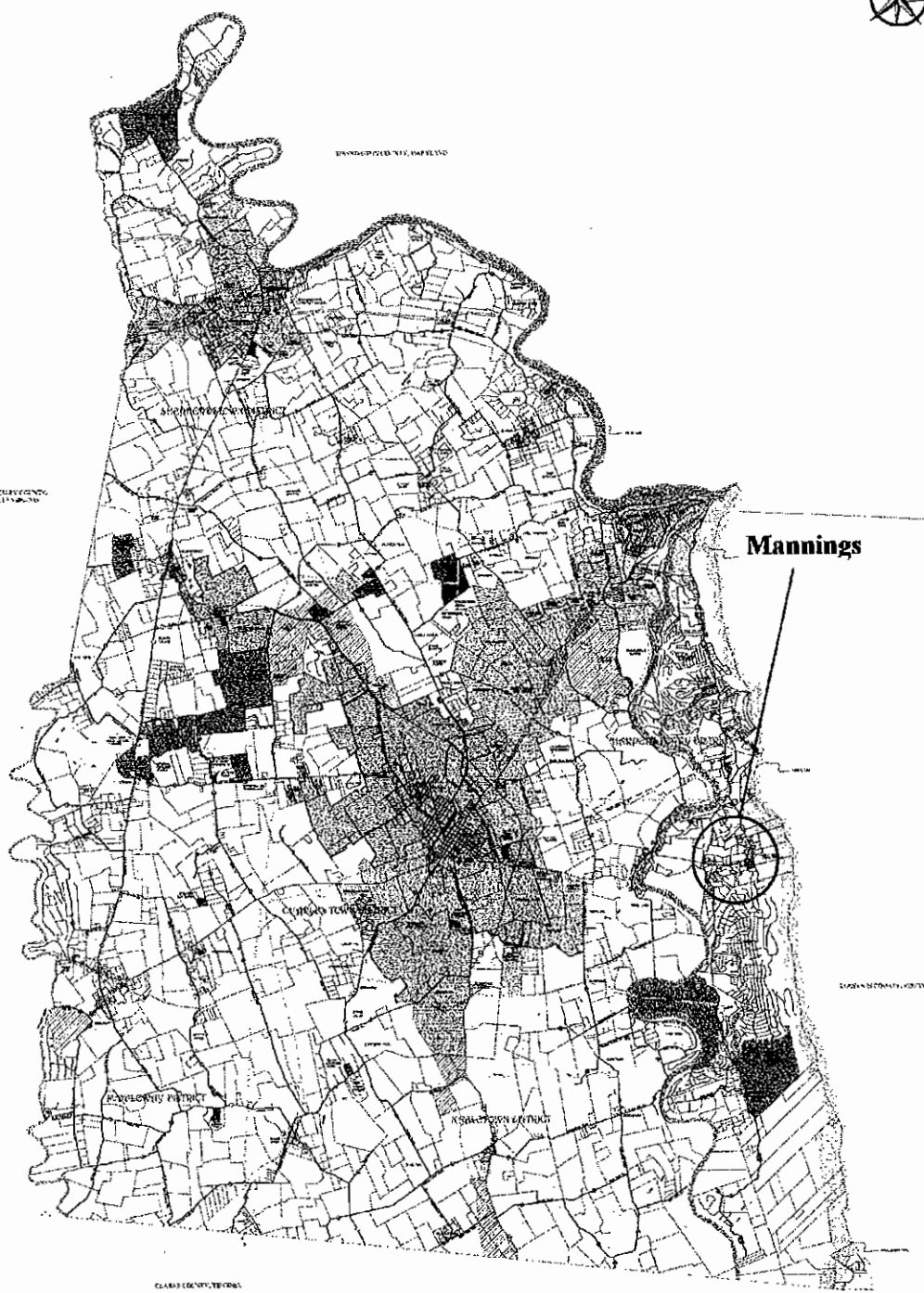
*Close proximity is not defined. The area to be incorporated is separated from any other incorporated municipality by the Shenandoah River and a minimum of 2.25 miles.*

- (2) The creation of a new municipality is not in the best interest of the county as a whole.

*This particular provision requires that there be a finding of negative impact on county residents as a group. A simple loss of some authority by County government is not sufficient. There will be no negative fiscal impact to county residents through the incorporation of Mannings. All current county taxes will continue.*

(c) It is within the reasonable discretion of the county commission to determine the exact area or portions thereof to be included or excluded in the new municipality, considering the following:

- (1) The topography of the area;
- (2) The benefits of incorporation;
- (3) The amount of uninhabited land required for parks and recreational use; and
- (4) Normal growth and development and the present and possible future uses so as to prevent hardships and inequities.



| <b>Notes</b><br>1. Map for informational purposes only.<br>2. Map is not a legal document.<br>3. Map is not a substitute for a deed.<br>4. Map is not a substitute for a survey.<br>5. Map is not a substitute for a title insurance policy.<br>6. Map is not a substitute for a title search.<br>7. Map is not a substitute for a title opinion.<br>8. Map is not a substitute for a title commitment.<br>9. Map is not a substitute for a title abstract.<br>10. Map is not a substitute for a title certificate. | <b>CONTRIBUTORS</b><br>Jefferson County<br>Mannings Government<br>Rural<br>Mannings Light and Land Development<br>Village | <b>LEGEND</b><br>US Highways<br>State Road<br>Secondary Road<br>Railroad<br>City Limits<br>Stream and Creek<br>Parcel and Easement | <b>LEGEND</b><br>National State & County Facilities<br>School Facilities<br>County Parks<br>Agricultural Trail<br>Electric, Gas, and Water Lines<br>State Line<br>Miscellaneous Markers | <b>REVISIONS</b><br><table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>2</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>3</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>4</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>5</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>6</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>7</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>8</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>9</td> <td>10/1/01</td> <td>Initial Release</td> </tr> <tr> <td>10</td> <td>10/1/01</td> <td>Initial Release</td> </tr> </tbody> </table> | NO. | DATE | DESCRIPTION | 1 | 10/1/01 | Initial Release | 2 | 10/1/01 | Initial Release | 3 | 10/1/01 | Initial Release | 4 | 10/1/01 | Initial Release | 5 | 10/1/01 | Initial Release | 6 | 10/1/01 | Initial Release | 7 | 10/1/01 | Initial Release | 8 | 10/1/01 | Initial Release | 9 | 10/1/01 | Initial Release | 10 | 10/1/01 | Initial Release | <b>GRAPHIC SCALE</b><br>0 100 200 300 400 500 Feet<br>0 100 200 300 400 Meters<br>Copyright © 2002 Dewberry & Davis, LLC<br>ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION<br>MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. |
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| NO.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | DATE                                                                                                                      | DESCRIPTION                                                                                                                        |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 1                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 4                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
| 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 10/1/01                                                                                                                   | Initial Release                                                                                                                    |                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |     |      |             |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |   |         |                 |    |         |                 |                                                                                                                                                                                                                                                                                                                                                                |
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**CONTRIBUTORS**

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2. The map shall be void if any portion of the map is not shown or if the map is not shown in its entirety.

3. The map is not a substitute for a deed, a survey, a title insurance policy, a title search, a title opinion, a title commitment, a title abstract, or a title certificate.

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# JEFFERSON COUNTY ZONING MAP WEST VIRGINIA

Prepared for the Jefferson County  
Planning & Zoning Commission

Data Contributor and Mapping furnished by:

**Dewberry & Davis, LLC**  
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 FARGO, ND 58103-1811  
 PHONE: 701.725.4812  
 FAX: 701.725.0886  
 WWW.DEWBERRY.COM

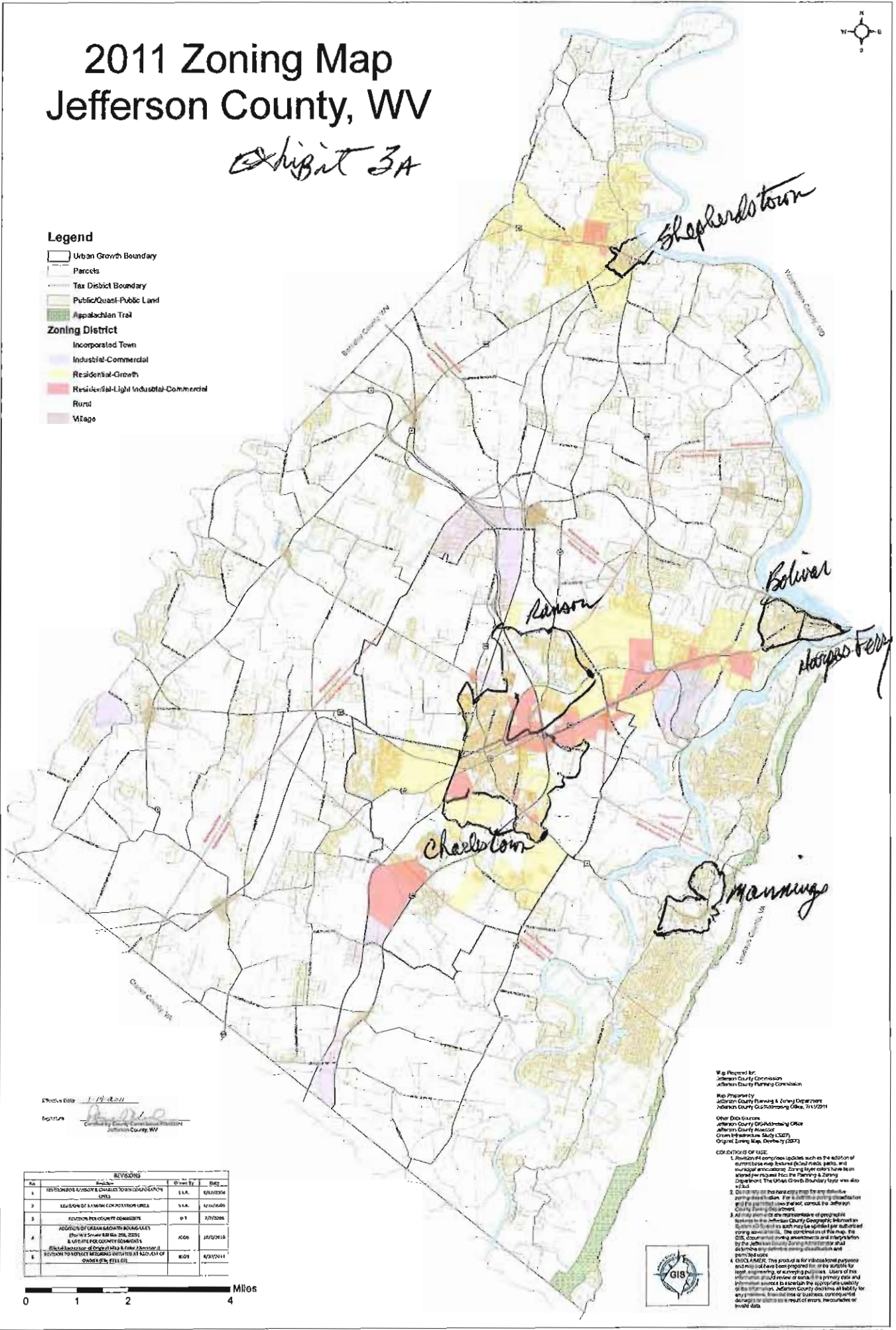
# 2011 Zoning Map Jefferson County, WV

*Exhibit 3A*



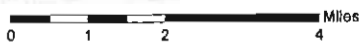
### Legend

- Urban Growth Boundary
- Parcels
- Tax District Boundary
- Public/Quasi-Public Land
- Appalachian Trail
- Zoning District**
- Incorporated Town
- Industrial-Commercial
- Residential-Growth
- Residential-Light Industrial-Commercial
- Rural
- Village



Effective Date: 1/19/2011  
 Prepared by: *[Signature]*  
 Created by: *[Signature]*  
 Jefferson County, WV

| REVISIONS |                                                                      |          |           |
|-----------|----------------------------------------------------------------------|----------|-----------|
| No.       | Description                                                          | Drawn By | Date      |
| 1         | REVISIONS TO RANSON & CHARLESTON ZONING DISTRICTS                    | S.L.A.   | 03/15/09  |
| 2         | REVISIONS TO A NEW CONGRESSIONAL                                     | S.L.A.   | 11/16/09  |
| 3         | REVISIONS TO COUNTY COMMISSIONERS                                    | W.P.     | 1/17/2008 |
| 4         | ADDITION OF USACE EROSION PROTECTION & LIFE LINE FOR COUNTY ROADWAYS | K.O.B.   | 10/27/10  |
| 5         | REVISION TO VILLAGE BOUNDARIES AT ADOPTION OF ORDINANCE 2011-01      | K.O.B.   | 02/20/11  |



Map Prepared by:  
 Jefferson County Commission  
 Jefferson County Planning Commission  
 Map Prepared by:  
 Jefferson County Planning & Zoning Department  
 Jefferson County GIS/Mapping Office, 11/15/2011  
 Other Data Sources:  
 Jefferson County GIS/Mapping Office  
 Jefferson County Recorder  
 Green Infrastructure Study (2007)  
 Official Zoning Map, Jefferson County (2007)

- CONDITIONS OF USE:**
1. Revision #4 corrects typographical errors such as the addition of current date map, corrects field notes, and corrects annotations. Zoning layer colors have been altered per request from the Planning & Zoning Department. The Urban Growth Boundary layer was also added.
  2. Ownership of the base map for any derivative work is retained by the Jefferson County Planning & Zoning Department.
  3. All map users are the responsibility of geographic systems in the Jefferson County Geographic Information System (GIS) and its users. The content of this map, the GIS, and the information contained therein is the property of the Jefferson County Planning & Zoning Department and is provided as a public service.
  4. DATA USER: The product is for informational purposes and is not intended for use in any other context for legal, engineering, or surveying purposes. Users of this information should review or consult a primary data and information source to ascertain the appropriate liability of the information. Jefferson County does not accept liability for any problems, financial loss or business, consequential damage or actions as a result of errors, inaccuracies or omissions in data.



Exhibit 3b

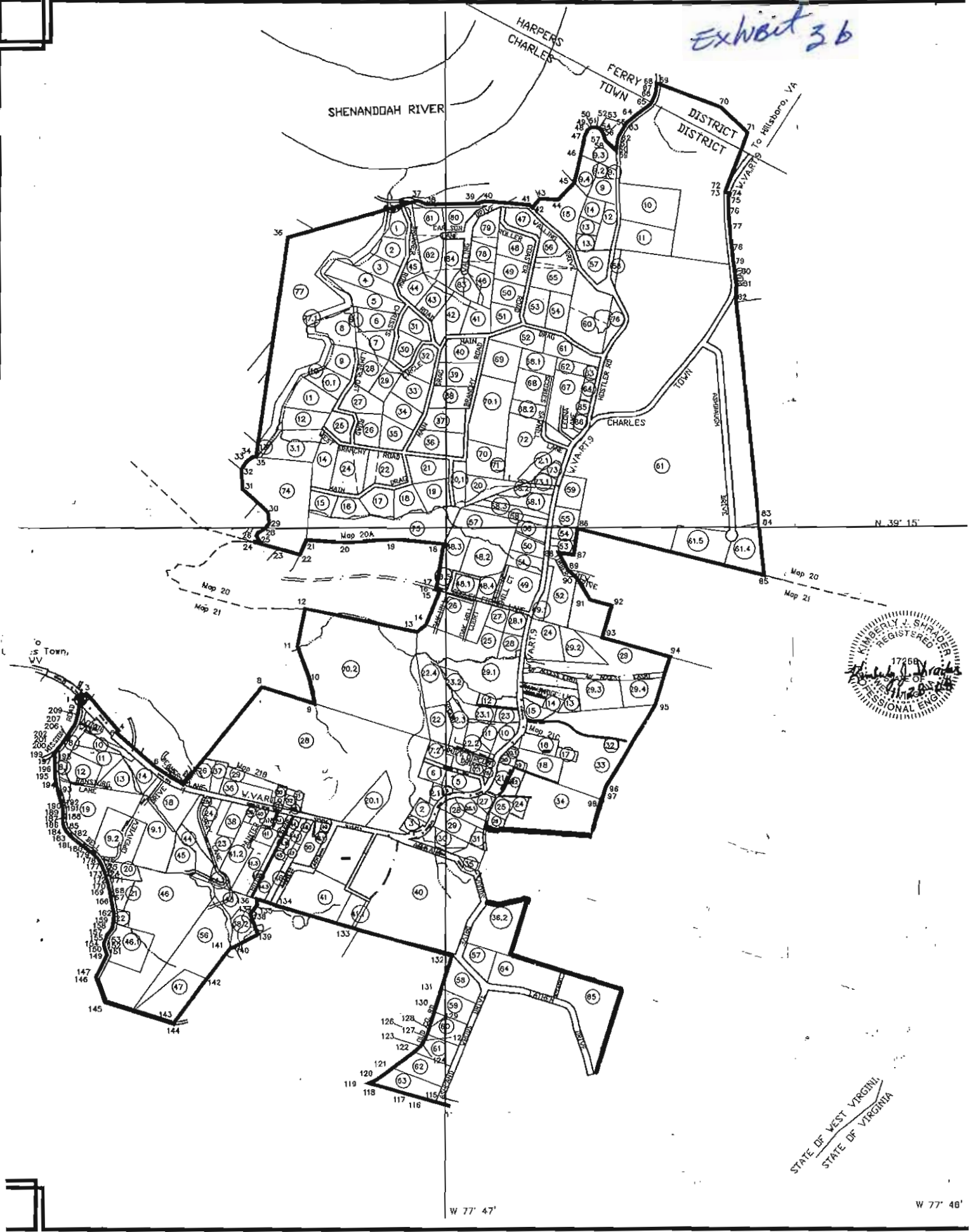
SHENANDOAH RIVER

HARPERS CHARLES

FERRY TOWN

DISTRICT DISTRICT

To Hillsboro, VA



STATE OF WEST VIRGINIA  
 STATE OF VIRGINIA

W 77' 47'

W 77' 46'

# **MANNINGS'S VISION FOR THE FUTURE**

**(exhibit 6)**

## ***THE NEED FOR A SHARED VISION***

Fostering a shared vision is a critical ingredient needed for Mannings to successfully manage community development in the 21<sup>st</sup> century. A shared vision is not to be mistaken for a uniform vision - for this would be unobtainable. Mannings is a community with citizens that have a diversity of beliefs and opinions. Ultimately, a shared vision will include compromises that are made for the best interest of all citizens, rather than a few. Although this document may be changed or amended from time to time, and must be reviewed within 10 years, the shared vision described herein is intended to endure for a period of at least 20 years.

## ***A SHARED VISION FOR MANNINGS***

The following vision statements lay down the foundation for the goals, objectives, policies and action plans established in this comprehensive plan.

### **VISION STATEMENT #1: HISTORY**

**Mannings will strive to be a community that honors its past.**

### **VISION STATEMENT #2: COMMERCE AND INDUSTRY**

**Mannings will strive to be a center of commerce and industry.**

### **VISION STATEMENT #3: DOWNTOWN**

**Mannings will strive to have a vibrant downtown.**

### **VISION STATEMENT #4: SAFETY**

**Mannings will strive to be a safe place to live.**

### **VISION STATEMENT #5: WALKABILITY**

**Mannings will strive to have alternative means of mobility to the automobile to improve upon the quality of life of its citizens.**

### **VISION STATEMENT #6: COMMUNITY PRIDE**

**Mannings will strive to have goals and programs that instill community pride.**

### **VISION STATEMENT #7: AFFORDABLE LIVING**

**Mannings will strive to be a place where our children and parents can afford to live.**

### **VISION STATEMENT #8: JOBS**

**Mannings will strive to be a community with good jobs near home.**

### **VISION STATEMENT #9: INFRASTRUCTURE**

**Mannings will strive to be a place where infrastructure keeps pace with development and new development pays its own way.**

### **VISION STATEMENT #10 BEAUTIFICATION**

**Mannings will strive to preserve and enhance the overall appearance of the Town.**

### **VISION STATEMENT #11 PLANNING**

**Mannings will strive to influence future decisions that will affect Town residents.**

### **VISION STATEMENT #12 GOVERNMENT**

**Mannings will strive to be a place where local government works efficiently and effectively.**

**☐ VISION STATEMENT #13 PARKS, TRAILS, GREENSPACE, AND RECREATION**

**Mannings will strive to be a place with ample parks, trails, green space and recreational opportunities.**

***VISION STATEMENT #1: HISTORY***

As Mannings's landscape changes in the years ahead we do not want to forget the rich history that brought our ancestors to Mannings in the first place. If we are creative and pro-active we can preserve the best of our past while enhancing our future. This will certainly involve creating new ordinances & policies, finding new financial resources, such as incentive programs, grants, fees, donations, and the use of other methods that will encourage or require property owners to preserve historic resources and/or adaptively reuse historical buildings and structures. The intent is not to create a collection of museums, but to resist the temptation to prematurely declare a building, a block, or a neighborhood obsolete and remove it. Adaptive re-use should be looked at first.

***VISION STATEMENT #2: COMMERCE AND INDUSTRY***

Mannings will strive to maintain its position as the gateway community for Jefferson County, West Virginia. Mannings will encourage existing businesses to stay and grow in the Town while attracting new businesses that offer new opportunities for jobs and local revenues. The Town of Mannings will strive to become a center of commerce and industry for new and existing businesses so new job opportunities and local revenues grow in relationship with population.

***VISION STATEMENT #3: DOWNTOWN***

The existing downtown district should continue as the historic center of business and government in Mannings. Mannings will work to maintain and enhance a vibrant downtown. The downtown will consist of businesses that focus on niche markets, provide office and retail services, cater to local residents, and provide government services. Bringing new residents and businesses to downtown, as well as finding ways to attract tourism will be top priorities. Other uses that should be supported downtown shall include cultural, recreational, non-profit and institutional uses.

***VISION STATEMENT #4: SAFETY***

Mannings will continue to combat crime and other hazards so that it can continue to be a community where families, friends, and visitors can walk, ride and drive in a safe and comfortable environment. Mannings will strive to maintain a high quality service from the police, fire and emergency service providers. Mannings will work with local, state and federal entities to prepare mitigation plans for natural and man-made calamities.

***VISION STATEMENT #5: WALKABILITY***

The Town of Mannings has traditional neighborhoods that are walkable with paths to most home sites. Mannings recognizes the importance of providing citizens with sidewalks, bike paths, and public transit. Therefore, it shall be the Town's goal to promote high quality development that utilizes design concepts that encourage walkability.

**VISION STATEMENT #6: COMMUNITY PRIDE**

Mannings will promote community pride among residents by supporting social activities and organizations, holding Town events, promoting tourism and business, improving ordinances impacting social welfare, and encouraging voting.

**VISION STATEMENT #7: AFFORDABLE LIVING**

Maintaining a complete community with diverse age, background, race, ethnicity, social status, and income is important to Mannings's overall vitality. Mannings will identify means and methods for fostering this diversity and recognize that a continuing effort will be needed to ensure that the needs and wants of all citizens are recognized and represented.

**VISION STATEMENT #8: JOBS**

Mannings has a vision for its residents to find good jobs at home. There are many Mannings residents that commute out of the community. With long commutes, the time and participation in community activities is greatly reduced. Greater potential for citizens to obtain a job with good wages necessary to live and raise a family, or to be independent, is a major part of this vision. Mannings will focus on expanding its economic base with the kind of employment that will utilize the skill levels of our citizens. Mannings also will attempt to attract companies who treat their employees with respect and are willing to train, retain, and educate them.

**VISION STATEMENT #9: INFRASTRUCTURE**

The quality of life for current and new residents and businesses of the Mannings community is dependent upon the infrastructure of the community being adequate to handle the demands of growth. As demands change, Mannings envisions that local and state government will work together to recognize what must be accomplished to provide for new or expanded infrastructure. The Town of Mannings expects new developments to pay for the majority of the new infrastructure that will be needed to support this growth. This begins with developers providing the necessary transportation infrastructure on site and working collaboratively with the Town of Mannings and other entities to improve the overall transportation systems off-site. Other infrastructure may include, but is not limited to, parks, municipal facilities, storm water facilities, community facilities, emergency services, open spaces, and various utilities. Creation and expansion of central waste water treatment and water systems are also included as key services. The Town of Mannings will collaborate with all interested parties to facilitate these improvements.

**VISION STATEMENT #10: BEAUTIFICATION**

The Town has unique neighborhoods, an established downtown, and a road network that brings a great number of people to it, or through it, during any given year. It should be a distinctive and attractive Town. Unmanaged and unattractive development can forever change the character and appeal of the Town. For some people the first and perhaps the only view of the Town that they can encounter is along the major roadway corridors. Maintaining the good, and improving the inadequate appearance of Mannings, its entrances, the natural environment, and the urban forest are important elements of the Town's overall vision.

***VISION STATEMENT #11: PLANNING***

The Town endeavors to be proactive in planning for future infrastructure, public services and land use needs to compose a better future for all Town residents. To accomplish this goal the Town will need to utilize many different policy tools, such as, but not limited to, the Comprehensive Plan. The statements and descriptive data and illustrations within the Comprehensive Plan shall serve as a guide for the Town's Planning Commission to consider and make recommendations to Town Council regarding future land use decisions that affect the Town. Although they will not be the sole basis for making decisions, the Comprehensive Plan and "Smart Code" land use concepts will help the Town focus on future needs and provide a foundation in which the Town can build.

***VISION STATEMENT #12: GOVERNMENT***

Mannings will strive to provide the best government services possible. Cooperative intergovernmental relations between Charles Town, Ranson, and Jefferson County is indispensable for creating common goals that work in the best interest of the region. Likewise, cooperation with the West Virginia Department of Transportation, Jefferson County Board of Education, Economic Development Authority, and other local, state and federal government entities is necessary. Open government that encourages participation of all citizens, and other impacted individuals and groups, enhances a government's ability to serve its public. Therefore, one of the Town's goals is to ensure that an open and fair forum is provided, so the opinions of the minority and majority are both considered when making future decisions and educating the public. The writing of new ordinances, public visioning exercises, amendments to this comprehensive plan, annexations and public improvement projects are all examples of processes that need to be evaluated to ensure that the Town's procedures accomplish this goal.

***VISION STATEMENT #13: PARKS, TRAILS, GREENSPACE, AND RECREATIAL AREAS***

Mannings recognizes that parks, open space, trails and recreational facilities are important ingredients to local quality of life and to attracting and retaining high quality businesses. Mannings will identify and target areas for recreation areas that are interconnected with trails and parkland, beyond the required floodplain and wetland areas, and layout a strategy for green space protection with multiple purposes, including ensuring clean water, abundant clean air and healthy landscapes for our citizens and wildlife.

**WV Code Incorporation Application**

**Requirements Narrative (exhibit 8)**

**CHAPTER 8. MUNICIPAL CORPORATIONS.  
ARTICLE 2. CREATION OF MUNICIPALITIES.**

**PART I. GENERAL.**

**§8-2-1. Requirements for incorporation; size and character of territory; population.**

(a) Any part of a county or counties may be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or as a Class IV town or village, as classified in section three, article one of this chapter if the area proposed for incorporation meets the following conditions:

- (1) The area is not currently within any municipality urban in character;

*Territory to be incorporated is not within any of the five current Jefferson County incorporated municipalities. Refer to county location map, exhibit 3.*

- (2) For areas that are more than one square mile there must be an average of not less than five hundred inhabitants or freeholders per square mile;

*Territory to be annexed is .86 square miles (550 +/- acres) Inhabitants per square mile does not apply.*

- (3) For areas less than one square mile there must be at least one hundred inhabitants or freeholders;

*The number of addressable structures in the area proposed for incorporation indicates that the minimum of one hundred inhabitants has been met.*

- (4) The total area to be incorporated must not include an amount of territory disproportionate to its number of inhabitants; and

*Inhabitants per acre is similar to the other five incorporated areas of Jefferson County. Refer to population density exhibit 4.*

- (5) The proponents of incorporation shall provide to the county commission a proposal which shall include:

(A) A map or maps of the area to be incorporated showing the following information:

*Refer to county location map, exhibit 3.*

- (i) The present boundaries of nearby municipalities and the proposed boundaries of the area to be incorporated; and

*Boundaries of “nearby” municipalities and the proposed boundaries of Mannings are displayed in exhibit 3. Survey description is included in Plat.*

- (ii) The proposed extensions of water mains and sewer outfalls to serve the incorporated area, **if such utilities are to be operated by the municipality.** The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.

*There are no plans for Mannings to own or operate central sewer or water systems on the date of incorporation. Provision and expansion of these services are addressed in exhibit 5, statement 9.*

(B) A statement that the area to be incorporated meets the applicable requirements of this article.

*Every effort has been made to meet WV Code requirements for initial incorporation application.*

(C) A statement setting forth the plans of the proposed municipality for providing to the area to be incorporated each major municipal service and whether the service will be provided by the municipality or by contract with a public or private entity. The plan shall:

*Specific major municipal services and how they will be provided are detailed in exhibit 6. These issues will be addressed to provide service similarly to the practice of the County and Municipal jurisdictions*

- (i) Provide for police protection, fire protection, solid waste collection, public water and sewer services and street maintenance services to the area to be incorporated on the date of incorporation;

1. *Police protection will be continued by written agreement with State, County and Municipal law enforcement agencies.*
2. *Fire protection will be through requirement of WV Code and similar practices of current Jefferson County Municipalities.*
3. *Solid waste collection will be addressed as required in WV Code and similar practices of current Jefferson County and Municipalities.*
4. *Public water and sewer services will be continued at their current level. New and/or expanded service will be provided in accordance with WV PSC, WV DEP, JC Health Department and Mannings ordinance.*
5. *Street maintenance services will begin based on funding availability.*

- (ii) A statement of the impact of the incorporation on any rural fire department providing service in the area to be incorporated and a statement of the impact of the incorporation on fire protection and fire insurance rates in the area to be incorporated; and

1. *Rural fire department impact: Mannings is currently served directly by Blue Ridge Fire Company (BRFC). It is a volunteer, non-profit corporation. BRFC funding is primarily through private donations and fund raising activity. County and Municipal jurisdictions*

*contribute to volunteer services based on budget considerations. This process is expected to include Mannings. (exhibit 7)*

2. *Fire protection and insurance rate impact: There will be no negative impact to the proposed incorporated area or surrounding areas. It is anticipated that as services and infrastructure are enhanced, fire protection will improve. Fire insurance rates will be reduced as service improvements are made.*

(iii) A statement showing how the proposed incorporation will affect the proposed municipalities finances and services.

1. *Proposed municipal finances: Finances will be considered by the Town Council. It is that body that will determine municipal needs and availability of funds. Tax rates, levy and service needs will be determined by the residents of the area to be incorporated.*
2. *Provision of major services has been detailed in exhibit 6. Additional services, amenities and funding sources will be at the discretion of residents and their elected representatives*
3. *County services will remain unchanged or enhanced.*

(b) The creation of any new municipality is prohibited if:

(1) The area to be incorporated is within close proximity to an existing municipality and the existing municipality is capable of more effectively and efficiently providing services to the area;  
or

*Close proximity is not defined. The area to be incorporated is separated from any other incorporated municipality by the Shenandoah River and a minimum of 2.25 miles.*

(2) The creation of a new municipality is not in the best interest of the county as a whole.

*This particular provision requires that there be a finding of negative impact on county residents as a group. A simple loss of some authority by County government is not sufficient. There will be no negative fiscal impact to county residents through the incorporation of Mannings. All current county taxes will continue.*

(c) It is within the reasonable discretion of the county commission to determine the exact area or portions thereof to be included or excluded in the new municipality, considering the following:

- (1) The topography of the area;
- (2) The benefits of incorporation;
- (3) The amount of uninhabited land required for parks and recreational use; and
- (4) Normal growth and development and the present and possible future uses so as to prevent hardships and inequities.

Exhibit 4

| Name                 | Land Area-acres | Population (est) | Density/acre | Density Rank |
|----------------------|-----------------|------------------|--------------|--------------|
| Jefferson County     | 135,680         | 54,225           | 0.40         | 7            |
| Charles Town         | 3716            | 5264             | 1.42         | 3            |
| Ranson               | 5152            | 4440             | 0.86         | 5            |
| Bolivar              | 282             | 1045             | 3.71         | 2            |
| Shepherdstown        | 256             | 1734             | 6.77         | 1            |
| Harpers Ferry        | 340             | 286              | 0.84         | 6            |
| Mannings             | 550             | 650              | 1.18         | 4            |
| percent incorporated | 8%              | 25%              |              |              |

**Fred Blackmer**

GIS DATA 4A

**From:** "Todd Fagan" <tfagan@jeffersoncountywv.org>  
**To:** "Fred Blackmer" <fred@fredblackmer.com>  
**Sent:** Tuesday, April 26, 2011 3:52 PM  
**Attach:** draft\_v2.pdf  
**Subject:** FW: Revised Mannings numbers

It looked like it was supposed to go out.

Do you have a PDF on this one?

---

**From:** Todd Fagan [mailto:tfagan@jeffersoncountywv.org]  
**Sent:** Tuesday, April 26, 2011 3:08 PM  
**To:** Fred Blackmer  
**Cc:** 'Victoria (Tori) Myers'; 'Jennifer Brockman'  
**Subject:** Revised Mannings numbers

Fred,

We revised our draft-proposed Mannings boundary per the map found at your [website](#)

There were some minor differences between that map and the Tax Assessor's parcels.

The boundary, as mapped, splits three parcels (shown attached), which resulted in ~8 acres left out of Mannings.

Unsure if that was intentional or did you mean to include all whole parcels?

Based on the map as presented and our current GIS data, here are the latest draft statistics:

Total acres ≈ 539

Total square miles ≈ 0.84

Total addressable structures ≈ 262

252 residential

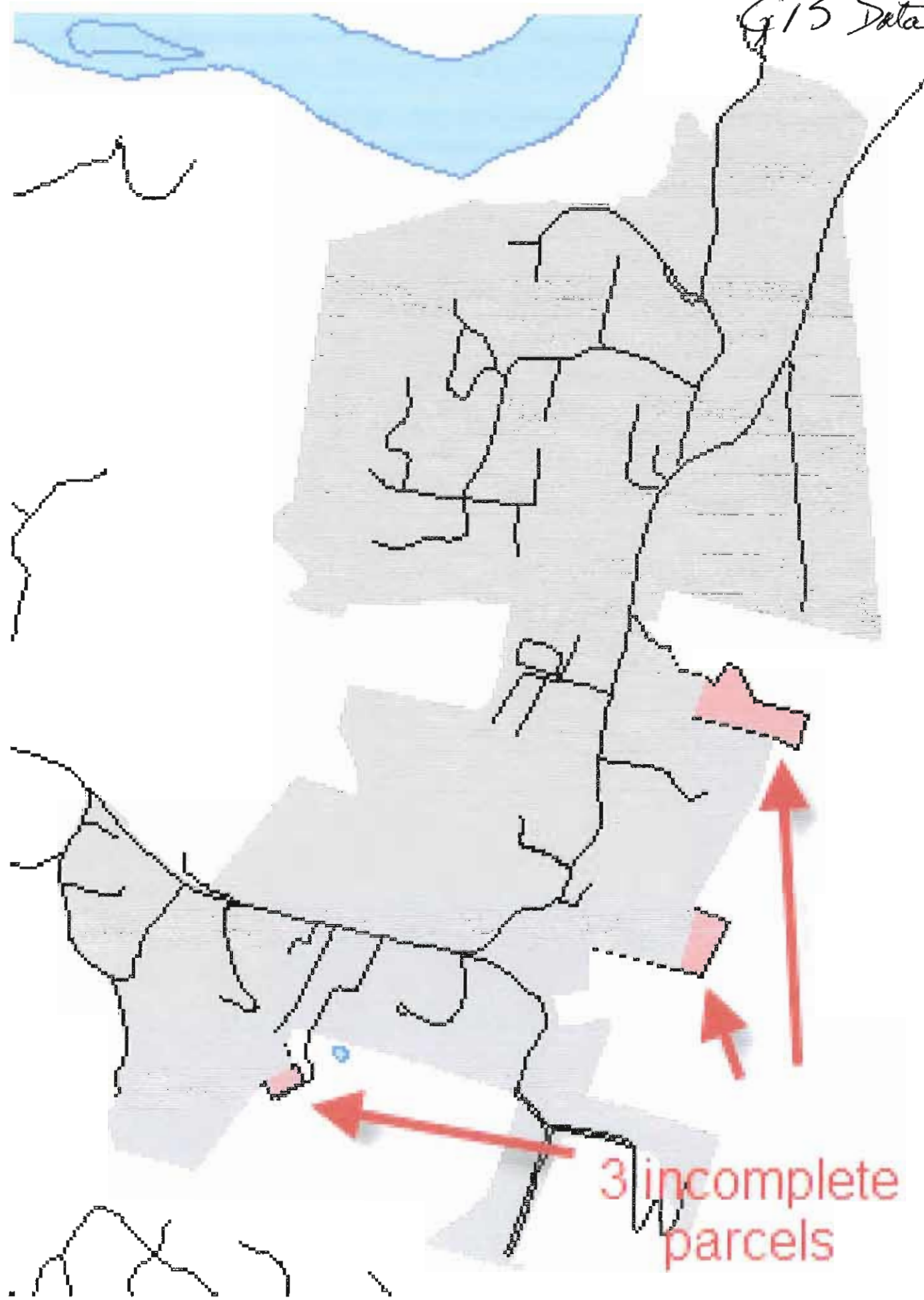
10 other (church, school, cell tower, etc)

Please let me know if you have further questions.

Todd

Todd Fagan, GISP  
GIS Specialist - GIS/Addressing Office  
Jefferson County Commission  
116 E. Washington St. Suite 201  
Charles Town, WV 25414  
Office: 304.724.6759  
Fax: 304.724.8992  
tfagan@jeffersoncountywv.org

GIS Data 4 B



3 incomplete parcels

Q-1. Post Office? Get our own, or continue to use Harpers Ferry? Build our own?

Answer: Initially, all mail will remain as it is. Current postal addresses will continue as they are. Mail delivery will remain as it is. Residents, through the local town government will be able to work with the postal service if a change is desired.

Q-2. Change in taxes? Still pay county taxes but pay additional Mannings city taxes?

Answer: There will be some change in taxes. County taxes will continue as before. Mannings town council will determine what additional money may be needed, if any. Town taxes will be base on the cost of service needed or items the residents feel that the neighborhood should have.

Q-3. What about town police? Who's rules does he/she abide by? Mannings alone? Jefferson County? State of WV? Do we make our own rules?

Answer: The issue of Mannings having its own police department will be a significant discussion item. A police officer (if created) will serve Mannings as directed by policy created by the town council. All existing County, State and Federal laws would still be in effect. There are several advantages of having a local law enforcement function. Response times may be better when law enforcement is needed. There may also be an opportunity for more personal evaluations of certain situations.

Q-4. What happens to school funding and maintenance?

Answer: Incorporation of Mannings will have no impact on the county school system. Blue Ridge Elementary may be in the incorporated area of Mannings but would still be run by the county and state Boards of Education. Current funding, maintenance and operation would remain unchanged.

Q-5. What if we try to Incorporate and cannot do it? What if it is too much financial burden on our small community? Can we un-incorporate?

Answer: Can the residents “un-incorporate” if it doesn’t work out? The simple answer is yes. It should be pointed out that the benefit and cost of incorporating will be known before the incorporation takes place. Establishment of a local town government structure and town charter are required BEFORE an incorporation takes place. These things will be know and voted on by residents of the area to be incorporated.

Q-6. Will there be impact studies on how this incorporation will affect the area? Environmental, more waste from water/sewer, shopping centers, etc.....? What kind of population increase would this cause?

Answer: There will be many discussions about what **could** happen with the incorporation of Mannings. Those conversations all end with a simple fact: **Mannings residents will determine what impact incorporation has on the neighborhood.** Residents through their own town government will set the standard for any change to the existing community. It needs to be clear that a vote to seek incorporation doesn’t mean there will be a new town full of strangers, shopping malls, sewer plants and out of control tax bills the day after your vote. It is almost the opposite. A yes vote will empower neighbors to have some say in how and what happens in their own community.

There are many questions that need to be addressed. Some of your neighbors have asked that I help provide answers. Please call or email with questions, concerns, comments and suggestions. Watch for notices of neighborhood meetings.

304.536.3983

[mannings@fredblackmer.com](mailto:mannings@fredblackmer.com)

Fred Blackmer

[www.fredblackmer.com](http://www.fredblackmer.com)

Documents available..... on line at [www.manningswv.org](http://www.manningswv.org) (and by request)

- A. West Virginia Code (laws) describe the incorporation process.....
- B. West Virginia Code (laws) Video Lottery revenue distribution.....
- C. Sample Video Lottery distribution spread sheet.

Exhibit 9

| Town                | Population | Current Percentage | Mannings Factor      |                      | 2011/2012 Actual | 2011/2012 W/ Mannings |
|---------------------|------------|--------------------|----------------------|----------------------|------------------|-----------------------|
|                     |            |                    | Projected Percentage | Projected Percentage |                  |                       |
| Ranson              | 4440       | 34.78%             | 33.10%               | \$ 1,117,426.92      | \$ 1,063,363.74  |                       |
| Charles Town        | 5259       | 41.20%             | 39.20%               | \$ 1,323,691.46      | \$ 1,259,511.24  |                       |
| Bolivar             | 1045       | 8.19%              | 7.79%                | \$ 263,131.87        | \$ 250,273.67    |                       |
| Shepherdstown       | 1735       | 13.59%             | 12.93%               | \$ 436,625.41        | \$ 415,526.14    |                       |
| Harpers Ferry       | 286        | 2.24%              | 2.13%                | \$ 71,967.69         | \$ 68,495.95     |                       |
| Mannings            | 650        |                    | 4.85%                |                      | \$ 155,672.62    |                       |
| Total Current       | 12765      | 100.00%            |                      |                      |                  |                       |
| Total With Mannings | 13415      |                    | 100.00%              |                      | \$ 3,212,843.36  |                       |

Table created with 2011-2012 financial data with 2010 census population numbers current.

3212843.36

Exhibit 7



BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY  
181 Keys Gap Road  
Harpers Ferry, WV 25425  
Phone: (304) 725-8118 or (304) 728-8006  
Fax: (304) 725 4081



**TO:** FRED BLACKMER  
**FROM:** ED BURNS PRESIDENT CO 5  
**SUBJECT:** FIRE/EMS COVERAGE  
**DATE:** JANUARY 9, 2012  
**CC:** PETER PENTONY -- ATTORNEY

---

The incorporation of the Mannings area will have no impact on the level of Fire /Ems service provided by Company 5 to the area to be incorporated. Blue Ridge Company 5 welcomes the prospect of an additional local funding and support opportunity for the service of area residents.

**WV Code procedure for new**

**CHAPTER 8. MUNICIPAL CORPORATIONS.  
ARTICLE 2. CREATION OF MUNICIPALITIES.**

**PART I. GENERAL.**

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(a) Any part of a county or counties may be incorporated as a city, depending upon the population, either as a Class I, Class II or Class III city, or as a Class IV town or village, as classified in section three, article one of this chapter if the area proposed for incorporation meets the following conditions:

- (1) The area is not currently within any municipality urban in character;
- (2) For areas that are more than one square mile there must be an average of not less than five hundred inhabitants or freeholders per square mile;
- (3) For areas less than one square mile there must be at least one hundred inhabitants or freeholders;
- (4) The total area to be incorporated must not include an amount of territory disproportionate to its number of inhabitants; and
- (5) The proponents of incorporation shall provide to the county commission a proposal which shall include:
  - (A) A map or maps of the area to be incorporated showing the following information:
    - (i) The present boundaries of nearby municipalities and the proposed boundaries of the area to be incorporated; and
    - (ii) The proposed extensions of water mains and sewer outfalls to serve the incorporated area, if such utilities are to be operated by the municipality. The water and sewer map must bear the seal of a registered professional engineer or a licensed surveyor.
  - (B) A statement that the area to be incorporated meets the applicable requirements of this article.
  - (C) A statement setting forth the plans of the proposed municipality for providing to the area to be incorporated each major municipal service and whether the service will be provided by the municipality or by contract with a public or private entity. The plan shall:
    - (i) Provide for police protection, fire protection, solid waste collection, public water and sewer services and street maintenance services to the area to be incorporated on the date of incorporation;

(ii) A statement of the impact of the incorporation on any rural fire department providing service in the area to be incorporated and a statement of the impact of the incorporation on fire protection and fire insurance rates in the area to be incorporated; and

(iii) A statement showing how the proposed incorporation will affect the proposed municipalities finances and services.

(b) The creation of any new municipality is prohibited if:

(1) The area to be incorporated is within close proximity to an existing municipality and the existing municipality is capable of more effectively and efficiently providing services to the area; or

(2) The creation of a new municipality is not in the best interest of the county as a whole.

(c) It is within the reasonable discretion of the county commission to determine the exact area or portions thereof to be included or excluded in the new municipality, considering the following:

(1) The topography of the area;

(2) The benefits of incorporation;

(3) The amount of uninhabited land required for parks and recreational use; and

(4) Normal growth and development and the present and possible future uses so as to prevent hardships and inequities.

## Cindy Schott

---

**From:** Arthur Auxer III [jimauxer@yahoo.com]  
**Sent:** Wednesday, March 20, 2013 11:45 AM  
**To:** cschott@jeffersoncountywv.org  
**Subject:** [QUAR] Re-submission of Manning Incorporation Petition

**Importance:** Low

Dear Jefferson County Commissioners:

Please let this email serve as official notification that, as Mayor of Shepherdstown, I am opposed to the approval of the incorporation of Manning. If approved, it would have a negative impact on the Video Lottery distributions to the current Jefferson County municipalities. It would cause a reduction in allocations in which we are already experiencing a reduction in the weekly distribution as a result of the struggling economy.

Respectfully,

Jim Auxer, Mayor for the  
Corporation of Shepherdstown

## Nichelle Hosby

---

**From:** bolivarth@frontiernet.net  
**Sent:** Wednesday, March 20, 2013 9:29 AM  
**To:** nhosby@jeffersoncountywv.org  
**Subject:** [QUAR] mannings

**Importance:** Low

Jefferson County Commissionssioners:

The committee should be very careful with the request to incorporate Mannings for it will open a series of requests from all small areas in the County. Example; Rippon, Middleway, Silver Grove, Uvilla, Bakerton & Millville. If this is approved you will open the door and the video lottery will be damaged. Please reject this request.

Sincerely,  
Robert J. Hardy  
Mayor of Bolivar

Dear County Commissioners:

I repeat my question, to which I have not received a reply. How can it be legitimate to hold this hearing on May 2, insofar as the County Commission voted March 21 to convene it? According to the WV Code **§8-2-3**, that hearing had to be held on or before April 20. The County Commission and the applicants have collectively missed the deadline and have apparently rescheduled the hearing, in violation of the Code, outside the time limit and without regard for the interests of residents of the targetted area, who reasonably expected that the hearing would be held within the legally mandated time period and planned our schedules accordingly.

The deadline has been missed. There should be no hearing. The issue is moot and should be removed from the agenda, since the applicants and the County Commission have failed to adhere to the Code and have treated the public, including residents affected by the proposed scheme, with nothing but contempt.

Sincerely,

Rachel Douglas

Resident and property-owner in Shenandoah North, within the area targetted by Messrs. Ashbaugh and Blackmer for incorporation - to all appearances, for their own commerical purposes.

----- Original Message -----

**From:** Jefferson County Alerts

**To:** [jeffersoncountycommissionalerts@jeffersoncountywv.org](mailto:jeffersoncountycommissionalerts@jeffersoncountywv.org)

**Sent:** Monday, April 22, 2013 4:13 PM

**Subject:** Public Hearing - Manning Petition May 2, 2013 7pm

Click on the link below to view the Petition

<http://www.jeffersoncountywv.org/uploads/public%20notices/Mannings%20Petition.pdf>

\*\*\*\*\*Please do not reply to this email. If you have questions or need assistance, please email [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or call the County Commission office at 304-728-3284.\*\*\*\*\*

## Sandy McDonald

---

**From:** Thomson von Stein [tvs2@aol.com]  
**Sent:** Monday, April 22, 2013 1:50 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; nhosby@jeffersoncountywv.org;  
chernandez@jeffersoncountywv.org  
**Subject:** Mannings petition

## Your submission:

---

**Your Name:** Thomson von Stein

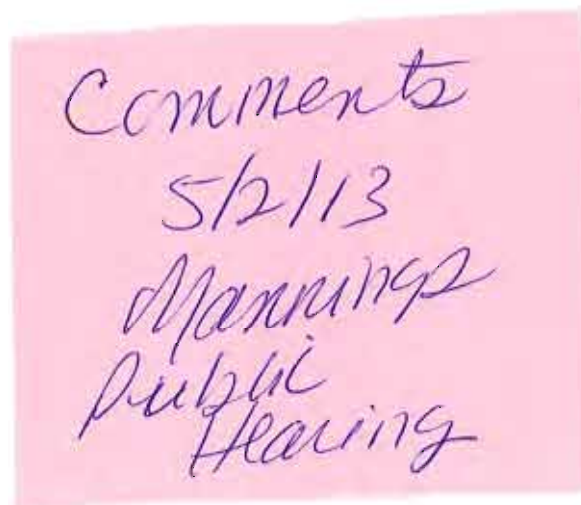
**Your Email Address:** [tvs2@aol.com](mailto:tvs2@aol.com)

**Subject:** Mannings petition

**Message:** I own 4 properties in the proposed area to be incorporated. It is a bad idea.

I request time to speak at the hearing.

I request to be informed when there is a hearing on the petition



Comments  
5/2/13  
Mannings  
Public  
Hearing

## Cindy Schott

---

**From:** Pete Smith N4ZR [n4zr@contesting.com]  
**Sent:** Monday, April 22, 2013 4:52 PM  
**To:** info@jeffersoncountywv.org  
**Subject:** Mannings Petition to Incorporate - Thursday, May 2 hearing

Please incorporate my written comments below in the record of this hearing:

I strongly oppose the proposal to incorporate Mannings. This county has a long and complex history of seeking reasonable compromise on land use regulation and planning; allowing Mannings to incorporate would simply allow the sponsors of this petition to opt out of the county's land use program. This would:

1. Create an undesirable precedent for other small localities in the county, contributing to the fragmentation of land use patterns and Inwood-style blight.
2. Deprive the county of the benefit of impact fees for properties in Mannings, unless a prior agreement were made similar to that in effect with Charles Town. Without that, new Mannings residents would get a free ride on our county's schools and other services funded in part by impact fees.
3. Open the likelihood of further blighting old Route 9; while it is no longer the principal commuting route into and out of the county, the road through Mannings remains a pleasant alternative route for tourists and others.
4. Run the real risk that old Route 9 will deteriorate significantly once its maintenance inside the new town limits becomes the town's responsibility. Note that the petition says that Street maintenance services "will begin based on funding availability."

Please reject this petition pursuant to WV Code 8-2-1, as "not in the best interest of the county as a whole."

Sincerely,

Peter G. Smith  
96 Willow Well Ln  
Kearneysville, WV 25430

*Jefferson/Berkeley Advisory Board  
Shepherd University  
County Commissioners  
STARS 2021*

*With Special Thanks*



*On Behalf of  
The Honorable Earl Ray Tomblin  
Governor*

*Jeffrey V Kessler  
Lieutenant Governor  
Senate President*



*Richard Thompson  
Speaker of the House*

*Joseph C. Thornton, Cabinet Secretary  
Department of Military Affairs and Public Safety*

*Stephanie Bond, Acting Director  
Division of Juvenile Services*

*You are cordially invited  
to an Open House at the  
Jefferson Co. Youth Report Center  
Ranson, West Virginia*

*1186 North Mildred Street, Ranson West Virginia*

*Thursday, May 2, 2013*

*11:00a.m.—1:00p.m.*

*Refreshments available*

## **A Future for the Past: Preserving the Past as an Asset for the Future**

The West Virginia Humanities Council observes National Preservation Month this May by bringing Sir Neil Cossons, distinguished historian, museum director and former chairman of English Heritage, to West Virginia for a speaking tour. English Heritage is the advisor to the government of the United Kingdom on the historic environment of England, from Stonehenge to manor houses.

On May 7 Cossons begins his tour with the 7:00 p.m. presentation of "A Future for the Past: Preserving the Past as an Asset for the Future" at the Jefferson County Courthouse in Charles Town. He will repeat the program on May 8 at 7:00 p.m. at West Virginia University's Erikson Alumni Center in Morgantown and May 9 at 7:00 p.m. at West Virginia Independence Hall in Wheeling.

The programs are free and the public is cordially invited to attend

YOU'RE  
INVITED

COMMISSIONER TABB

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SHEPHERDSTOWN  
PUBLIC LIBRARY

"BROWN-BREAKING" FOR THE FUTURE

Please join the Shepherdstown Public Library

For a

**"Brown-Breaking"**

Celebrating

The cleanup and reclamation of the  
Old Shepherdstown Dump  
From Brownfield to Green Space

May 9<sup>th</sup>

4:00 pm

End of Lowe Dr.

Refreshments Provided

Please RSVP:

☎ 876-9387

✉ [gustafsonjm@gmail.com](mailto:gustafsonjm@gmail.com)

---

DIRECTOR: HALI TAYLOR

BOARD OF TRUSTEES: LIBBY STURM, MARK WIRT,  
KATE DIDDEN, WAYNE GOODRICH, & LINDA SHEA

The background of the entire page is a close-up, slightly blurred image of the American flag, showing the red and white stripes and the blue field with white stars.

**County Commission Offices**

**Will be closed**

**On**

**Monday, May 27, 2013**

**In Observation of**

**Memorial Day.**



*19th Annual*



*Join us at the Charleston Marriott!  
Watch for further information on our website  
[www.dhsem.wv.gov](http://www.dhsem.wv.gov).*

*Questions or Suggestions?*

*Contact Melissa Buckley 304.558.5380 or  
[Melissa.D.Buckley@wv.gov](mailto:Melissa.D.Buckley@wv.gov)*

## 2013 SERC CONFERENCE

August 26-28, 2013  
Charleston Marriott  
Charleston, WV

### SAVE THE DATE



Division of Homeland Security and  
Emergency Management

1900 Kanawha Blvd. E, Bldg. 1 Room EB 10, Charleston, WV 25305



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

April 18, 2013

**RECEIVED**

APR 25 2013

Ms. Debbie Keyser  
County Administrator  
Jefferson County Commission  
124 East Washington Street  
Post Office Box 250  
Charles Town, West Virginia 25414

Jefferson County Commission

Dear Ms. Keyser:

Thank you for your letter, dated February 19, 2013, as well as additional questions you asked to be answered regarding the action steps the Jefferson County Commission feels resulted from our joint meeting held in February 2013. List below are my answers.

1. The Jefferson County Commission requested alternative routes to 340S be brought before the Commission 2-3 weeks prior to the April DOH Public Meeting. Please contact Cindy Schott at (304) 728-3335 to notify when you are ready to provide the information.

*The DOH (Engineering Division) will be conducting a Field/Office Review on the revised design study, which includes the newly created alignments in March 2013. Information will be provided to the various agencies including the Jefferson County Commission for review and comment. The Division representatives will meet with the Jefferson County Commission's Transportation group to discuss their comments the same day as the review but at a different time and location. This part was already planned for April 11, 2013. A glitch occurred, the meeting will be rescheduled.*

2. Commissioner Lyn Widmyer requested a public hearing regarding Route 340S. You advised a public workshop will decide if a public hearing is needed. Please note the Commission has gone on record requesting a Public Hearing on Route 340S. Should you choose to hold a Public Hearing, please keep us informed so we may help in any manner.

*A public informational workshop meeting will be held as normal and, in addition to this meeting, a public hearing will be held on the same day after the workshop meeting.*

3. Jefferson County Commission would like for the DOH to meet with our newly formed Steering Committee "Envision 2035" to discuss Comprehensive Planning. This is a good example of the need for communicating between the DOH and County as we look to our future. Please let us know of your or your staff's availability.

*We agree to meet with the newly formed Steering Committee "Envision 2035" to discuss Comprehensive Planning. Our staff contact will be the District 5 personnel which primarily consists of Lee Thorne ([Lee.J.Thorne@WV.gov](mailto:Lee.J.Thorne@WV.gov)) telephone number (304) 400-5310; Barry Knotts ([Barry.A.Knotts@WV.gov](mailto:Barry.A.Knotts@WV.gov)) telephone number (304) 400-5293; Ken Clohan ([Kenneth.L.Clohan@WV.gov](mailto:Kenneth.L.Clohan@WV.gov)) telephone number (304) 267-0060. You may contact any of these three people to discuss scheduling a meeting. They can inform each other and also get the necessary people from the central office to attend on a need basis. Most concerns can be addressed by these persons.*

*Since we are to work with the Metropolitan Planning Organization on planning and project selection and approval, it would also be desirable to invite them to the meeting especially where federal funds are involved. The Director is Robert S. Gordon ([rgordon@hepmo.net](mailto:rgordon@hepmo.net)) telephone (240) 313-2080, WV contact (304) 263-1743.*

4. Mr. Marvin Murphy to review and report back to the Commission regarding the dangerous intersection of Cattail Run Road/Route 9 and Route 9/Route 115. Sight distance, elevation and night lighting seem to be several of the major issues.

*The intersection of new WV 9 and Cattail Run Road (Jefferson CR 9/3):*

- *Crash data for a very similar intersection in Jefferson County, US Route 340 and Old Cave Road (CR 36,) was found to be very low with a rate of 0.12 accidents/MEV (2011 ADT on CR 9/3 is 491 and 2011 ADT on CR 36 is 387 for comparison).*
- *Commissioner Widmyer was contacted to find contact information regarding citizen complaints at the new intersection and she indicated that she is the major proponent of this issue.*
- *Accidents at the intersection could be reduced if the existing right turn taper on WV 9 WB could be converted to a full right turn lane since there is evidence of at least one accident and skid marks are present (if funds are available). Further review will be completed when time allows.*
- *Sight distance is adequate and STOP signs were previously upgraded to oversize so no other improvements are recommended at this time.*
- *The intersection of Old Route 9 and Cattail Run Road (CR 9/3).*

- *We have been working with Donna Hardy regarding improvements to this intersection and her office has indicated that funds should be available.*
  - *The District is reviewing alternatives and working to prioritize the design work.*
5. The DOH indicated they have reviewed the timing of the light at Bakerton Road and felt it was appropriate; however, they will review the intersection to determine if friction treatment will assist trucks descending down the hill.

*The new traffic signals on US 340 at both Bakerton Road and at the Customs and Border Patrol facility: We understand the County Commission's concern with the adding new signals on this corridor and will make every effort to provide signal timing and coordination to provide good level of service. We plan to coordinate the new signal at the Border Patrol facility with the existing signal at WV 230 and create a closed loop system. We had previously reviewed the idea of eliminating the signal at WV 230 in combination with the new signal at the Border Patrol facility and determined that this was not feasible due to the poor connection on the north side of the Border Patrol intersection. As part of the traffic impact study prepared for the Border Patrol facility, it was agreed that the Koonce Road leg that currently intersects with US 340 opposite WV 230 would be eliminated. The study showed that eliminating this leg improves level of service at this intersection and coordination of the two signals would work well. We also plan to employ high speed detection systems as part of the traffic signal work to reduce the problems associated with "dilemma zones" when signals change from green on the mainline. Additionally, we also plan to install high friction pavement on the grades approaching both WV 230 and Bakerton Road to reduce stopping distance at both signals (eastbound). We believe the combination of these efforts will provide safe operation of all three signals in this area.*

*In regard to the request for signals on WV 115 (old WV 9) at the intersection with Citizens Way and the ramp from US 340, we have requested a turning movement count and will undertake a full intersection study to determine if a traffic signal is needed at this location.*

6. Ken Colhan is to review and report back to the Commission regarding the speed limit in Middleway.

*Leetown Road (CR 1) Speed Study*

- *The current posted speed limit is 30 mph.*
  - *The 85th percentile speed is 44 mph.*
  - *The 50th percentile speed is 38 mph.*
  - *The accident rate of this segment of CR 1 was found to be 275 accidents/HMVM for the period from January 2010 to December 2012. This rate is below the statewide average of 380 for county routes.*
  - *A reduction of the posted speed limit to 25 mph would likely have no effect on the speed through the community since the current speed limit is being exceeded. An increase in the speed limit is not recommended because of the close proximity of the homes to the roadway.*
  - *Mr. Peter Fricke, resident of Middleway who requested review has indicated that he is applying for grants for sidewalk in the community to improve pedestrian safety. He was encouraged to continue grant efforts and also contact local police to request additional enforcement of the speed limit.*
7. Senator Unger has requested commitment for better communications between the DOH and Jefferson County Commission. In that vein, we will schedule you to attend a meeting each spring and fall to provide an update of DOH activities.

*We are in agreement to meeting with the Commission as they have suggested in accordance to achieve better communication between the Division and the Commission as requested by Senator Unger.*

8. WV 9, Old 9 and Chestnut Hill Road Intersection Improvement Request.

*The project is currently in the planning and development stage. WV 9 and Chestnut Hill Road intersection project has been programmed to include intersection flashers and lighting with OCRO (safety funds). The preliminary estimate is \$150k with construction anticipated in the fall of this year.*

*Per the meeting with the Jefferson County Commission this winter, District Five may have already extended the 45 mph speed zone from the VA line to encompass this intersection. If not, this change should occur shortly.*

Ms. Debby Kerns  
April 18, 2013  
Page Five

*District 5 and central office personnel have been working to increase the awareness and visibility of the intersection. In their efforts to do this, they plan, in addition of a flashing beacon, and roadway lighting, to provide enhanced signage on the Virginia side, and improved lane markings. This work will be weather dependent as well as materials availability dependent. Every effort will be made to keep the project moving and to address any issues that come up. The markings will be done when the final leg of the intersection is marked. This should be early spring.*

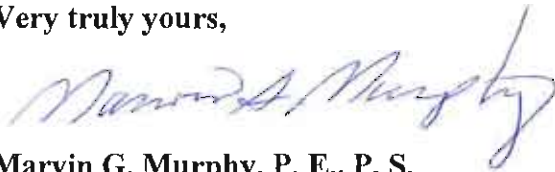
*Road Name signs at the intersection of WV 9 and Charles Town Road (Old Rte. 9) near the Virginia State Line:*

- *Additional signs were installed on u-channel posts on January 29, 2013.*
  - *These signs will be moved to posts with concrete foundations in April because of the wind on the mountain.*
9. The need for centerline rumble strips was reviewed by District 5 and our Traffic Safety & Mobility section.

*We are in the process of programming a project with safety funds for roughly 11 miles (not continuous) in Jefferson and Berkeley Counties, at an estimated cost of roughly \$170,000. We anticipate the work being completed this fall.*

Again, thank you for writing and sharing your concerns. Should additional information be needed, please contact me at (304) 473-5327.

Very truly yours,



Marvin G. Murphy, P. E., P. S.  
Assistant Deputy Secretary

MGM:b



**OLD CHARLES TOWN LIBRARY, INC.**  
*Established 14 May 1958*

22 April 2013

Mr. Dale Manuel, President  
Jefferson County Commission  
Post Office Box 250  
124 East Washington Street  
Charles Town, West Virginia 25414

Dear Mr. Manuel:

On behalf of the directors and staff of the Old Charles Town Library, Inc., please accept my thanks for the continued financial support of the County Commission. Your commitment enables us to sustain services to the citizens of our community through both our Library and Museum.

Financial support from our community allows us to be responsive to the needs and interests of the diverse and growing population of Charles Town and Jefferson County. The Charles Town Library, Jefferson County Museum and the community all benefit from the funding that we receive from you. Thank you.

Sincerely,

Marcella Genz, MLIS, Ph.D.  
Director

**RECEIVED**

APR 24 2013

Jefferson County Commission

**From:** JP@Yahoo [<mailto:jp.phillips@yahoo.com>]

**Sent:** Monday, April 29, 2013 9:13 AM

**To:** 'Jennifer Brockman'

**Subject:** Jefferson County Planning Commission

Jennie, I regret to inform you that I am moving out of the area later this summer and thus will have to resign my seat from the Jefferson County Planning Commission effective July 31, 2013. It has an honor to serve on this commission and work with you and your team.

Thanks,

J. P. Phillips

**PUBLIC SERVICE COMMISSION  
OF WEST VIRGINIA  
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA in the City of Charleston on the 29<sup>th</sup> day of March 2013.

CASE NO. 12-0513-PSD-42T-PC

JEFFERSON COUNTY PUBLIC SERVICE DISTRICT,  
a public utility, Kearneysville, Jefferson County.

Rule 42T application to increase sewer rates  
and charges and a request for authorization  
to borrow funds.

**COMMISSION ORDER**

The Commission resolves this case as proposed in a Three-party Joint Stipulation and Agreement for Settlement, and approves a three percent rate increase.

**Background**

On April 23, 2012, the Jefferson County Public Service District (JCPSD) filed revised tariff sheets reflecting an across-the-board increase in rates and charges of approximately 14.9 percent, or an additional \$355,995 in annual revenues for its approximately 2,245 customers, effective May 24, 2012. The rate increase would enable the JCPSD to fulfill a contractual obligation to pay Pentree, Inc. (Pentree) for engineering services provided to JCPSD regarding the Flowing Springs wastewater treatment plant project. The Commission first granted a certificate of convenience and necessity for the Flowing Springs project, but later rescinded that grant in Case No. 09-0347-PSD-PC-CN, Jefferson County Public Service District, Commission Orders August 14, 2009 and August 12, 2011 (the Flowing Springs certificate case). This rate filing also sought approval to borrow \$413,000 from the MVB Bank, Inc., payable over ten years at an interest rate not to exceed five percent per annum. The loan proceeds would be used to pay for a study of the JCPSD sewer system, an upgrade to a pump station, the purchase of a new maintenance vehicle and the relining of a wet well. Finally, the JCPSD asked to change its tariff provision from its current "capital assurance fee" to a designation of "capacity assurance fee." The JCPSD provided statutory notice of the proposed rate increase, as required by W. Va. Code §24-2-3a, on January 19, 2012.

By Commission Order issued May 11, 2012, the Commission named JCPSD a respondent to this proceeding; required JCPSD to provide public notice of the requested rate increase and information on the opportunity to protest or intervene, and return

affidavits of publication and posting of the notice of the increase. The Commission also referred this case to the Division of Administrative Law Judges and established a Staff audit report due date. The statutory decision date for this proceeding has been tolled twice in response to JCPSD motions, and the current decision due date is 12:01 a.m. December 31, 2012. Commission Orders June 29, 2012 and July 20, 2012.

Intervenors to this case include Pentree, Heidi Parker and Jacquelyn Milliron. Procedural Orders issued June 26, 2012 and July 3, 2012; July 24, 2012 hearing transcript.

On June 21, 2012, Staff filed its substantive report on the JCPSD's books and records. Staff recommended that JCPSD receive a decrease in current revenue of \$61,476, or 2.87 percent.

By filing on June 26, 2012, JCPSD filed proof of publication, posting, and separate mailing to resale customers of the notice of this proceeding as required by the Commission Tariff Rules.

#### Hearings before the ALJ and post-hearing exhibit

The ALJ held a hearing on July 24, 2012. Affidavit of publication filed July 20, 2012. At this hearing, the JCPSD attorney, Mr. Kelsh, explained that a settlement in principle had been reached among some of the parties to the case. July 24, 2012 Hr. I Tr. at pp. 15-18.<sup>1</sup> The ALJ also heard public comment. The parties did not present evidence related to the rate increase.

The ALJ convened a second hearing on September 28, 2012, with all parties in attendance. The ALJ heard additional public comment at this hearing and the parties presented evidence related to the rate filing. During the hearing, the ALJ refused to allow the JCPSD and Pentree to present evidence relating to a Joint Stipulation between only those two parties regarding the JCPSD payment for Pentree engineering services and associated rate treatment which the stipulating parties represented would reduce the requested rate increase from 14.9 percent to three percent. When the ALJ refused to allow the presentation of the Joint Stipulation, JCPSD withdrew it and presented evidence in support of the originally requested 14.9 percent rate increase.

Following the filing of briefs and a Joint Motion of JCPSD and Pentree to supplement the record with the Joint Stipulation filed on October 16, 2012, the ALJ issued a Procedural Order on November 9, 2012, requiring JCPSD to file an official copy of board minutes authorizing the filing of the petition in Jefferson County Public Service

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<sup>1</sup> Three hearings were held in this case. Reference to testimony and exhibits will be to the first public comment held on July hearing 24, 2012 (Hr. I), the second hearing held on September 28, 2012 (Hr. II), or the third hearing before the Commission on February 22, 2013 (Hr. III).

District, Case No. 07-1812-PSD-PC to execute a Bond Anticipation Note (BAN) to provide bridge financing to pay for a portion of the engineering work related to the Flowing Springs project (the 2007 BAN petition), along with any other JCPSD board minutes discussing the content of the 2007 BAN petition.

On November 13, 2012, JCPSD filed a copy of its Board minutes from the regular board meeting held on September 10, 2007, wherein the JCPSD's Board authorized the filing of the 2007 BAN petition in Case No. 07-1812-PSD-PC. In the Recommended Decision the ALJ identified the filing as ALJ Request Exh. No. 3.

### The Recommended Decision

By Recommended Decision issued November 16, 2012, the ALJ denied the post-hearing Joint Motion of the JCPSD and Pentree to supplement the record of this case with the Joint Stipulation. The ALJ noted that at the hearing, Staff and Intervenors Parker and Milliron objected to the entry of the written Joint Stipulation into the record because they were not parties to and had not signed the Joint Stipulation and had not received an advance copy in order to undertake a reasonable review of the document or examine any of the work papers and supporting documentation in order to determine the reasonableness of the rate proposal. After the ALJ sustained the objection to entry of the Joint Stipulation into the record and disallowed any testimony about it, the JCPSD and Pentree withdrew the Joint Stipulation, noting their objection on the record to the ALJ's ruling. Tr., pp. 32-49.

In denying the post-hearing Joint Motion to supplement the record, the ALJ concluded that she had not violated Rule 13.4, 13.1 or 12.2.b. of the Commission's Rules of Practice and Procedure. The ALJ acknowledged that Procedural Rule 13.4 provides that parties to any proceeding or investigation before the Commission may, by stipulation or writing filed with the Executive Secretary or entered in the record, agree upon the facts, or any portion thereof, involved in the controversy and that the stipulation will be binding on the parties and may be regarded and used by the Commission as evidence at the hearing. She concluded, however, that the proposed Joint Stipulation addressed more than a stipulation of facts because it provided an end result to a major issue in controversy, namely engineering fees, and provided a payment mechanism that would raise the rates of JCPSD customers without any examination by the other parties who are opposed to the payment of the engineering fees in question.

The ALJ further reasoned that because Procedural Rule 13.4 anticipates that all parties would have entered into such a stipulation, it would violate the rule to allow into the record a non-unanimous settlement. The ALJ went on to explain that Staff is a major party in most proceedings before the Commission, particularly rate proceedings, and Staff did not have the opportunity to fully assess the underlying assumptions set forth in the Joint Stipulation or the supporting documentation. Therefore, according to the ALJ, Staff and the other parties to the proceeding were denied a reasonable opportunity to

protect their interests and/or the interest of the public in the matter. The ALJ also noted that JCPSD rejected the suggestion to request a third tolling of this proceeding in order to provide Staff with an opportunity to undertake a meaningful review of the Joint Stipulation. Hr. Tr., pp. 46-53. The ALJ also noted that none of the rules cited by JCPSD and Pentree requires that a Joint Stipulation be received into evidence. Rather, the receipt of any joint stipulation and the utilization of that joint stipulation is clearly at the discretion of the hearing officer. The ALJ also found that if the Joint Stipulation were received into evidence, the due process rights of the other parties would be violated.

Having denied the Joint Motion to supplement the record, the ALJ turned to the pending rate issues, including the JCPSD CIF and CAF, revenues needed to pay the Pentree engineering fees, and maintenance and equipment replacement needs of the JCPSD that were expected to cost \$413,000.

#### CIF and CAF

The ALJ ruled that the JCPSD CIF should be reduced to \$1,127 (equal to the CIF charged by treatment reseller City of Charles Town) and the CAF should be eliminated in its entirety. As grounds, the ALJ noted that a Commission Order in Case No. 06-0413-PSD-T-PC, stated that the increase in the JCPSD's CIF and the allowance of the JCPSD's CAF would terminate on substantial completion of the Flowing Springs plant project or further order of the Commission. The ALJ reasoned that because the Commission rescinded the certificate for the Flowing Springs plant the CIF increase should be removed and the CAF terminated.

#### Pentree fees

The ALJ noted that the main issue of contention among the parties was the validity of the unpaid balance of the Pentree engineering fees. The ALJ did not allow rate recovery of the fee balance on grounds that the JCPSD had represented to the Commission in the 2007 BAN petition, Case No. 07-1812-PSD-PC, that the remaining balance of the engineering fees would be deferred until permanent project financing for the Flowing Springs Wastewater Treatment Plant was secured.

In deciding not to allow rate recovery for the Pentree engineering fees, the ALJ relied heavily on administrative notice of the filings in the 2007 BAN petition case, and on ALJ Request Exh. No. 3, a copy of District Board meeting minutes from a September 10, 2007 meeting prior to the date that the JCPSD filed its 2007 BAN petition. November 16, 2012 Recommended Decision at 11-12; FOF 3; COL 4. The minutes indicated that a Pentree representative was present at the Board meeting. ALJ post-hearing Exh. 3. The ALJ approved the rate recommendations and tariff changes recommended by Commission Staff as sufficient, but not more than sufficient, to support the JCPSD's on-going operations.

## The Exceptions

The JCPSD Exceptions argued 1) that the ALJ erred by not allowing the JCPSD and Pentree to introduce the Joint Stipulation and that the Commission should admit the document into the record; 2) that the ALJ misapplied the law in determining that the JCPSD has no obligation to pay Pentree; and 3) that the ALJ should not have reduced the JCPSD's CIF from \$7,500 to \$1,127, and should not have eliminated its CAF of \$7,500.

The Pentree Exceptions argued that the ALJ erred by not allowing the JCPSD and Pentree to introduce their Joint Stipulation and by forcing them to seek a 14.9 percent rate increase when they prefer to seek a three percent rate increase to accomplish the same objectives.

The Intervenors Parker and Milliron and Commission Staff filed separate responses to the Exceptions urging the Commission to adopt the Recommended Decision. Responses filed December 10- 14, 2012.

## The Revised Joint Stipulation and Motion to Toll

On December 20, 2012, JCPSD, Pentree and Staff filed a revised Joint Stipulation (Three-party Stipulation). Intervenors Parker and Milliron did not join in the Three-party Stipulation. JCPSD also filed a motion to toll the statutory decision date for a period of ninety days to allow the Commission and non-signatory Intervenors time to review the Three-party Stipulation, provide the Intervenors a fair opportunity to fully state their objections to the Commission and allow time to conduct a hearing or establish other case processing procedures in order to fully consider the record and the Three-party Stipulation before rendering a final decision.

Under the Three-party Stipulation, 1) Pentree agreed to reduce its bill by \$210,012 leaving a balance due of \$1,075,000; 2) the JCPSD would issue bonds to meet its immediate needs of \$413,000 and pay Pentree the reduced fee balance; 3) the bonds would be in an amount not to exceed \$1,720,000 payable over 15 years and 4.25 percent per annum; 4) the JCPSD rates would increase three percent, resulting in a rate not to exceed \$13.09 per 1,000 gallons, in lieu of the original proposal of a 14.9 percent rate increase; 5) the CIF would be reduced from \$7,500 to \$1,127 per EDU equal to the CIF the JCPSD pays to Charles Town; 6) the CAF would be eliminated; 7) new Hampton Inn service expenses and revenues figures will be used; 8) all new engineering work or contracts will be based on a new bidding process on a project-specific basis and adhere to the American Society of Civil Engineers fee curve unless the West Virginia Infrastructure and Jobs Development Council (WVIJDC) grants a waiver; and 8) the JCPSD will have a Customer Liaison (CL) to be appointed by the Jefferson County Commission and the CL will sit at the a table with the Board, District employees, the Jefferson County Commission liaison and the JCPSD consultants. The CL will have the opportunity to

speak at every Board meeting. The CL will not be included in executive sessions and will have no role in daily operations. The CL will serve until a District customer is made a Board member or a Board member becomes a District customer.

By Order issued December 26, 2012, the Commission concluded that the ALJ erred by disallowing the First Joint Stipulation between the JCPSD and Pentree into the record at the hearing on September 28, 2012, and again when the ALJ denied a Joint Motion to supplement the record that was filed on October 16, 2012. The Order noted, however, that the more recent filing of a Three-party Stipulation rendered the issues relating to admission of the First Joint Stipulation moot. The Order agreed with the stipulating parties that it was appropriate to toll the statutory decision date to allow sufficient time for the Commission and non-signatory Intervenors to review the Three-party Stipulation, provide the Intervenors with a fair opportunity to fully state their objections, and to conduct a hearing or establish other case processing procedures in order to fully consider the record and the Three-party Stipulation before the Commission renders a final decision. Accordingly, the Commission granted the JCPSD motion to toll for ninety days.

The Commission required that the non-signatory parties file comments on the Three-party Stipulation on or before January 20, 2013 stating any reasons for opposition, and, if a further hearing was desired prior to admission of the Three-party Stipulation into the record of this case, the filed comments were to describe the evidence that the non-signatories intended to present at the hearing that was not already in the evidentiary record.

On January 10, 2013, Intervenor Parker filed objections to the Three-party Stipulation, but did not describe new evidence that she would present at a future hearing. Nor did she request a future hearing.

On January 11, 2013, the Jefferson County Commission made a letter filing that confirmed receipt of the Three-party Stipulation, including section 8 under which is stated the County Commission's role of appointing a customer liaison to the JCPSD. The letter stated that the County Commission agreed by unanimous consent to appoint a customer liaison.

On January 18, 2013, Intervenor Milliron filed her Response to the proposed Stipulation. She stated numerous objections, and listed certain documents that she believes should be entered into the record. She stated she would "welcome a hearing" at which she could question all of the stipulation parties, and she requested that the hearing be held in Jefferson County.

### Scheduling of the Hearing before the Commission

By Order issued February 1, 2013, the Commission set a hearing on the revised Three-party Stipulation in Charleston on February 22, 2013.

On February 4, 2013, Ms. Parker and Ms. Milliron made separate filings asking the Commission to reschedule, delay, or allow participation by electronic means.

By Order issued February 7, 2013, the Commission denied the requests to extend, reschedule, or participate by electronic means and confirmed that the hearing would be in Charleston on February 22, 2013. The Commission indicated, however, that the parties could submit a joint proposal for an alternate and feasible manner of proceeding.

On February 20, 2013, Intervenors Parker and Milliron filed a Counter-Offer to the Three-party Stipulation and asked the Commission to approve the Counter-Offer in resolution of this case. Collectively, the filings by Intervenors Milliron and Parker that followed the filing of the Three-party Stipulation and preceded the Commission hearing addressed issues regarding: 1) the validity of the Pentree engineering fees and the obligation of JCPSD to pay those fees; 2) the reduction of the CIF from \$7,500 to \$1,127 and elimination of the CAF; 3) whether a three percent stipulated rate increase will result in a \$32,876 surplus; 4) whether the monthly \$5,000 Pentree payments had been accurately accounted for; 5) whether the February 22, 2012 Amendment to the Pentree engineering agreement was an engineering agreement exempt from prior Commission review and approval; 6) whether it is appropriate to include filings by the non-party Jefferson County Commission regarding the Three-party Stipulation into the record of this case; 7) whether JCPSD should consider itself solely responsible for Pentree fees when other entities were in favor of, and stood to gain from, construction of Flowing Springs; 8) their dissatisfaction with the customer liaison as agreed to in the Three-party Stipulation because there is no assurance that the CL will be a residential customer or have more than a right to make public comment at board meetings; 9) the Intervenors' preference that JCPSD continue to pay only \$5,000 per month toward the Pentree bill, rather than incur debt to pay off the Pentree bill; 10) that if Flowing Springs is ever built, JCPSD can pay off the remaining Pentree bill at that time; and 11) the belief of at least one of the Intervenors that the *pro se* Intervenors were left out of some of the stipulation negotiations.

### The February 22, 2013 hearing

The hearing before the Commission was held as scheduled on February 22, 2013, and was broadcast live over the Commission website. JCPSD, Pentree and Staff were in attendance and moved into evidence the Three-party Stipulation as Hr. III Joint Exh. 1. The JCPSD presented testimony of Susanne Lawton and Chuck Young and moved into evidence District Exhibit 1, an affidavit showing that notice of the February 22, 2013 hearing was published on February 6, 2013 in the SPIRIT OF JEFFERSON ADVOCATE. Pentree presented the testimony of John Tuggle, and Staff presented the testimony of

Cheryl Ranson and Sandra Mitchell. Ms. Parker and Ms. Milliron did not attend the hearing, but the Commission granted their prior requests to make Intervenor Exhibits 1 through 3 a part of the evidentiary record. Hr. III Intervenor Exhibit 1 is Ms. Parker and Ms. Milliron's Counter-Offer Proposal filed on February 20, 2013. Hr. III Intervenor Exhibit 2 is Ms. Milliron's Response to the Three-party Stipulation filed on January 18, 2013. Hr. III Intervenor Exhibit 3 is Ms. Parker's Objection to the Three-party Stipulation filed on January 10, 2013. The Commission clarified that other documents that the *pro se* Intervenor had requested be admitted into the record were already a part of the record including the Recommended Decision issued on November 16, 2012 and the transcripts of prior hearings in this case.

#### Briefs filed after the February 22, 2013 hearing

The post-hearing briefs reflect that Intervenor Milliron recommends that the Commission choose among three alternate resolution of this rate case: 1) allow the CIF and CAF to remain in place to pay for any valid Pentree costs; 2) invalidate any District debt to Pentree until the Flowing Springs project is determined to be convenient and necessary (allow only the \$413,000 in increased cost of service with no rate increase to customers); or 3) continue to allow the JCPSD to pay Pentree \$5,000 per month without raising rates.

Intervenor Parker urges the Commission to require Pentree to wait until financing is approved to construct Flowing Springs before it may be paid. If the Commission believes Pentree should be paid anything, the money should come only from continued CIFs and CAFs. Absent that, JCPSD should be placed into bankruptcy and Charles Town should take over ownership and operations. The Intervenor supports adoption of the original Staff-recommended 2.87 percent rate decrease.

Intervenors Milliron and Parker both raised questions regarding how much JCPSD has already paid Pentree on the perceived payment obligation.

JCPSD and Pentree filed responsive briefs.

### DISCUSSION

#### The outstanding Pentree fees

The main issue of contention among the parties to this case is whether JCPSD is obligated to pay the remaining balance of the Pentree fees. For the reasons explained in this Order, the Commission concludes that JCPSD must pay Pentree the amount agreed to in the Three-party Stipulation.

As originally filed, the fees owed to Pentree for its work connected to the planned Flowing Springs Wastewater Treatment plant project were the main driver of the 14.9

percent rate increase filing. The JCPSD proposed to pay Pentree \$30,000 per month against the remaining fee balance until the balance was paid in full (in approximately three and one-half years). Rate filing April 23, 2012 at paragraph 3. Under the Three-party Stipulation, Pentree would instead be paid in full through a bond issuance, and instead of a 14.9 percent rate increase, the stipulating parties propose a three percent rate increase.

The total Pentree fees associated with the Flowing Springs project were \$2,032,947. Hr. II Pentree Exh. No. 1; District Exh. 9; Hr. II Intervenor Milliron Exh. 3. Pentree submitted an exhibit, Hr. II Pentree Exh. No. 1, providing a breakdown of the engineering costs associated with the Flowing Springs project. Hr. II Tr., pp. 173, 208. The JCPSD paid a portion of that amount, \$727,935, to Pentree with the proceeds of the BAN approved by Commission Order issued June 26, 2008 in the JCPSD 2007 BAN petition case. Intervenor Milliron in her brief references testimony of Staff witness Mitchell as to District payments in addition to the BAN payment, but there is no direct evidence in the record that the JCPSD paid amounts for engineering services related to Flowing Springs other than the BAN payment and the more recent monthly payments of \$5,000 each. The outstanding balance of the fees prior to the date that JCPSD and Pentree executed an Amendment to the Engineering Agreement on February 22, 2012, was \$1,305,012. Amendment to Engineering Agreement, Hr. II District Exh. 10. The reduced balance due, under the Three-party Stipulation, is \$1,285,012. Hr. III Joint Exh. 1. The \$1,285,012 will be further reduced by the total of all \$5,000 monthly payments made by JCPSD to Pentree after the date the parties signed the Three-party Stipulation.

#### Terms of the Engineering Contract

The Pentree engineering fees were incurred based on an original engineering agreement with the JCPSD dated May 12, 1997, and addenda fifteen and sixteen to the original contract. Hr. II District Exhs. 8, 9; Hr. II Intervenor Milliron Exh. 3. The Commission approved the original agreement by Order issued May 13, 1997 in Case No. 97-0128-PSWD-PC. Until the year 2003, when the West Virginia legislature amended W. Va. Code Chapter 16 to exempt Class A public service districts from the requirement to obtain prior Commission consent and approval of engineering agreements, the District submitted several addenda to the 1997 contract to the Commission for waiver or review, and the Commission issued orders responsive to those addenda. Jefferson County Public Service District, Case Nos. 97-0128-PSWD-PC, Recommended Decision final May 13, 1997, Case No. 98-0292-PSD-PW, Commission Order April 28, 2003, Case No. 99-0117-PSD-PW, Commission Order April 2, 1999, Case No. 00-0171-PSWD-P, Recommended Decision final October 15, 2000, Case No. 02-0649-PSWD-P, Recommended Decision final October 7, 2002. The 1997 engineering contract provides for payment terms of thirty days from the date of the rendering by Pentree of an invoice and the addenda did not alter those terms. Hr. II District Exh. 8 at page 3 of 20 at 4.02.B.

### The 2007 BAN Petition Case did not Amend the Fee Payment Terms

In disallowing rate recovery of the remaining Flowing Springs engineering fees, the ALJ took administrative notice of, and relied on certain filings in the Jefferson County Public Service District, Case No. 07-0812-PSD-PC and on a post-hearing exhibit copy of District Board meeting minutes from a September 10, 2007 meeting held prior to the filing date of the JCPSD 2007 BAN petition that indicated a Pentree representative attended the Board meeting. Hr. II ALJ post-hearing Exh. 3. On review of the BAN filings, the Commission does not agree with the ALJ's interpretation of the intentions of JCPSD or alleged concessions by Pentree to forego its fees. Pentree was not a party to the 2007 BAN petition case and the record does not support the ALJ conclusion that JCPSD represented to the Commission that Pentree would not be paid unless Flowing Springs funding came through, or that the payment obligation to Pentree was contingent on project funding. Case No. 07-0812-PSD-PC. Statements in the JCPSD filings in that case do indicate an intention or expectation of the JCPSD that the balance of the Pentree fees would be paid when the Flowing Springs funding came through, but not an intention that Pentree would forgo payment in the absence of such funding. The Commission agrees with the JCPSD and Pentree Exceptions explaining that the statements in the 2007 BAN petition filings regarding the timing of design fee payments were statements of what the JCPSD and Pentree expected, and not a representation that the Pentree contract payment terms were amended to make payment contingent on the closing of Flowing Spring project funding. Case No. 07-1812-PSD-PC, petition filed September 19, 2007 at paragraph 5.

### The Pentree Engineering Work Resulted in the Issuance of a Certificate of Convenience and Necessity

The development and eventual demise of the Flowing Springs project is also relevant to this Commission decision. Approximately two years after JCPSD and Pentree executed Addendum fifteen to the 1997 engineering agreement, the Commission granted JCPSD a certificate to construct the Flowing Spring project by Order issued August 14, 2009 in Case No. 09-0347-PSD-PC-CN, based on Pentree design and the expected receipt of ARRA funding. When ARRA funding did not prove available, JCPSD petitioned to reopen the certificate case for approval of higher project-related rates. In the reopened case and in the face of the funding shortfall and the need for a significant rate increase to finance the project, by Order issued August 12, 2011, the Commission denied JCPSD the certificate to construct Flowing Springs. Pentree witness Mr. Tuggle testified that Pentree performed all of the work to be compensated under Addenda fifteen and sixteen and the Three-party Stipulation prior to Commission denial of the certificate. Hr. III Tuggle, Tr. at 52-53. The timeline of the project is relevant when evaluating the reasonableness of the JCPSD and Pentree decision to perform design work. The Commission agrees with Staff witness Ranson that it is rare for a project certificated by the Commission to later lose certification. Hr. III Ms. Ranson, Tr. at 56-57. Considering

the history of the Flowing Springs project, the Commission cannot conclude that the JCPSD and Pentree acted in a manner that was contrary to the public interest.

#### No Legal Grounds to Shift the Payment Burden

Intervenors Milliron and Parker object that ratepayers will bear the burden of paying the Pentree engineering fees. Based on the 1997 engineering contract payment terms and for the other reasons discussed in this Order, however, there are no legal grounds to shift the burden away from ratepayers. The current Commission policy is to consider approval of newly filed engineering agreements and loans for engineering design on a case-by-case basis, and to approve if the agreement includes a sharing of the risk between the utility and the engineering firm, does not represent a significant risk of financial burden to ratepayers, and does not require an immediate rate increase. Frankfort Public Service District, Case No. 11-1803-PSD-PC, Commission Order March 23, 2012, corrective order April 20, 2012; Greater Harrison County Public Service District, Case Nos. 09-0030-PSD-PC-42A (Commission Order September 11, 2009) and 09-1794-PSD-PC-42A (Commission Order May 14, 2010); Mineral Wells Public Service District Case No. 09-1247-PSD-PC (Commission Order May 12, 2010, Dissenting Opinion of Commissioner McKinney May 12, 2011); and Adrian Public Service District, Case No. 10-1046-PWD-PC (Commission Order September 18, 2010). The original 1997 District/Pentree Engineering Agreement that was reviewed and approved by the Commission predates the Commission orders that established the current Commission policy. Furthermore, the 1997 agreement does not provide that the payment of fees would be contingent on project funding. Retroactive application of more recently established policy to a pre-existing engineering agreement would be arbitrary and unreasonable.

One contention of Intervenors Milliron and Parker is that if the JCPSD must pay the Pentree engineering fees, then certain third parties, such as the City of Ranson, should be partially responsible. There is no evidence, however, to suggest that Ranson, or any other third party contracted with Pentree for engineering services or committed to pay engineering fees. Hr. III Lawton, Tr. at 26; Young, Tr. at 42; Ms. Ranson, Tr. at 57-58.

There are no legal grounds, therefore, on which to shift the payment burden of the remaining Pentree fees away from the utility and its ratepayers. The Three-party Stipulation does, however, propose to lessen the burden by reducing the balance owed.

#### W. Va. Code Chapter 5G

Intervenors Milliron and Parker also question whether JCPSD has complied with the W.Va. Code Chapter 5G bidding and selection process with respect to the Flowing

Springs project and the Pentree engineering services.<sup>2</sup> The record of Case No. 97-0128-PSWD-PC states that Pentree complied with Chapter 5G prior to entering into the 1997 contract with Pentree and the Flowing Springs design work was pursuant to addenda to that contract. Furthermore, the Commission finds that the JCPSD existing liability to Pentree for services contracted and performed is not affected by JCPSD's past compliance or noncompliance with Chapter 5G.

Engineering contract Amendment did not  
need prior Commission consent and approval

The Commission concludes that the ALJ erred by concluding that JCPSD and Pentree entered into the February 22, 2012 Amendment to the engineering contract without proper Commission approval. The ALJ reached that conclusion on grounds that the Amendment did not contemplate a change in the scope of work, but rather had the sole purpose of affirming a debt. The Commission agrees that the Amendment did not involve engineering work but was rather a mechanism for payment by the JCPSD of the remaining engineering fees related to the Flowing Springs project given the lack of a Certificate for the project and permanent financing. Tuggle, Hr. II Tr., pp. 155-205. The impact of the Amendment has been that the JCPSD has reduced the Pentree balance owed by \$5,000 per month. District Exh. 10 at section IV. The Commission believes it is reasonable to conclude that because the Amendment was related to the contractually provided engineering services, it was exempt from Commission review and approval requirements under W. Va. Code § 16-13A-25(c). Furthermore, even if the Commission followed the ALJ reasoning and voided the Amendment, the underlying contractual obligation of JCPSD to pay the Pentree engineering fees would remain.

Three-Party Stipulation is Reasonable as to Payment of Pentree Balance

The Commission concludes that the Pentree engineering design fees are a valid contractual obligation of JCPSD and will allow rate recovery for those fees as reduced by the Three-party Stipulation and any subsequent \$5,000 per month payments. The Three-party Stipulation sets forth the agreement of JCPSD and Pentree to reduce the current Pentree balance owed of \$1,285,012 by the amount of \$210,012, leaving a balance due of \$1,075,000. In the Three-party Stipulation, JCPSD agrees to pay Pentree the reduced balance in full, and fund the utility's immediate capital and engineering services needs, by issuing bonds in the amount not to exceed \$1,720,000, payable over a period not to exceed fifteen years at an average coupon interest rate not to exceed 4.25 percent per year. JCPSD, Pentree and Staff further agree to recommend that the Commission approve a three percent rate increase, in lieu of the JCPSD's filed rate increase of 14.9 percent. Hr. III Vorat Exh. 1. The Three-party Stipulation is a reasonable compromise regarding payment of the engineering fees and avoids placing the entire burden of the

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<sup>2</sup> The JCPSD compliance with W.Va. Code Chapter 5G is the subject of currently pending formal complaints filed by Intervenors Milliron and Parker in consolidated Jefferson County Public Service District Case Nos. 12-1369-PSD-C and 12-1370-PSD-C.

fees on the JCPSD ratepayers because Pentree has agreed to reduce the outstanding balance owed.

In recent filings, the Intervenors have questioned whether the \$5,000 per month payments by JCPSD to Pentree have been accurately credited against the balance owed. Pentree represented in its post-hearing brief that on Commission acceptance of the Three-party Stipulation, the outstanding fees will be reduced by the total of all of the \$5,000 monthly payments. Pentree brief filed March 21, 2013. This Order will require that the amount of the fee obligation is reduced by the sum of the \$5,000 per month payments and the reduction provided in the Three-party Stipulation.

#### The CIF and CAF

The Three-party Stipulation proposes elimination of the \$7,500 CAF and reduction of the CIF from \$7,500 to \$1,127.

The JCPSD CAF of \$7,500 per EDU is an optional fee paid by developers to reserve capacity for up to five years. The JCPSD's CIF of \$7,500 per EDU is paid by developers when they connect homes or businesses to the JCPSD's system. JCPSD Tariff on file at the Commission.

In Case No. 06-0413-PSD-T-PC, which authorized the JCPSD CAF and CIF tariff fees, the Commission clearly stated its intention that the CAF and higher CIF would terminate when the Flowing Springs project was completed. Although Intervenors Milliron and Parker prefer that JCPSD tariff retain the CIF and CAF so that developer monies pay the Pentree obligation instead of existing ratepayers, such a conversion of purpose would be inconsistent with the approved purpose of the CIF. The Commission found in Case No. 06-0413-PSD-T-PC that the CIF and CAF were justified by the "anticipated Flowing Springs certificate filing" and would "accumulate[e] funds to partially offset the cost of future capacity expansion." The Commission reiterated its policy that "CIFs should be used to fund major utility-wide source of supply, storage or treatment plant projects, but should not be used to fund pipeline plant additions or improvements." Case No. 06-0413-PSD-T-PC, Commission Order January 14, 2009 at 5-6, 7, Concl. of Law Nos. 1, 4. The Commission indicated in that decision that it may "reconsider the question of whether the JCPSD may charge the CIF and CAF beyond [the date that the Flowing Springs project was built] upon an appropriate motion by the JCPSD as part of the Flowing Springs CON application. Any such motion by the JCPSD must be accompanied by detailed population and housing growth projections so that the Commission can better appreciate and study the impact of the CIF and CAF on the rates proposed in that CON case." *Id.* at 7. The Commission ordered that JCPSD was only permitted to charge the \$7,500 CIF or CAF until substantial completion of the Flowing Springs plant or further order of the Commission. *Id.* at 16.

Based on the precedent, the Commission concludes that continuation of the CAF and the higher CIF would be unreasonable given the disapproval of the Flowing Springs project. The Commission, therefore, agrees with the proposal in the Three-party Stipulation to eliminate the CAF and reduce the CIF to \$1,127 to apply if the customer's flows will be treated at the Charles Town Wastewater Treatment Plant. In that event, JCPSD will pass through the CIF to the City of Charles Town. Hr. III Joint Exh. 1 at paragraphs 4 and 5.

#### Three percent rate increase

The three-percent rate increase agreed to in the Three-party Stipulation is reasonable in lieu of the 14.9 percent originally proposed by JCPSD. Although Intervenor Milliron and Parker questioned in filings whether a three percent rate increase would result in a surplus to the JCPSD, the uncontroverted testimony at the recent hearing indicated that the three percent increase and rate of \$13.09 per 1,000 gallons of usage is necessary for JCPSD to cover its costs of operation and pay its bills. Hr. III Lawton, Tr. at 48.

#### The Customer Liaison

Intervenor Parker and Milliron criticized the CL provision of the Three-party Stipulation as meaningless because the CL role is limited to making public comment at Board meetings, which customers are already permitted to do. Milliron Post-hearing brief filed March 15, 2013 at 7; Parker Post-hearing brief filed March 14, 2013 at 2. JCPSD witness Lawton confirmed at the hearing that the CL would not participate in executive sessions of the Board or have a vote on the Board. Hr. III Lawton at 35-36. Staff witness Ranson stated that the CL provision was included in the Three-party Stipulation at the request of Commission Staff to address the Intervenor concerns that the customer interests are not adequately represented at Board meetings. Hr. III Ranson, Tr. at 62-63. The procedures to be followed by public service districts in meetings are by and large governed by statute and the Commission will not disapprove the CL provision provided that the participation of the CL is in accordance with applicable law. Approval of the CL provision will not preclude other members of the public from participating in public board meetings. As a result, the Commission sees no harm to the CL provision of the Three-party Stipulation.

#### Due Process

Over the course of the Flowing Springs Certificate case, to which Intervenor Parker and Milliron were also parties, the Public Service Commission held four separate hearings, including a public comment hearing and three separate evidentiary hearings some of which spanned two days. All four of these hearings were held in Jefferson County. Case No. 09-0347-PSD-PC-CN, Transcripts of hearings held June 25, 2009, June 26, 2009, August 26, 2010, August 27, 2010, May 3, 2011 and May 4, 2011. In this

rate proceeding, which presents as its main contested issue the Flowing Springs project engineering fees, the Commission has held three hearings, two of which were in Jefferson County. Case No. 12-0513-PSD-42T, Transcripts of hearings held July 24, 2012, September 28, 2012, and February 22, 2013. It is regrettable that Intervenor Milliron and Parker were not able to attend the last Commission hearing in this case, which was held in Charleston. As noted in earlier Orders, the approaching statutory deadline and Commission scheduling conflicts prevented travel to Jefferson County by the three Commissioners, the Commission clerk, the Commission Staff counsel and two Commission Staff witnesses. Commission Orders February 1 and February 7, 2013. The record and the hearing transcripts for this proceeding show that all parties to this case have been afforded full participation and the opportunity to appear, present evidence and be heard at hearings, and to make argument in writing to the Commission. The record and the transcript of the February 22, 2013 hearing show that in the Intervenor's absence, the Commission made every effort to accommodate their evidentiary requests.

### **FINDINGS OF FACT**

1. As originally filed, the engineering fees owed to Pentree for its work connected to the planned Flowing Springs Wastewater Treatment plant project were the main driver to the 14.9 percent rate filing. Rate filing April 23, 2012 at paragraph 3.
2. The total Pentree fees associated with the Flowing Springs project were \$2,032,947. Hr. II Pentree Exh. No. 1; District Exh. 9; Hr. II Intervenor Milliron Exh. 3.
3. The JCPSD paid a portion of the total fee, \$727,935, to Pentree with the proceeds of a BAN approved by Commission Order issued June 26, 2008 in Case No. 07-0812-PSD-PC.
4. The record of this case contains no direct evidence that the JCPSD paid amounts for engineering services related to Flowing Springs other than the BAN payment and more recent monthly payments of \$5,000 each.
5. The outstanding balance of the fees prior to the date that JCPSD and Pentree executed an Amendment to the Engineering Agreement on February 22, 2012 was \$1,305,012. Hr. II District Exh. 10.
6. The Three-party Stipulation reduced the Pentree balance due to \$1,285,012. Hr. III Joint Exh. 1.
7. The Pentree fees were incurred based on an original engineering agreement with the JCPSD dated May 12, 1997, and Addenda fifteen and sixteen to the original contract. Hr. II District Exhs. 8, 9; Hr. II Intervenor Milliron Exh. 3.

8. The Commission approved the original 1997 engineering agreement by Order issued May 13, 1997 in Case No. 97-0128-PSWD-PC.

9. Until the year 2003, when the West Virginia legislature amended W. Va. Code Chapter 16 to exempt Class A public service districts from the requirement to obtain prior Commission consent and approval of engineering agreements, the District submitted several addenda to the 1997 contract to the Commission for waiver or review, and the Commission issued orders responsive to those addenda. Jefferson County Public Service District, Case Nos. 97-0128-PSWD-PC, Recommended Decision final May 13, 1997, Case No. 98-0292-PSD-PW, Commission Order April 28, 2003, Case No. 99-0117-PSD-PW, Commission Order April 2, 1999, Case No. 00-0171-PSWD-P, Recommended Decision final October 15, 2000, Case No. 02-0649-PSWD-P, Recommended Decision final October 7, 2002.

10. The original 1997 contract provides for payment terms of thirty days from the date of the rendering by Pentree of an invoice and the addenda did not alter those terms. Hr. II District Exh. 8 at page 3 of 20 at 4.02.B.

11. Pentree was not a party to the 2007 BAN petition case. Case No. 07-0812-PSD-PC.

12. Approximately two years after JCPSD and Pentree executed Addendum fifteen to the 1997 engineering agreement, the Commission granted JCPSD a Certificate to construct the Flowing Spring project by Order issued August 14, 2009 in Case No. 09-0347-PSD-PC-CN, based on Pentree design and the expected receipt of ARRA funding.

13. When ARRA funding did not prove available, JCPSD petitioned to reopen the Certificate case for approval of higher project-related rates.

14. In the reopened case, by Order issued August 12, 2011, the Commission denied JCPSD a Certificate to construct Flowing Springs.

15. Pentree performed all of the engineering work under Addenda fifteen and sixteen and the Three-party Stipulation prior to Commission denial of the Flowing Springs project certificate. Hr. III Tuggle, Tr. at 52-53.

16. It is rare for a project certificated by the Commission to later lose certification. Hr. III Ranson, Tr. at 56-57.

17. The original 1997 District/Pentree Engineering Agreement that was reviewed and approved by the Commission predates the Commission case law that established the current Commission policy to consider approval of engineering agreements and loans for engineering design on a case-by-case basis, and to approve if the agreement includes a sharing of the risk between the utility and the engineering firm,

does not represent a significant risk of financial burden to ratepayers, and does not require an immediate rate increase. District Exh. 8; Frankfort Public Service District, Case No. 11-1803-PSD-PC, Commission Order March 23, 2012, corrective order April 20, 2012; Greater Harrison County Public Service District, Case Nos. 09-0030-PSD-PC-42A (Commission Order September 11, 2009) and 09-1794-PSD-PC-42A (Commission Order May 14, 2010); Mineral Wells Public Service District Case No. 09-1247-PSD-PC (Commission Order May 12, 2010, Dissenting Opinion of Commissioner McKinney May 12, 2011); and Adrian Public Service District, Case No. 10-1046-PWD-PC (Commission Order September 18, 2010).

18. There is no evidence in the record of this case that the City of Ranson, or any other third party contracted with Pentree for engineering services or committed to pay engineering fees related to the Flowing Springs project. Hr. III Lawton, Tr. at 26; Young, Tr. at 42; Ranson, Tr. at 57-58.

19. The record of Case No. 97-0128-PSWD-PC states that Pentree complied with Chapter 5G prior to entering into the 1997 contract with Pentree and the Flowing Springs design work was pursuant to addenda to that contract.

20. The Amendment to the 1997 engineering contract executed by JCPSD and Pentree on February 22, 2012 did not involve engineering work but was rather a mechanism for payment by the JCPSD of the remaining engineering fees related to the Flowing Springs project given the lack of a certificate for the project and permanent financing. District Exh. 10; Tuggle, Hr. II Tr., pp. 155-205.

21. The impact of the Amendment has been that the JCPSD has reduced the Pentree balance owed by \$5,000 per month. District Exh. 10 at section IV.

22. In the Three-party Stipulation, JCPSD agrees to pay the Pentree reduced balance in full, and fund the utility's immediate capital and engineering services needs, by issuing bonds in the amount not to exceed \$1,720,000, payable over a period not to exceed fifteen years at an average coupon interest rate not to exceed 4.25 percent per year. Hr. III Joint Exh. 1.

23. In the Three-party Stipulation JCPSD, Pentree and Staff agree to recommend that the Commission approve a three percent rate increase, in lieu of the JCPSD's filed rate increase of 14.9 percent. Id.

24. The JCPSD payments of \$5,000 per month will reduce the Pentree balance due. Id.; Pentree brief filed March 21, 2013.

25. The Three-party Stipulation proposes elimination of the \$7,500 CAF and reduction of the CIF from \$7,500 to \$1,127. Hr. III Joint Exh. 1 at paragraphs 4 and 5.

26. Intervenors Milliron and Parker prefer that the JCPSD tariff retain the CIF and CAF so that developer monies pay the Pentree obligation instead of existing ratepayers. Hr. III Intervenor Exh. 2.

27. The Commission in Case No. 06-0413-PSD-T-PC, concluded that the JCPSD CAF and higher CIF were justified by the anticipated Flowing Springs project and were appropriate to fund that utility-wide capacity project, and that the CAF and higher CIF would terminate when the Flowing Springs project was completed. Case No. 06-0413-PSD-T-PC, Commission Order January 14, 2009 at 5-6, 7, Concl. of Law Nos. 1, 4. Ordering paragraph at 16.

28. Over the course of the Flowing Springs certificate case, to which Intervenors Parker and Milliron were also parties, the Public Service Commission held four separate hearings including a public comment hearing and three separate evidentiary hearings some of which spanned two days. Case No. 09-0347-PSD-PC-CN, Transcripts of hearings held June 25, 2009, June 26, 2009, August 26, 2010, August 27, 2010, May 3, 2011 and May 4, 2011.

29. All four of the Flowing Springs certificate case hearings were held in Jefferson County. Id.

30. The Commission has held three hearings in this rate proceeding, two of which were in Jefferson County. Case No. 12-0513-PSD-42T, Transcripts of hearings held July 24, 2012, September 28, 2012, and February 22, 2013.

### CONCLUSIONS OF LAW

1. JCPSD did not represent to the Commission in its 2007 BAN petition case that it would not pay Pentree for engineering services unless Flowing Springs funding came through, or that the JCPSD obligation to pay Pentree was contingent on project funding. Case No. 07-0812-PSD-PC.

2. The JCPSD filings in Case No. 07-0812-PSD-PC indicate an intention or expectation of the JCPSD that the balance of the Pentree fees would be paid at the closing of the Flowing Springs project funding, but not an intention that Pentree would forgo payment in the absence of such funding.

3. There is no indication in the record of Case No. 07-0812-PSD-PC that the Pentree contract payment terms were amended to make payment contingent on the closing of Flowing Spring project funding.

4. The development and eventual demise of the Flowing Springs project is relevant to this Commission decision. The timeline of the project is relevant when evaluating the reasonableness of the JCPSD and Pentree decision to perform design

work. Considering the history of the Flowing Springs project, the Commission cannot conclude that the JCPSD and Pentree acted in a manner that was contrary to the public interest.

5. Based on the 1997 engineering contract payment terms and for the other reasons discussed in this Order, there are no legal grounds to shift the burden of the Pentree balance away from ratepayers.

6. Current Commission policy is to consider approval of newly-filed engineering agreements and loans for engineering design on a case-by-case basis, and to approve if the agreement includes a sharing of the risk between the utility and the engineering firm, does not represent a significant risk of financial burden to ratepayers, and does not require an immediate rate increase. Frankfort Public Service District, Case No. 11-1803-PSD-PC, Commission Order March 23, 2012, corrective order April 20, 2012; Greater Harrison County Public Service District, Case Nos. 09-0030-PSD-PC-42A (Commission Order September 11, 2009) and 09-1794-PSD-PC-42A (Commission Order May 14, 2010); Mineral Wells Public Service District Case No. 09-1247-PSD-PC (Commission Order May 12, 2010, Dissenting Opinion of Commissioner McKinney May 12, 2011); and Adrian Public Service District, Case No. 10-1046-PWD-PC (Commission Order September 18, 2010).

7. Retroactive application of more recently established Commission policy to a pre-existing engineering agreement would be arbitrary and unreasonable.

8. The JCPSD liability to Pentree for services contracted and performed is not affected by JCPSD's past compliance or noncompliance with W. Va. Code Chapter 5G.

9. The Amendment to the 1997 engineering contract executed by JCPSD and Pentree on February 22, 2012 was exempt from Commission review and approval requirements under W. Va. Code § 16-13A-25(c).

10. With or without the contract Amendment, the underlying contractual obligation of JCPSD to pay the Pentree engineering fees would remain.

11. The Pentree engineering design fees are a valid contractual obligation of JCPSD, and it is reasonable to allow rate recovery for those engineering fees as reduced by the Three-party Stipulation.

12. The Three-party Stipulation is a reasonable compromise regarding the amount of the Pentree fees and avoids placing the entire burden on the JCPSD ratepayers because Pentree has agreed to reduce the outstanding balance owed. Hr. III Joint Exh. 1 at paragraph 1.

13. It is reasonable to require that the amount of the stipulated Pentree engineering fee obligation be reduced by the sum of the \$5,000 per month JCPSD payments made since the Three-Party Stipulation was executed.

14. Continuation of the JCPSD CAF and higher CIF would be unreasonable given the disapproval of the Flowing Springs project. Commission Order January 14, 2009, Case No. 06-0413-PSD-T-PC.

15. The three-percent rate increase agreed to in the Three-party Stipulation is reasonable in lieu of the 14.9 percent originally proposed by JCPSD. Hr. III Joint Exh. 1 at paragraph 3.

16. The hearing testimony indicated that the three percent increase and rate of \$13.09 per 1,000 gallons of usage is necessary for JCPSD to cover its costs of operation and pay its bills. Hr. III Lawton, Tr. at 48.

17. The procedures followed by public service districts in meetings are by and large governed by statute and the Commission will not disapprove the CL provision provided that the participation of the CL is in accordance with applicable law. Approval of the CL provision will not preclude other members of the public from participating in public board meetings. As a result, the Commission sees no harm to the CL provision of the Three-party Stipulation.

18. The record and the hearing transcripts for this proceeding show that all parties to this case have been afforded full participation and the opportunity to appear, present evidence and be heard at hearings, and to make argument in writing to the Commission. In the Intervenors' absence at the February 22, 2013 hearing, the Commission accommodated their evidentiary requests.

19. Adoption of the Three-party Stipulation in resolution of this rate proceeding is fair, reasonable, supported by the record of this proceeding and in the public interest.

### **ORDER**

IT IS THEREFORE ORDERED that the Three-party Stipulation attached to this Order as Attachment A is adopted in resolution of this rate filing.

IT IS FURTHER ORDERED that the JCPSD is authorized to issue bonds in an amount not to exceed \$1,720,000 payable over a period not to exceed fifteen years at an average coupon interest rate not to exceed 4.25 percent per annum.

IT IS FURTHER ORDERED that the JCPSD obligation to Pentree as stated in the Three-party Stipulation is reduced by the sum of any and all payments JCPSD has made

to Pentree since February 22, 2012, which is the date of the Amendment to the 1997 engineering agreement.


IT IS FURTHER ORDERED that the rates and charges set forth on the tariff sheets attached to this Order as Attachment B are adopted for use by JCPSD on and after April 2, 2013.

IT IS FURTHER ORDERED that within thirty days of the date of this order, JCPSD will file revised tariff sheets consistent with Attachment B to this Order.

IT IS FURTHER ORDERED that on entry of this Order, this case is closed and removed from the Commission docket.

IT IS FURTHER ORDERED that the Commission Executive Secretary serve a copy of this Order on all parties of record that have filed an e-service agreement, or by United States First Class Mail on parties that have not provided the Commission with an e-mail address, and on Staff by hand delivery.

A True Copy, Teste:

  
Sandra Squire  
Executive Secretary

JML/tt  
120513cg.doc

**PUBLIC SERVICE COMMISSION  
WEST VIRGINIA  
CHARLESTON**

CASE NO. 12-0513-PSD-42T-PC  
JEFFERSON COUNTY PUBLIC SERVICE DISTRICT,  
a public corporation.

**JOINT STIPULATION AND SETTLEMENT AGREEMENT**

Now comes the Jefferson County Public Service District ("District"), by counsel, James V. Kelsh of Bowles Rice LLP, Pentree, Inc. ("Pentree"), by its counsel Thomas R. Michael, and the Staff of the Commission ("Staff") by its counsel, Ron Robertson, (collectively, the "Stipulating Parties"), to enter into this Joint Stipulation and Settlement Agreement ("Joint Stipulation"). Heidi Parker and Jacquelyn Milliron are individual intervenors in this proceeding. Intervenors Milliron and Parker were included in the settlement discussions with the Stipulating Parties on Monday, December 17, 2012. They have not signed the Joint Stipulation and have indicated that they have objections to the Joint Stipulation.

In resolution of the issues in the above captioned matter, the Stipulating Parties jointly stipulate and agree as follows:

1. For purpose of settlement, Pentree agrees to discount the amount it believes it is owed by the District (\$1,285,012) by the amount of \$210,012 leaving a discounted balance due of \$1,075,000. (the "Stipulated Pentree Obligation"). Upon the District's payment of the Stipulated Pentree Obligation, Pentree releases the District from any payment obligations for Addenda 15 and 16 to the May 12, 1997 Agreement, and the February 22, 2012 Amendment to the May 12, 1997 Agreement.

2. In order to pay the Stipulated Pentree Obligation and to meet the District's immediate needs totaling \$413,000 for the relining of a wet well, the replacement of pump station 5/3, the purchase of a new truck, and the hiring of an engineer to prepare a strategic plan, the District will follow the suggestion from the Staff of the Commission that it issue bonds to meet all of these costs, rather than pay the Stipulated Pentree Obligation in full in installments over time. The

District has received an offer from Crews & Associates to issue bonds in an amount not to exceed \$1,720,000 payable over a period not to exceed 15 years at an average coupon interest rate not to exceed 4.25% per annum. See Exhibit A, attached hereto and incorporated herein by this reference. The Stipulating Parties recommend that the Commission issue an order authorizing the District to issue bonds ("Bonds") in an amount not to exceed \$1,720,000 payable over a period not to exceed 15 years at an average coupon interest rate not to exceed 4.25% per annum.

3. Based upon the Stipulated Pentree Obligation, and the terms of the Bonds, the District's accountant has prepared a cash flow analysis. See Exhibit B, which is attached hereto and incorporated by this reference. The Stipulating Parties recommend that the Commission approve an increase in the District's rates not to exceed 3.00 %, resulting in a rate not exceed \$13.09 per 1,000 gallons in lieu of the District's originally proposed 14.9% rate increase.

4. Consistent with the recommendation of the Staff of the Commission in this proceeding, the Stipulating Parties recommend the Commission approve a reduction in the District's capacity improvement fee ("CIF") from \$7,500 in its tariff to \$1,127 per equivalent dwelling unit ("EDU"), which is the level of the CIF charged by the District's wholesale provider, Charles Town, to the District.

5. Consistent with the recommendation of the Staff of the Commission in this proceeding, the Stipulating Parties recommend that the Commission eliminate the District's capacity assurance fee ("CAF") from the District's tariff.

6. The Stipulating Parties agree to use the District's adjusted number for the sewage flows from the Hampton Inn. This number was adjusted by reducing expenses \$6,547 and reducing revenues \$21,721.

7. This Joint Stipulation is a compromise and the District does not admit any past wrongdoing or violation of the requirements of W.Va. Code Ch. 5G. It is the intent of the Stipulating Parties that this Joint Stipulation shall not affect the pending consolidated Case Nos. 12-1369-PSD-C and 12-1370-PSD-C. In the future, the District agrees that all engineering work, project work or contracts will be based upon a new engineer solicitation process under W.Va.

Code Ch. 5G on a project specific basis. The District further agrees that all engineering services shall adhere to the American Society of Civil Engineers fee curve for design phase costs unless granted a waiver by the West Virginia Infrastructure and Jobs Development Council.

8. Following the approval of this Joint Stipulation by a final order of the Commission, the District will enhance communication between its Board and customers by appointing a Customer Liaison (CL). The District shall provide notice in the bills issued in the month following the approval of the creation of the CL of the opportunity for any customer of record actively receiving sewer service from the District to nominate oneself or another customer to the Jefferson County Commission for appointment as the CL. The Jefferson County Commission shall appoint a CL no later than 90 days after the notice of the CL is issued. The District will file the name and phone number of the Customer Liaison as a closed entry in this case. At District Board meetings, the CL will sit at a table with the Board, District employees, the Jefferson County Commission liaison, and the District's consultants. The CL cannot vote nor can the CL discuss an item once a motion is before the Board. The Board shall include on its agenda a designated agenda item for the CL to speak during the public session of Board meetings. The CL is a member of the public and shall be excluded from the executive sessions of the District's board meetings. The name and contact information of the CL shall be posted on the PSD's website. The District shall provide the CL with information regarding items on the agenda of the Board's meeting which do not fall within the exceptions identified or referenced in W.Va. Code § 6-9A-4(b) without requiring the CL to issue a Freedom of Information Act request under W.Va. Code § 29B-1-1 et. seq. The CL's role is as a liaison between the District and customers; and the CL shall not have any role in the daily operations of the District. District personnel are not required to meet with the CL except at Board meetings. This Stipulation in no way limits the CL should the Board determine it wants the CL to have additional responsibilities nor does it limit the CL should he/she wish to issue a Freedom of Information Act request for items not on the agenda. The County Commission shall appoint a CL to serve until such time as the Jefferson County Commission appoints a customer of the District as a board member or a board member becomes a customer.

9. This Joint Stipulation is entered into subject to the acceptance and approval of the Commission. It is made without any admission or prejudice to any other

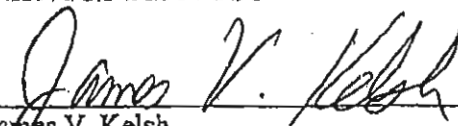
positions that may be taken by any party or other issues, or to positions that may be taken by any party on the same or similar issues in subsequent proceedings.

10. The Stipulating Parties agree this Joint Stipulation is in the public interest and represents a consensus of a broad range of interests. The Joint Stipulation is fair, reasonable and supported by the record. The Stipulating Parties acknowledge that it is the Commission's discretion, however, to accept, reject or modify any joint stipulation. In the event that this Joint Stipulation is rejected or modified by the Commission, it is expressly understood that the Stipulating Parties are not bound to accept this Joint Stipulation as modified or rejected and may avail themselves of whatever rights are available to them by law including requesting to reconvene the hearing, and may pursue fully all issues and positions herein as if no proposed settlement or stipulation had been agreed to. In such circumstances, this Joint Stipulation shall not be admissible for any purpose other than enforcement of this paragraph.

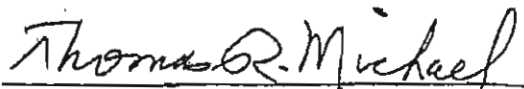
WHEREFORE, on the basis of the foregoing, the Stipulating Parties respectfully request the Commission make appropriate findings of fact and conclusions of law adopting and approving this Stipulation.

Dated this 20<sup>th</sup> day of December, 2012.

**JEFFERSON COUNTY PUBLIC  
SERVICE DISTRICT**

  
James V. Kelsch  
(WV State Bar No. 6617)  
Bowles Rice LLP  
Post Office Box 1386  
Charleston, West Virginia 25325-1386

**PENTREE, INC.**  
By Counsel



Thomas R. Michael, Esq.  
(WV State Bar No. 2546)  
Post Office Box 250  
Lost Creek, West Virginia 26385-0250

**STAFF OF THE COMMISSION**  
By Counsel



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Ron Robertson, Esq.  
(WV State Bar No. 4658)  
P.O. Box 812  
Charleston, WV 25337

# EXHIBIT A

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Preliminary

**\$1,720,000**

Jefferson County PSD, West Virginia

Series 2012 (NR/BQ)

~~1.5% Variable Rate (Plus 50BP)~~

## Sources & Uses

Dated 10/01/2012 | Delivered 10/01/2012

### Sources Of Funds

|                     |                |
|---------------------|----------------|
| Par Amount of Bonds | \$1,720,000.00 |
|---------------------|----------------|

|                      |                       |
|----------------------|-----------------------|
| <b>Total Sources</b> | <b>\$1,720,000.00</b> |
|----------------------|-----------------------|

### Uses Of Funds

|                                      |              |
|--------------------------------------|--------------|
| Deposit to Project Construction Fund | 1,488,000.00 |
|--------------------------------------|--------------|

|                                             |            |
|---------------------------------------------|------------|
| Deposit to Debt Service Reserve Fund (DSRF) | 159,075.00 |
|---------------------------------------------|------------|

|                   |           |
|-------------------|-----------|
| Costs of Issuance | 35,000.00 |
|-------------------|-----------|

|                                       |           |
|---------------------------------------|-----------|
| Total Underwriter's Discount (2.000%) | 34,400.00 |
|---------------------------------------|-----------|

|                 |          |
|-----------------|----------|
| Rounding Amount | 3,525.00 |
|-----------------|----------|

|                   |                       |
|-------------------|-----------------------|
| <b>Total Uses</b> | <b>\$1,720,000.00</b> |
|-------------------|-----------------------|

Preliminary

\$1,720,000

Jefferson County PSD, West Virginia

Series 2012 (NR/BQ)

15 Year Scenario (Plus 50BP)

### Net Debt Service Schedule

| Date       | Principal      | Coupon | Interest     | Total P+I      | DSR          | Net New D/S    | Fiscal Total |
|------------|----------------|--------|--------------|----------------|--------------|----------------|--------------|
| 10/01/2012 | -              | -      | -            | -              | -            | -              | -            |
| 04/01/2013 | -              | -      | 33,275.00    | 33,275.00      | -            | 33,275.00      | -            |
| 10/01/2013 | 90,000.00      | 2.750% | 33,275.00    | 123,275.00     | -            | 123,275.00     | 156,550.00   |
| 04/01/2014 | -              | -      | 32,037.50    | 32,037.50      | -            | 32,037.50      | -            |
| 10/01/2014 | 91,000.00      | 2.750% | 32,037.50    | 127,037.50     | -            | 127,037.50     | 159,075.00   |
| 04/01/2015 | -              | -      | 30,731.25    | 30,731.25      | -            | 30,731.25      | -            |
| 10/01/2015 | 95,000.00      | 2.750% | 30,731.25    | 125,731.25     | -            | 125,731.25     | 156,462.50   |
| 04/01/2016 | -              | -      | 29,425.00    | 29,425.00      | -            | 29,425.00      | -            |
| 10/01/2016 | 100,000.00     | 2.750% | 29,425.00    | 129,425.00     | -            | 129,425.00     | 158,850.00   |
| 04/01/2017 | -              | -      | 28,050.00    | 28,050.00      | -            | 28,050.00      | -            |
| 10/01/2017 | 100,000.00     | 2.750% | 28,050.00    | 128,050.00     | -            | 128,050.00     | 156,100.00   |
| 04/01/2018 | -              | -      | 26,675.00    | 26,675.00      | -            | 26,675.00      | -            |
| 10/01/2018 | 105,000.00     | 3.750% | 26,675.00    | 131,675.00     | -            | 131,675.00     | 158,350.00   |
| 04/01/2019 | -              | -      | 24,706.25    | 24,706.25      | -            | 24,706.25      | -            |
| 10/01/2019 | 105,000.00     | 3.750% | 24,706.25    | 129,706.25     | -            | 129,706.25     | 154,412.50   |
| 04/01/2020 | -              | -      | 22,737.50    | 22,737.50      | -            | 22,737.50      | -            |
| 10/01/2020 | 110,000.00     | 3.750% | 22,737.50    | 132,737.50     | -            | 132,737.50     | 155,475.00   |
| 04/01/2021 | -              | -      | 20,675.00    | 20,675.00      | -            | 20,675.00      | -            |
| 10/01/2021 | 115,000.00     | 3.750% | 20,675.00    | 135,675.00     | -            | 135,675.00     | 156,350.00   |
| 04/01/2022 | -              | -      | 18,518.75    | 18,518.75      | -            | 18,518.75      | -            |
| 10/01/2022 | 120,000.00     | 3.750% | 18,518.75    | 138,518.75     | -            | 138,518.75     | 157,037.50   |
| 04/01/2023 | -              | -      | 16,268.75    | 16,268.75      | -            | 16,268.75      | -            |
| 10/01/2023 | 125,000.00     | 4.750% | 16,268.75    | 141,268.75     | -            | 141,268.75     | 157,537.50   |
| 04/01/2024 | -              | -      | 13,300.00    | 13,300.00      | -            | 13,300.00      | -            |
| 10/01/2024 | 130,000.00     | 4.750% | 13,300.00    | 143,300.00     | -            | 143,300.00     | 156,600.00   |
| 04/01/2025 | -              | -      | 10,212.50    | 10,212.50      | -            | 10,212.50      | -            |
| 10/01/2025 | 135,000.00     | 4.750% | 10,212.50    | 145,212.50     | -            | 145,212.50     | 155,425.00   |
| 04/01/2026 | -              | -      | 7,006.25     | 7,006.25       | -            | 7,006.25       | -            |
| 10/01/2026 | 145,000.00     | 4.750% | 7,006.25     | 152,006.25     | -            | 152,006.25     | 159,012.50   |
| 04/01/2027 | -              | -      | 3,562.50     | 3,562.50       | -            | 3,562.50       | -            |
| 10/01/2027 | 150,000.00     | 4.750% | 3,562.50     | 153,562.50     | (159,075.00) | (5,512.50)     | (1,950.00)   |
| Total      | \$1,720,000.00 | -      | \$634,362.50 | \$2,354,362.50 | (159,075.00) | \$2,195,287.50 | -            |

Preliminary

**\$1,720,000**

Jefferson County PSD, West Virginia

Series 2012 (NR/BQ)

15 Year Scenario (Plus 50BP)

## Pricing Summary

| Maturity     | Type of Bond  | Coupon | Yield  | Maturity Value        | Price    | Dollar Price          |
|--------------|---------------|--------|--------|-----------------------|----------|-----------------------|
| 10/01/2017   | Term 1 Coupon | 2.750% | 2.750% | 480,000.00            | 100.000% | 480,000.00            |
| 10/01/2022   | Term 2 Coupon | 3.750% | 3.750% | 555,000.00            | 100.000% | 555,000.00            |
| 10/01/2027   | Term 3 Coupon | 4.750% | 4.750% | 685,000.00            | 100.000% | 685,000.00            |
| <b>Total</b> |               |        |        | <b>\$1,720,000.00</b> |          | <b>\$1,720,000.00</b> |

### Bid Information

|                                       |                       |
|---------------------------------------|-----------------------|
| Par Amount of Bonds                   | \$1,720,000.00        |
| Gross Production                      | \$1,720,000.00        |
| Total Underwriter's Discount (2.000%) | \$(34,400.00)         |
| Bid (98.000%)                         | 1,685,600.00          |
| <b>Total Purchase Price</b>           | <b>\$1,685,600.00</b> |
| Bond Year Dollars                     | \$14,915.00           |
| Average Life                          | 8.672 Years           |
| Average Coupon                        | 4.2531847%            |

# EXHIBIT B

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Jefferson County Public Service District  
**CASH FLOW ANALYSIS**  
 For the year ended June 30, 2011

Statement F

|                                                                   | <u>Staff<br/>Recommended</u> | <u>JCPSD<br/>Adjustments</u> |      | <u>JCPSD<br/>Proposed</u> |
|-------------------------------------------------------------------|------------------------------|------------------------------|------|---------------------------|
| <b>Available cash:</b>                                            |                              |                              |      |                           |
| Domestic service                                                  | \$ 1,395,534                 | \$ 41,722                    | (6)  | \$ 1,437,256              |
| Commercial service                                                | 424,631                      | (21,721)                     | (2)  | 414,263                   |
|                                                                   |                              | 11,353                       | (7)  |                           |
| Industrial service                                                | 49,183                       | 1,470                        | (8)  | 50,653                    |
| Public authority                                                  | 136,702                      | 4,087                        | (9)  | 140,789                   |
| Forfeited discounts                                               | 49,071                       | (1,271)                      | (4)  | 52,842                    |
|                                                                   |                              | 5,042                        | (10) |                           |
| Interest income                                                   | 123                          | -                            |      | 123                       |
| Interest from debt service funds                                  | 781                          | -                            |      | 781                       |
| Misc. non-operating income                                        | 84,949                       | -                            | (1)  | 84,949                    |
| <b>Total cash available</b>                                       | <u>2,140,974</u>             | <u>40,682</u>                |      | <u>2,181,656</u>          |
| <b>Cash requirements:</b>                                         |                              |                              |      |                           |
| Operating and maintenance expenses                                | 1,545,037                    | (6,547)                      | (3)  | 1,538,490                 |
| Taxes other than income taxes                                     | 31,335                       | -                            |      | 31,335                    |
| <b>Total cash used</b>                                            | <u>1,576,372</u>             | <u>(6,547)</u>               |      | <u>1,569,825</u>          |
| Cash available for<br>debt service (A)                            | <u>564,602</u>               | <u>47,229</u>                |      | <u>611,831</u>            |
| <b>Debt service requirements:</b>                                 |                              |                              |      |                           |
| WDA - Series 1988 B                                               | 10,917                       | -                            |      | 10,917                    |
| SRF - Series 1993 A                                               | 48,548                       | -                            |      | 48,548                    |
| Series 1996 B                                                     | 29,952                       | -                            |      | 29,952                    |
| SRF Series 1999 A                                                 | 12,612                       | -                            |      | 12,612                    |
| SRF Series 2000 A                                                 | 38,496                       | -                            |      | 38,496                    |
| Series 2008 A                                                     | 66,836                       | -                            |      | 66,836                    |
| New Bond                                                          | -                            | 157,000                      | (11) | 157,000                   |
| Series 2010 A                                                     | 150,256                      | -                            |      | 150,256                   |
| <b>Subtotal (B)</b>                                               | <u>357,617</u>               | <u>157,000</u>               |      | <u>514,617</u>            |
| <b>Other debt</b>                                                 |                              |                              |      |                           |
| 2012 MVB bank loan                                                | 9,797                        | -                            |      | 9,797                     |
| Vendor note payable                                               | -                            | -                            | (5)  | -                         |
| Proposed MVB bank loan                                            | -                            | -                            |      | -                         |
| <b>Subtotal other debt</b>                                        | <u>9,797</u>                 | <u>-</u>                     |      | <u>9,797</u>              |
| <b>Remaining cash surplus (deficit)</b>                           | <u>197,188</u>               | <u>(109,771)</u>             |      | <u>87,417</u>             |
| <b>Cash surplus available for capital additions</b>               |                              |                              |      |                           |
| Renewal and replacement reserve<br>(2.5%) of total cash available | 53,502                       | 1,017                        |      | 54,519                    |
| Remaining surplus after R&R fund                                  | 143,686                      | (110,788)                    |      | 32,898                    |
| <b>Total available for capital additions</b>                      | <u>\$ 197,188</u>            | <u>\$ (109,771)</u>          |      | <u>\$ 87,417</u>          |
| <b>Coverage ratio (A/B)</b>                                       | <u>167.89%</u>               |                              |      | <u>118.89%</u>            |

Jefferson County Public Service District  
**BILL ANALYSIS - AT JCPD PROPOSED**  
 For the year ended June 30, 2011

Statement D  
 Sheet 9 of 12

Customer Bill Analysis

Residential Customers

| <u>PRO FORMA</u>             | <u>Number<br/>of<br/>Bills</u> | <u>Gallons<br/>(000)</u> | <u>Minimum<br/>Rate</u> | <u>Total<br/>Revenue</u> |
|------------------------------|--------------------------------|--------------------------|-------------------------|--------------------------|
| Minimum bills (2,500 gal)    | 8,258                          | 12,276                   | \$ 32.73                | \$ 270,284               |
| All over 2,500 gal           | 14,956                         | 79,990                   | 13.09                   | 1,047,069                |
| Flat rate charge (4,500 gal) | 929                            | -                        | 58.91                   | 54,727                   |
| Multiple occupancy           | 1,561                          | -                        | 58.91                   | 91,959                   |
|                              | <u>25,704</u>                  | <u>92,266</u>            |                         |                          |
| Revenue per analysis - \$    |                                |                          |                         | 1,464,039                |
| Correction factor            |                                |                          |                         | <u>0.981706</u>          |
| Residential revenue          |                                |                          | \$                      | <u>1,437,256</u>         |
| Factor                       |                                |                          |                         |                          |

Jefferson County Public Service District  
**BILL ANALYSIS - AT JCPSD PROPOSED**  
 For the year ended June 30, 2011

Statement D  
 Sheet 10 of 12.

Customer Bill Analysis

Commercial Customers

| <u>PRO FORMA</u>             | Number<br>of<br>Bills | Gallons<br>(000) | Minimum<br>Rate | Total<br>Revenue  |
|------------------------------|-----------------------|------------------|-----------------|-------------------|
| Minimum bills (2,500 gal)    | 751                   | 673              | \$ 32.73        | \$ 24,580         |
| All over 2,500 gal           | 817                   | 28,351           | 13.09           | 371,115           |
| Flat rate charge (4,500 gal) | 327                   | -                | 58.91           | 19,264            |
| Multiple occupancy           | -                     | -                | 58.91           | -                 |
|                              | <u>1,895</u>          | <u>29,024</u>    |                 |                   |
| Correction factor            |                       |                  |                 | <u>0.998322</u>   |
| Commercial revenue           |                       |                  |                 | \$ <u>414,263</u> |

Adjustment for additional revenues from new hotel customer:

|                                |           |              |
|--------------------------------|-----------|--------------|
| All over 2,500 gal per books   | 805       | 26,142       |
| Estimated bills and gallons    | <u>12</u> | <u>2,209</u> |
| All over 2,500 gal going level | 817       | 28,351       |

Jefferson County Public Service District  
**BILL ANALYSIS - AT JCPD PROPOSED**  
 For the year ended June 30, 2011

Customer Bill Analysis

Industrial Customers

Statement D  
 Sheet 11 of 12

| <u>PRO FORMA</u>             | Number<br>of<br>Bills | Gallons<br>(000) | Minimum<br>Rate | Total<br>Revenue |
|------------------------------|-----------------------|------------------|-----------------|------------------|
| Minimum bills (2,500 gal)    | 13                    | 18               | \$ 32.73        | \$ 425           |
| All over 2,500 gal           | 69                    | 3,837            | 13.09           | 50,226           |
| Flat rate charge (4,500 gal) | -                     | -                | 58.91           | -                |
| Multiple occupancy           | -                     | -                | 58.91           | -                |
|                              | <u>82</u>             | <u>3,855</u>     |                 |                  |
| Revenue per analysis - \$    |                       |                  |                 | 50,651           |
| Correction factor            |                       |                  |                 | <u>1.000041</u>  |
| Industrial revenue           |                       |                  | \$              | <u>50,653</u>    |

Jefferson County Public Service District  
**BILL ANALYSIS - AT JCPSD PROPOSED**  
 For the year ended June 30, 2011

Statement D  
 Sheet 12 of 12

Customer Bill Analysis

Public Authority Customers

| <u>PRO FORMA</u>             | Number<br>of<br>Bills | Gallons<br>(000) | Minimum<br>Rate | Total<br>Revenue |
|------------------------------|-----------------------|------------------|-----------------|------------------|
| Minimum bills (2,500 gal)    | 11                    | 2                | \$ 32.73        | \$ 360           |
| All over 2,500 gal           | 105                   | 10,726           | 13.09           | 140,403          |
| Flat rate charge (4,500 gal) | -                     | -                | 57.20           | -                |
| Multiple occupancy           | -                     | -                | 57.20           | -                |
|                              | <u>116</u>            | <u>10,728</u>    |                 |                  |
| Revenue per analysis - \$    |                       |                  |                 | 140,763          |
| Correction factor            |                       |                  |                 | <u>1.000183</u>  |
| Public authority revenue     |                       |                  | \$              | <u>140,789</u>   |

Jefferson County Public Service District  
**COMPARISON OF STAFF RECOMMENDED AND APPROVED TO PROPOSED TARIFFS**  
 For the year ended June 30, 2011

Statement D  
 Schedule 1

|                              | <u>Current<br/>Tariff</u> | <u>JCPSD<br/>Proposed</u> | <u>Increased<br/>Dollars</u> | <u>Increase<br/>Percentage</u> |
|------------------------------|---------------------------|---------------------------|------------------------------|--------------------------------|
| <b>Rates</b>                 |                           |                           |                              |                                |
| Per 1,000 Gallons            | \$ 12.71                  | \$ 13.09                  | \$ 0.38                      | 2.99%                          |
| <b>Minimum Charge</b>        |                           |                           |                              |                                |
| Per Month<br>(2,500 Gallons) | 31.78                     | 32.73                     | 0.95                         | 2.99%                          |
| <b>Flat Rate Charge</b>      |                           |                           |                              |                                |
| Per Month<br>(4,500 Gallons) | 57.20                     | 58.91                     | 1.71                         | 2.99%                          |

Jefferson County Public Service District  
**DETAIL OF ADJUSTMENTS - JCPSD**  
As of and for the year ended June 30, 2011

Statement G  
Schedule 1  
Sheet 1 of 3  
Statement

| Adjustment<br>Number | <u>Going Level Adjustments</u>                                                                                                                                                                                                                                                              | <u>Increase<br/>(Decrease)</u> | F |
|----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|---|
| (1)                  | Miscellaneous non-operating                                                                                                                                                                                                                                                                 | \$ -                           | F |
|                      | Per staff                                                                                                                                                                                                                                                                                   | \$ 84,949                      |   |
|                      | Adjustment 1                                                                                                                                                                                                                                                                                | -                              |   |
|                      | JCPSD after adjustment (1)                                                                                                                                                                                                                                                                  | \$ 84,949                      |   |
|                      | <p>To remove fiscal year revenues associated with corrective sewer billings related to water department billing errors that covered service periods in prior years. The above billings was associated with account #2288 which was financed over the time of the billing errors ocured.</p> |                                |   |
| (2)                  | Commercial service                                                                                                                                                                                                                                                                          | \$ (21,721)                    | F |
|                      | Staff                                                                                                                                                                                                                                                                                       | \$ 424,631                     |   |
|                      | Adjustment                                                                                                                                                                                                                                                                                  | (21,721)                       |   |
|                      | JCPSD after adjustment (2)                                                                                                                                                                                                                                                                  | \$ 402,910                     |   |
|                      | <p>To adjust estimated amounts from new hotel which came on line with first billing March 2012.</p>                                                                                                                                                                                         |                                |   |
|                      | Orginal estimated usage                                                                                                                                                                                                                                                                     | 3,974,008                      |   |
|                      | Estimated usage based on the first 5 months                                                                                                                                                                                                                                                 | 2,209,440                      |   |
|                      | Reduction in estimated flows                                                                                                                                                                                                                                                                | 1,764,568                      |   |
|                      | Staff rate                                                                                                                                                                                                                                                                                  | 12.33                          |   |
|                      |                                                                                                                                                                                                                                                                                             | 21,757.12                      |   |
|                      | Correction factor                                                                                                                                                                                                                                                                           | 0.9983220                      |   |
|                      | Estimated reduction in service revenues                                                                                                                                                                                                                                                     | \$ 21,721                      |   |
| (3)                  | Operation and maintenance expenses                                                                                                                                                                                                                                                          | \$ (8,547)                     | F |
|                      | Staff                                                                                                                                                                                                                                                                                       | \$ 1,545,037                   |   |
|                      | Adjustment                                                                                                                                                                                                                                                                                  | (8,547)                        |   |
|                      | JCPSD after adjustment (3)                                                                                                                                                                                                                                                                  | \$ 1,538,490                   |   |
|                      | Reduction in estimated flows above                                                                                                                                                                                                                                                          | 1,764,568                      |   |
|                      | Treatment rate                                                                                                                                                                                                                                                                              | 3.71                           |   |
|                      | Treatment expense                                                                                                                                                                                                                                                                           | \$ 6,547                       |   |

To include full year of rents for treatment of flows from new hotel for the revenues are included in going level #2 above.

Jefferson County Public Service District  
 DETAIL OF ADJUSTMENTS - JCPSD  
 For the year ended June 30, 2011

Statement G  
 Schedule 1  
 Sheet 2 of 3

| Adjustment<br>Number | <u>Pro Forma Adjustments</u> | Increase<br>(Decrease) | <u>Statement</u> |
|----------------------|------------------------------|------------------------|------------------|
| (4)                  | Forfeited discounts          | \$ (1,271)             | F                |
|                      | Staff                        | \$ 49,071              |                  |
|                      | Adjustment (4)               | <u>(1,271)</u>         |                  |
|                      | JCPSD after adjustment (1)   | <u>\$ 47,800</u>       |                  |

To remove additional forfeited discounts being applied to one specific customer listed in adjustment 1. Over the five month billing cycle, this customer has not paid a late fee.

|     |                            |             |   |
|-----|----------------------------|-------------|---|
| (5) | Vendor note payable        | <u>\$ -</u> | F |
|     | Per staff                  | \$ -        |   |
|     | Adjustment                 | -           |   |
|     | JCPSD after adjustment (5) | <u>\$ -</u> |   |

To reflect the negotiated annual payment requirement for engineering fees.

|     |                            |                     |   |
|-----|----------------------------|---------------------|---|
| (6) | 601.1 Domestic service     | <u>\$ 41,722</u>    | F |
|     | Staff                      | \$ 1,395,534        |   |
|     | Adjustment                 | <u>41,722</u>       |   |
|     | JCPSD after adjustment (6) | <u>\$ 1,437,256</u> |   |

To reflect pro forma rate per Statement D.

|     |                            |                   |   |
|-----|----------------------------|-------------------|---|
| (7) | 601.2 Commercial service   | <u>\$ 11,353</u>  | F |
|     | JCPSD after adjustment 2   | \$ 402,910        |   |
|     | Adjustment                 | <u>11,353</u>     |   |
|     | JCPSD after adjustment (7) | <u>\$ 414,263</u> |   |

To reflect pro forma rate per Statement D.

|     |                            |                  |   |
|-----|----------------------------|------------------|---|
| (8) | Industrial service         | <u>\$ 1,470</u>  | F |
|     | Staff                      | \$ 49,183        |   |
|     | Adjustment                 | <u>1,470</u>     |   |
|     | JCPSD after adjustment (8) | <u>\$ 50,653</u> |   |

To reflect pro forma rate per Statement D.

|     |                                |                   |   |
|-----|--------------------------------|-------------------|---|
| (9) | Service to public authorities. | <u>\$ 4,087</u>   | F |
|     | Staff                          | \$ 136,702        |   |
|     | Adjustment                     | <u>4,087</u>      |   |
|     | JCPSD after adjustment (9)     | <u>\$ 140,789</u> |   |

To reflect pro forma rate per Statement D.

Jefferson County Public Service District  
**DETAIL OF ADJUSTMENTS - JCPSD**  
 For the year ended June 30, 2011

Statement G  
 Schedule 1  
 Sheet 3 of 3

| <u>Adjustment<br/>Number</u> | <u>Pro Forma Adjustments</u> | <u>Increase<br/>(Decrease)</u> | <u>Statement</u> |
|------------------------------|------------------------------|--------------------------------|------------------|
|------------------------------|------------------------------|--------------------------------|------------------|

---

|      |                                   |                 |   |
|------|-----------------------------------|-----------------|---|
| (10) | Forfeited discounts and penalties | \$ <u>5,042</u> | F |
|------|-----------------------------------|-----------------|---|

|                                   |                  |
|-----------------------------------|------------------|
| JCPSD after adjustment (4)        | \$ 47,800        |
| Adjustment                        | 5,042            |
| JCPSD after after adjustment (10) | <u>\$ 52,842</u> |

To reflect pro forma rate per Statement D.

|                                  |     |    |           |
|----------------------------------|-----|----|-----------|
| Total metered revenues test year | (a) | \$ | 1,955,627 |
| Total metered revenues JCPSD     | (b) |    | 2,042,961 |
| Forfeited discounts going level  | (c) | \$ | 50,583    |

Calculation:  
 Forfeited discounts and penalties (b) / (a) X (c)     \$ 52,842

|      |          |                   |  |
|------|----------|-------------------|--|
| (11) | NEW BOND | \$ <u>157,000</u> |  |
|------|----------|-------------------|--|

|                              |         |
|------------------------------|---------|
| New new bond from the market |         |
| Life in years                | 26      |
| Average coupon rate          | 4.25%   |
| Average annual debt service  | 157,000 |

JEFFERSON COUNTY PUBLIC SERVICE DISTRICT  
CASE NO. 12-0513-PSD-42T-PC  
APPROVED TARIFF

APPLICABILITY

Applicable within the entire territory served.

AVAILABILITY

Available for general domestic, commercial, and industrial service.

RATES (customers with a metered water supply)

\$13.09 per thousand gallons of metered water usage

MINIMUM CHARGE

No bill will be rendered for less than \$32.73 per month.

FLAT RATE CHARGE (Customers with non-metered water supply)

Equivalent of 4,500 gallons of water usage, \$58.91 per month.

MULTIPLE OCCUPANCY

For unmetered trailer parks, the monthly charge for services shall be equal to the number of units multiplied by the unmetered charge provided above.

TRANSPORTATION CHARGE

A monthly charge of \$1,009 per month will be imposed upon the City of Charles Town for reimbursement of fixed debt associated with lift stations needed to transport Charles Town's sewage from the former Sanitary Associates service area. The charge will be imposed until the indebtedness is satisfied. In addition to the monthly charge of \$1,009, a transportation charge of \$1.65 per thousand gallons shall apply to all flows from the former Sanitary Associates area.

DELAYED PAYMENT PENALTY

The above schedule is net. On all accounts not paid in full when due, ten percent (10%) will be added to the net current amount unpaid. This delayed payment penalty is not interest and is only to be collected once for each bill where it is appropriate.

## **Attachment B**

### TAP FEE

The following charge is to be made whenever the utility installs a new tap to serve an applicant.

A tap fee of \$250.00 will be charged to customers applying for service outside of a certificate proceeding before the Commission for each new tap to the system.

### DISCONNECT - RECONNECT FEES

Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with the City of Charles Town, a disconnection fee of \$10.00 shall be charged. Whenever water service has been disconnected for non-payment of sewer bills in conjunction with a water service termination agreement with Jefferson Utilities, Inc., a disconnection fee of \$20.00 shall be charged.

Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with the City of Charles Town is reconnected, a reconnection fee of \$10.00 shall be charged. Whenever water service, which has been previously disconnected or otherwise withheld for non-payment of a sewer bill in conjunction with a water service termination agreement with Jefferson Utilities, Inc. is reconnected, a reconnection fee of \$20.00 shall be charged.

### LEAK ADJUSTMENT INCREMENT

\$4.62 per M. gallons is to be used when the bill reflects unusual consumption which can be attributed to eligible leakage on customer's side of the meter. This rate shall be applied to all such consumption above customer's historical average usage.

### RETURNED CHECK CHARGE

A service charge equal to the actual bank fee assessed to the sewer utility up to a maximum of \$25.00 will be imposed upon any customer whose check for payment of charges is returned by the bank due to insufficient funds.

### CAPITAL IMPROVEMENT FEE

As used in this section, a "Developer" is defined as "a person, corporation, or entity who is in the business of land and/or commercial or housing development for profit, or a person, corporation, or entity who requests an alternate main line extension that includes the installation of mains by the person, corporation or entity."

**Attachment B**

As used in this section, a "Previously Developed Tract" is defined as property previously subdivided for commercial or housing development, for profit.

On and after January 14, 2009, Developers and resale customers (in instances of developer connections), and those seeking a new sewer connection for a Previously Developed Tract shall pay to the District a capital improvement fee (CIF) for connections made to the sewer system of an unserved structure or facility. For Developers and those seeking a new sewer connection for a Previously Developed tract, the CIFs are due as of the date of the entry into the final sewer availability agreement with the Jefferson County Public Service District. For resale customers making developer connections, the CIF is due the month following the date a new customer of the District's resale customer to which the CIF is applicable connects to the facilities of the District's resale customer.

The capital improvement fee shall be \$1,127.00 per equivalent dwelling unit (EDU). Connections for non-residential use shall be paid in accordance with a residential usage equivalent schedule set forth below.

RESIDENTIAL USAGE EQUIVALENTS FOR CAPITAL IMPROVEMENT FEE

| <u>UNIT</u>                         | <u>WATER<br/>GALLONS PER DAY</u> | <u>RESIDENTIAL USAGE<br/>EQUIVALENT</u> |
|-------------------------------------|----------------------------------|-----------------------------------------|
| Apartments                          | 150/unit                         | 1.0/unit                                |
| Bowling Alleys                      | 200/alley                        | 1.33/alley                              |
| Churches with kitchen               | 8/member                         | 0.05/member                             |
| Churches w/o kitchen                | 2/member                         | 0.013/member                            |
| Food Service                        | 32/seat                          | 0.213/seat                              |
| Fast Food Restaurant                | 35/seat                          | 0.23/seat                               |
| Bar & Cocktail Lounge<br>(additive) | 2/patron                         | 0.013/patron                            |
| Tavern-Little or no food            | 20/seat                          | 0.132/per seat                          |
| Hotel                               | 120/room                         | 0.8/per room                            |
| Industry, sanitary                  | 15/person/shift                  | 0.1/person per shift                    |
| <u>Institutions:</u>                |                                  |                                         |
| Hospital                            | 250/bed                          | 1.67/bed                                |

**Attachment B**

| <u>UNIT</u>                 | <u>WATER<br/>GALLONS PER DAY</u> | <u>RESIDENTIAL USAGE<br/>EQUIVALENT</u> |
|-----------------------------|----------------------------------|-----------------------------------------|
| Nursing Homes               | 150/bed                          | 1.0/bed                                 |
| Others                      | 75/person                        | 0.5/person                              |
| Office Buildings            | 15/person                        | 0.1/person                              |
| Laundry Self Service        | 250/washer                       | 1.67/washer                             |
| Mobile Home Park            | 150/unit space                   | 1.0/unit space                          |
| Motels                      | 120/room                         | 0.8/room                                |
| Retail Stores               | 400/toilet room                  | 2.67/toilet room                        |
| Residence                   | 150/residence                    | 1.0/residence                           |
| <br><b><u>School:</u></b>   |                                  |                                         |
| Day, no cafeteria/showers   | 15/pupil                         | 0.1/pupil                               |
| Day with cafeteria          | 18/pupil                         | 0.12/pupil                              |
| Day with cafeteria/showers  | 20/pupil                         | 0.133/pupil                             |
| Boarding                    | 75/pupil                         | 0.5/pupil                               |
| Service Station             | 500/set of pumps                 | 3.33/set of<br>pumps                    |
| Shopping Centers            | 16/100 ft. of sales area         | 0.12/100<br>ft. of sales area           |
| Swimming Pools<br>design    | 10/swimmer design<br>capacity    | 0.067/swimmer<br>capacity               |
| <br><b><u>Theaters:</u></b> |                                  |                                         |
| Drive In                    | 4/car space                      | 0.0247/car space                        |
| Others                      | 3/seat                           | 0.02/seat                               |
| Warehouse                   | 15/employee                      | 0.1/employee                            |

If a unit does not appear on this schedule, the District shall determine the EDU value of a proposed improvement in consultation with its consulting engineer.



State of West Virginia  
**OFFICE OF THE SECRETARY**  
**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY**  
1900 Kanawha Blvd., E.  
Charleston, West Virginia 25305  
Telephone: (304) 558-2930  
Facsimile: (304) 558-6221

**EARL RAY TOMBLIN**  
**GOVERNOR**

**JOSEPH C. THORNTON**  
**CABINET SECRETARY**

April 08, 2013

Patricia Noland, President  
Jefferson County Commission  
P.O. Box 208  
Charles Town, WV 25414

**RE: On-Site Visit ~ Grant Number # 10-SHS-10**

Dear Ms. Noland:

Guidelines governing participation in the U.S. Department of Homeland Security Grant Program require West Virginia to conduct regular reviews of sub-grant projects.

A member of the West Virginia Homeland Security State Administrative Agency staff visited your agency recently to review a West Virginia Homeland Security Grant project. Enclosed you will find a summary of that visit.

Should you have any questions regarding this program review, please contact me at (304) 558-2930 ext. 210.

Sincerely,

A handwritten signature in blue ink that reads "Amy".

Amy Ferrebee  
Homeland Security Grant Monitor

cc:

Barbara Miller, Project Director  
Jennifer Maghan, Fiscal Officer  
Jessica Owens, Administration Assistant  
Dave Hoge, SAA Director

Enclosure

**DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY  
HOMELAND SECURITY STATE ADMINISTRATIVE AGENCY (SAA)**

**SUBGRANTEE MONITORING REPORT**

The Homeland Security State Administrative Agency staff will make at least one on-site visit to each sub grant project during the grant period to monitor the performance of grant supported activities. Site visits will:

1. Determine progress made toward achieving project objectives;
2. Determine compliance with terms, conditions, and purpose of grant;
3. Identify technical assistance needs; and
4. Provide guidance of future design or funding of similar projects.

|                         |                           |              |        |
|-------------------------|---------------------------|--------------|--------|
| <b>SUBGRANTEE:</b>      | Jefferson County HSEM     |              |        |
| <b>SUBGRANT NUMBER:</b> | 10-SHS-10                 |              |        |
| <b>GRANT PERIOD:</b>    | 02/01/12 to 10/31/12      |              |        |
| <b>DATE MONITORED:</b>  | Wednesday, March 27, 2013 | <b>TIME:</b> | 2 P.M. |

**DESCRIPTION OF PROJECT:**

Jefferson County HSEM developed a county-wide Mass Care Plan Annex using a contractor, current All-Hazards Risk Assessment information, and the Whole Community Concept in Planning. Additionally, using up-to-date information gained from After Action Reports and Improvement Plans from recent experiences, they purchased equipment that will be utilized during a Mass Care Event. We will also utilize information gained through our new Regional (WV Homeland Security Region 3) Animals in Disaster Annex.

**INTERVIEWEE(S):**

| <b>NAME/AGENCY</b>                 | <b>TITLE</b>     | <b>PHONE</b> |
|------------------------------------|------------------|--------------|
| Barbara Miller/ Jefferson Co. HSEM | Director         | 304-728-3290 |
| Jessica Owens/Jefferson Co HSEM    | Admin. Assistant | 304-728-3290 |
|                                    |                  |              |
|                                    |                  |              |
|                                    |                  |              |

**GOALS STATED IN GRANT APPLICATION:**

|                                                      |                      |                                     |                     |
|------------------------------------------------------|----------------------|-------------------------------------|---------------------|
| 1. Strengthen Policy and Unify Management            |                      |                                     |                     |
| <input type="checkbox"/>                             | Completed / On-Going | <b>Support Documentation</b>        |                     |
| <input type="checkbox"/>                             | In Progress          | <input type="checkbox"/>            | Attached            |
| <input type="checkbox"/>                             | Scheduled to Begin:  | <input type="checkbox"/>            | Will be Submitted   |
| <input type="checkbox"/>                             | Will Not Complete    | <input type="checkbox"/>            | With Monthly Report |
| 2. Enhance Preparedness for All-Hazard Incidents     |                      |                                     |                     |
| <input checked="" type="checkbox"/>                  | Completed / On-Going | <b>Support Documentation</b>        |                     |
| <input type="checkbox"/>                             | In Progress          | <input type="checkbox"/>            | Attached            |
| <input type="checkbox"/>                             | Scheduled to Begin:  | <input type="checkbox"/>            | Will be Submitted   |
| <input type="checkbox"/>                             | Will Not Complete    | <input checked="" type="checkbox"/> | With Monthly Report |
| 3. Protect Critical Infrastructure and key Resources |                      |                                     |                     |
| <input type="checkbox"/>                             | Completed / On-Going | <b>Support Documentation</b>        |                     |
| <input type="checkbox"/>                             | In Progress          | <input type="checkbox"/>            | Attached            |
| <input type="checkbox"/>                             | Scheduled to Begin:  | <input type="checkbox"/>            | Will be Submitted   |
| <input type="checkbox"/>                             | Will Not Complete    | <input type="checkbox"/>            | With Monthly Report |
| 4. Facilitate Interoperability                       |                      |                                     |                     |
| <input type="checkbox"/>                             | Completed / On-Going | <b>Support Documentation</b>        |                     |
| <input type="checkbox"/>                             | In Progress          | <input type="checkbox"/>            | Attached            |
| <input type="checkbox"/>                             | Scheduled to Begin:  | <input type="checkbox"/>            | Will be Submitted   |
| <input type="checkbox"/>                             | Will Not Complete    | <input type="checkbox"/>            | With Monthly Report |
| 5. Prepare West Virginia for a Mass Evacuation       |                      |                                     |                     |
| <input type="checkbox"/>                             | Completed / On-Going | <b>Support Documentation</b>        |                     |
| <input type="checkbox"/>                             | In Progress          | <input type="checkbox"/>            | Attached            |
| <input type="checkbox"/>                             | Scheduled to Begin:  | <input type="checkbox"/>            | Will be Submitted   |
| <input type="checkbox"/>                             | Will Not Complete    | <input type="checkbox"/>            | With Monthly Report |

**PART I: RECORDS**

- 1. Does the sub grant file include the following: approved grant award, special conditions, and budget adjustments? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 2. Have the special conditions of the grant been reviewed? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 3. Does the sub grant file contain a copy of the Administrative Manual? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 4. Has the Administrative Manual been reviewed? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 5. Does the sub grant file have copies of monthly progress reports? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 6. Does the sub grant file have copies of monthly financial reports? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 7. Are financial reports provided to the SAA in a timely and satisfactory manner? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 8. Did project implementation occur within 90 days of the designated start date? If no, explain. 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|
- 9. Are required progress reports submitted to the sub-grantee and/or the SAA in a timely and satisfactory manner? 

|     |   |    |  |     |  |
|-----|---|----|--|-----|--|
| Yes | X | No |  | N/A |  |
|-----|---|----|--|-----|--|

**PART II: PERSONNEL**

|     |   |
|-----|---|
| N/A | X |
|-----|---|

- 1. Are all grant authorized positions filled? If no, explain.

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

**PART III: PROFESSIONAL AND CONTRACTUAL SERVICES**

|     |   |
|-----|---|
| N/A | X |
|-----|---|

- 1. Is there a copy of the formal written contract?
- 2. Does the contract on file outline the specific work to be performed by the consultant?
- 3. Does the statement of work (contract) to be performed coincide with the goals, objectives, and activities of the sub grant?
- 4. Were State and local purchasing procedures and laws followed?

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

|     |  |    |  |
|-----|--|----|--|
| Yes |  | No |  |
|-----|--|----|--|

**PART IV: EQUIPMENT PURCHASES**

|     |  |
|-----|--|
| N/A |  |
|-----|--|

1. Was all equipment purchased using applicable purchasing procedures and laws?

|     |   |    |  |
|-----|---|----|--|
| Yes | X | No |  |
|-----|---|----|--|

2. Has all equipment been purchased? If not, will all equipment be purchased by the grant end date? If no, explain.

|     |   |    |  |
|-----|---|----|--|
| Yes | X | No |  |
|-----|---|----|--|

3. Are proper records maintained on equipment purchased and has equipment been properly identified? Has an Equipment Listing been sent to the SAA as required?

|     |   |    |  |
|-----|---|----|--|
| Yes | X | No |  |
|-----|---|----|--|

4. Was grant purchased equipment examined by grant monitor?  
*Comments:* The following items were examined and all equipment purchased had a primary function of being used in support of a response to a chemical, biological, radiological, nuclear and explosive terrorist incident:

|     |   |    |  |
|-----|---|----|--|
| Yes | X | No |  |
|-----|---|----|--|

- ✓ Pet Trailer 8 X 20 Cargo Mate
  - ❖ Observed 1 of 1
- ✓ 6 Gallon Shop Vac
  - ❖ Observed 1 of 1
- ✓ Portable Halogen Lights
  - ❖ Observed 2 of 2
- ✓ Propane Heater
  - ❖ Observed 2 of 2
- ✓ Kodak Digital Camera
  - ❖ Observed 1 of 1
- ✓ 7500w Generator
  - ❖ Observed 1 of 1
- ✓ 1800 psi Pressure Washer
  - ❖ Observed 1 of 1

5. Has the equipment been entered into the resources database in ETEAM as applicable?

|     |   |     |  |
|-----|---|-----|--|
| Yes | X | No  |  |
|     |   | N/A |  |

**PART V: COORDINATION**

|     |   |
|-----|---|
| N/A | X |
|-----|---|

1. List any local coordination problems that may affect the sub grant project:

**PART VI: PROJECT IMPLEMENTATION / IMPACT**

1. Are changes in the project required / recommended? Explain:

|     |  |    |   |
|-----|--|----|---|
| Yes |  | No | X |
|-----|--|----|---|

2. What are the major areas of significant progress in this project?

- Posses better resources to respond to a mass migration and other emergencies

3. Has the organization maintained compliance with grant eligibility guidelines (NIMS, Continuity Planning, etc.)

- Yes

4. Should there be plans to continue the project after the end of the grant period?

- Yes

5. Does the sub grantee / recipient believe this project successfully increased the Target Capabilities as described in the Project Concept? If not, why?

- Yes

6. Has this project helped to reduce the risk of specific threats as outlined in the organization's hazard and vulnerability assessment?

- Yes





RECEIVED

APR 24 2013

Jefferson County Commission

April 22, 2013

VIA E-FILING

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Filing of Response to Comments on Pre-Application Document and Study Requests  
Millville Hydroelectric Project (FERC No. P-2343)

Dear Secretary Bose:

Allegheny Energy Supply, LLC (AES) is relicensing the Millville Hydroelectric Project (FERC No. 2343) (Project). The Project is located on the Shenandoah River in Jefferson County, West Virginia. AES is using the Commission's Integrated Licensing Process (ILP) as outlined in 18 C.F.R. Part 5 to relicense the Project.

AES filed its Notice of Intent (NOI) and Pre-Application Document (PAD) on November 8, 2012. The Federal Energy Regulatory Commission then issued its Scoping Document on January 4, 2013 and held scoping meetings on February 6, 2013 in Charles Town West Virginia. Subsequently, AES received study requests and comments on the PAD.

AES is providing a response to these comments and study requests as Attachment A to this filing. AES is also filing its Proposed Study Plan package as Attachment B. Finally, AES is filing supplemental information regarding entrainment studies at the Project as Attachment C.

AES is proposing four studies including:

- Fisheries Assessment Survey and Habitat Characterization
- Recreational Use Assessment and User Survey
- Historic Properties Survey
- Eel Passage Data Analysis

AES will hold a study plan meeting open to agencies and the public at 9:30 a.m. on May 21, 2013, at the Hampton Inn, 157 Pimlico Dr Charles Town, WV 25414. At the meeting, AES will discuss the proposed study plans with stakeholders.

Comments on the proposed study plans are due within 90 days of this filing, making the deadline for submitting comments July 22, 2013. AES will subsequently file a Revised Study Plan package to the Commission.

Kimberly Bose, Secretary  
April 22, 2013

2.

If there are any questions regarding the provided information or the process, please direct them to Laura Cowan at [Laura.Cowan@KleinschmidtUSA.com](mailto:Laura.Cowan@KleinschmidtUSA.com).

Sincerely,

**KLEINSCHMIDT ASSOCIATES**

A handwritten signature in black ink that reads "Laura J Cowan". The signature is written in a cursive style with a large initial "L".

Laura Cowan  
Project Manager

LJC:TMJ

Attachments: Response to Comments and Study Requests  
Proposed Study Plan Package  
Supplemental Entrainment Information

cc: Distribution List

**DISTRIBUTION LIST  
MILLVILLE INITIAL STUDY PLAN PACKAGE**

**DISTRIBUTION LIST  
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**LEGISLATIVE**

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Washington, DC 20510

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State Representative  
House District 57  
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**DISTRIBUTION LIST**  
**MILLVILLE INITIAL STUDY PLAN PACKAGE**

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Callie McMunigal, Project Leader  
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Mr. Michael Chezik  
Regional Environmental Officer  
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Office of the Secretary  
Office of Environmental Policy and  
compliance  
Custom House, Room 244  
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Philadelphia, PA 19106-2904

Section Chief  
Environmental Protection Agency  
Region III  
1650 Arch St  
Philadelphia, PA 19103

**DISTRIBUTION LIST**  
**MILLVILLE INITIAL STUDY PLAN PACKAGE**

**STATE AGENCIES**

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South Charleston, WV 25303

West Virginia Division of Natural  
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Building 74, Room 200  
324 Fourth Ave.  
South Charleston, WV 25303

West Virginia Division of Natural  
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Parks and Recreation  
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South Charleston, WV 25303

West Virginia Division of Natural  
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Hunting and Fishing  
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South Charleston, WV 25303

West Virginia Historic Preservation Office  
West Virginia Division of Culture and  
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Brian Long  
West Virginia Department of Environmental  
Protection  
Division of Dam Safety  
601 57<sup>th</sup> St  
Charleston, WV 25304

Executive Secretary  
West Virginia Public Service Commission  
201 Brooks Street  
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Charleston, WV 25323

Michael Ed. Hohn  
Director and State Geologist  
West Virginia Geological & Economic  
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Mr. Keith Burdette  
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Business and Industrial Development  
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Charleston, WV 25305-0311

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MILLVILLE INITIAL STUDY PLAN PACKAGE**

**MUNICIPALITIES**

Corporation of Harpers Ferry  
P.O. Box 217  
Harpers Ferry, WV 25425

Jefferson County Commission  
P.O. Box 250  
124 East Washington St., Suite 200  
Charles Town, WV 25414

Jefferson County Parks and Recreation  
235 Sam Michals Rd.  
Shenandoah Junction, WV 25442

Jefferson County Convention & Visitors  
Bureau  
37 Washington Court  
Harpers Ferry, WV 25425

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Piscataway Indian Nation  
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Accokeek, MD 20607

Shawnee Tribe  
Tribal Historic Preservation Officer  
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Miami, OK 74355

Delaware Nation  
President  
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Building 100  
Anadarko, OK 73005

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pvasmail@aol.com

Outdoor Adventures River & Trail Outfitters  
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Knoxville, MD 21758  
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River Riders, Inc.  
408 Alstadts Hill Rd.  
Harpers Ferry, WV 25425  
trips@riverriders.com

Harpers Ferry Adventure Center  
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Purcellville, VA 2032  
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Purcellville, VA 20132

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info@historicalrivertours.com

Shepherdstown Pedal and Paddle  
PO Box 1494  
Shepherdstown, WV 25443

**MIDDLEWAY CONSERVANCY ASSOCIATION, INC.**

154 East Street  
Middleway, WV 25430-5690  
Telephone/Fax: 304-728-6400

12 April 2013

Roger L. Goodwin, P.E.  
Jefferson County Engineering Department  
Office of Permits and Inspections  
P.O. Box 716  
Charles Town, WV 25414

Re: Parcel Nos. 07 22A0041, 07 22A0032, and 07 22B0026 in Middleway Historic District

Dear Mr. Goodwin:

The Board of the Middleway Conservancy Association resolved at their meeting on April 10, 2013, that I should write to you concerning the condition of the properties referenced above. All the properties are contributing structures to the Historic District, and noted as such by the Historic Landmarks Commission.

With regard to 7405 Queen Street (parcel 07 22A0041), my Board wrote to the Health Department last August concerning the junked vehicles, tires and trash on the lot. This concern was relayed to your Code Enforcement Office by the Health Department in August and again in September. The Board wrote to the Code Enforcement Officer in November and again in December. An inspection of the property was made in December, and the County Administrator informed me in January that a code violation notice had been issued. At this time it appears that no action has been taken to resolve any of the code violations.

The former village store (parcel 07 22A0032) is owned by Mrs. Barbara Bitner, a resident of Hedgesville. The building appears to have been vacant for four years but used on occasion by vagrants. It is not secured and the yard is littered with trash and rats have been seen on the property. Trees are now growing from the foundations and access to the basement from Queen Street is open.

The building known as the Civil War Hospital (parcel 07 22B0026) is also owned by Mrs. Bitner. This building was rented as apartments by Mrs. Bitner and subject to several code violations in the past two decades. The building has been empty for the past five years but is frequently used by vagrants and drug users, and the associated trash can be found in the yard. The building is not secured in any way. A complaint was made today to the Health Department concerning the trash and rodent infestation seen by neighbors.

My Board asks that you take action with regard to the code violations at these properties and ensure that the Bitner properties are properly secured.

Sincerely,

  
Peter H. Fricke, President

Cc: B. Zaleski, Health Department  
M. Burke, Historic Landmarks Commission  
D. Keyser, Jefferson County Administrator  
M. Carter, Code Enforcement Officer



Please Distribute To All County Commissioners....

Volume 16, Issue 11

April 15, 2013

## Legislative Update...

Good Monday everybody...

Attached is a complete list of all bills that passed in the 2013 Regular Legislative Session.

As you will note, of over 1800 bills introduced, only 215 bills actually passed and many of those are legislative rules bills.

It was a very frustrating session for counties to say the least. No salary bill for elected county officials, no advice & consent bill that would help counties avoid wrongful firing law suits, and no new revenue sources for paying regional jail costs.

However, two bills that we hope will provide some positive relief for county jail bills, did pass:

B 146 allowing withholding of personal income tax refunds for unpaid/ outstanding court costs and SB 371 the Governor's Prison Overcrowding bill. Both bills were amended in the legislative process and so I'll wait on the final copy of the bills to summarize these and all bills that have county implications. As you will remember, it takes a couple of weeks to get these final copies and for the Governor to sign them. Stay tuned....

If you have any questions about any of the bills, those that passed or those that didn't, just give me a call.

Vivian

## Bill Status - Bills Completed Legislative Action

Page 1 of 10

## Completed Legislation

The search returned 218 Bills ( 109 House Bills, 108 Senate Bills )

| Bill                   | Title                                                                                                        | Status                                       | Effective Date                                      |
|------------------------|--------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------|
| <a href="#">SB 21</a>  | Creating Health Care Provider Transparency Act                                                               | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 22</a>  | Requiring maternity services coverage for all health insurance plan dependents in certain circumstances      | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 60</a>  | Relating to name-change notice publication requirements                                                      | House received Senate message                | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 65</a>  | Exempting PERS retirement income of DNR police officers from state income tax                                | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 71</a>  | Requiring descriptions of easements and rights-of-way include width in addition to centerline; exception     | House received Senate message                | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 74</a>  | Relating to jury service qualification                                                                       | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 80</a>  | Including substitute teaching in job duties of certain professional educators employed by county boards      | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 82</a>  | Requiring rate-paying residential customer on public service board                                           | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 101</a> | Clarifying Medical Professional Liability Act applies to nursing homes and their health care providers       | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 103</a> | Creating WV Commuter Rail Access Act                                                                         | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 108</a> | Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team                                     | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 145</a> | Amending election complaint procedures                                                                       | House received Senate message                | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 146</a> | Collecting unpaid magistrate court charges through income tax refund withholding                             | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 158</a> | Creating Complete Streets Act                                                                                | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 172</a> | Relating to nonintoxicating beer distributor licensees                                                       | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 183</a> | Updating terms in Corporation Net Income Tax Act                                                             | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 185</a> | Relating to alternative-fuel motor vehicles and qualified refueling infrastructure tax credits               | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 190</a> | Relating to public-private transportation projects funding                                                   | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 194</a> | Repealing code relating to Medicaid program contract procedure                                               | Completed legislative action                 | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 195</a> | Removing tax rate expiration date on eligible acute care hospitals                                           | House Message received                       | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 197</a> | Expiring funds from State Fund, General Revenue, and making supplementary appropriations to various accounts | Approved by Governor 3/22/13 - House Journal | Effect from passage - (March 15, 2013)              |
| <a href="#">SB 200</a> | Relating to Eyewitness Identification Act                                                                    | Completed legislative action                 | Completed Legislation awaiting Governor's signature |

## Bill Status - Bills Completed Legislative Action

|                        |                                                                                                                                                         |                                              |                                                      |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------|
| <a href="#">SB 202</a> | Creating WV Spay Neuter Assistance Program and Fund                                                                                                     | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 208</a> | Making supplementary appropriation from State Fund, General Revenue, to Department of Commerce, Division of Labor, and DHHR, Division of Human Services | House Message received                       | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 214</a> | Eliminating interview requirement for certain medical licensee applicants                                                                               | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 243</a> | Authorizing DEP promulgate legislative rules                                                                                                            | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 250</a> | Authorizing Department of Commerce promulgate legislative rules                                                                                         | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 266</a> | Authorizing DHHR promulgate legislative rules                                                                                                           | Effective ninety days from passage           | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 270</a> | Authorizing Department of Revenue promulgate legislative rules                                                                                          | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 281</a> | Authorizing Department of Transportation promulgate legislative rules                                                                                   | House Message received                       | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 331</a> | Permitting Courthouse Facilities Improvement Authority to issue bonds                                                                                   | House Message received                       | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 335</a> | Permitting certain hospitals exemption from certificate of need                                                                                         | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 336</a> | Relating to interscholastic athletics concussions and head injuries                                                                                     | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 355</a> | Relating to final wage payment to discharged employees                                                                                                  | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 356</a> | Relating to municipal policemen and firemen pensions                                                                                                    | House Message received                       | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 359</a> | Relating generally to reforming public education                                                                                                        | Approved by Governor 4/10/13 - House Journal | Effective Ninety Days from Passage - (June 20, 2013) |
| <a href="#">SB 369</a> | Relating to concealed handgun license reciprocity                                                                                                       | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 371</a> | Relating to prison overcrowding                                                                                                                         | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 383</a> | Authorizing family court judges appoint counsel in certain contempt cases                                                                               | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 386</a> | Relating to personal safety orders                                                                                                                      | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 387</a> | Relating to family court judge supervision of criminal background investigations                                                                        | House Message received                       | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 394</a> | Relating to scholarships for dependent children of state troopers who die in performance of duty                                                        | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 401</a> | Relating to Board of Registration for Professional Engineers                                                                                            | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 403</a> | Relating to judicial retirement system contribution rates                                                                                               | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 407</a> | Requiring cellular and phone companies provide certain information to Bureau for Child Support Enforcement                                              | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| <a href="#">SB 412</a> | Relating to county conservation district supervisors                                                                                                    | House received Senate message                | Completed Legislation awaiting Governor's signature  |

## Bill Status - Bills Completed Legislative Action

Page 3 of 10

|                        |                                                                                                            |                               |                                                     |
|------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|
| <a href="#">SB 414</a> | Clarifying hunting and fishing license-issuing authorities                                                 | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 421</a> | Exempting certain school mascot from prohibition of firearms possession on school grounds                  | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 423</a> | Providing certain convicted persons reduction in sentence                                                  | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 420</a> | Relating to filings under Uniform Commercial Code as to secured transactions                               | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 430</a> | Defining "employment term" in Teachers' Defined Contribution Retirement System                             | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 431</a> | Relating to public employer liability for delinquent retirement contributions                              | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 436</a> | Continuing Municipal Home Rule Pilot Program                                                               | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 437</a> | Regulating commercial dog-breeding operations                                                              | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 438</a> | Authorizing reorganization of certain community and technical colleges                                     | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 440</a> | Relating to disclosure of specified tax information for enforcement of Tobacco Master Settlement Agreement | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 441</a> | Relating to withdrawal of erroneous state tax liens                                                        | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 444</a> | Relating to higher education generally                                                                     | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 445</a> | Allowing Tax Commissioner divert lottery prizes to offset tax liabilities of lottery winners               | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 446</a> | Conforming motor fuel taxes with International Fuel Tax Agreement                                          | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 448</a> | Increasing number of demonstration dealer plates issued to large commercial vehicle dealers                | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 454</a> | Relating to taxation of alternative motor fuels                                                            | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 458</a> | Permitting PEIA operate Medicare retiree health plan on calendar-year basis                                | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 460</a> | Exempting certain residents' active duty military pay from state income tax                                | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 461</a> | Relating to procedures and protections for child witnesses in domestic relations proceedings               | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SR 462</a> | Extending time for informal conferences on surface mining permit applications                              | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 463</a> | Increasing special license fee paid by pipeline companies to PSC                                           | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 464</a> | Regulating tanning facilities                                                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 469</a> | Clarifying service credit for certain PERS members                                                         | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 470</a> | Permitting wine sale on Sunday mornings at fairs and festivals                                             | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 477</a> | Relating to electronic registration of voters                                                              | House Message received        |                                                     |

## Bill Status - Bills Completed Legislative Action

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|               |                                                                                                                                 |                               |                                                     |
|---------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|
|               |                                                                                                                                 |                               | Completed Legislation awaiting Governor's signature |
| <u>SB 478</u> | Redefining "video lottery games": permitting wagering by historic resort hotel employees                                        | House received Senate message | Completed Legislation awaiting Governor's signature |
| <u>SB 481</u> | Relating to juvenile mental health treatment                                                                                    | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 482</u> | Relating to sale of voter registration lists                                                                                    | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 489</u> | Permitting community enhancement districts to decrease annual property assessments                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 491</u> | Relating to rental car license cost recovery fee                                                                                | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 496</u> | Finding and declaring certain claims against state                                                                              | House received Senate message | Completed Legislation awaiting Governor's signature |
| <u>SB 498</u> | Relating to hearing location for Alcohol Beverage Control Administration's appeal hearings                                      | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 504</u> | Relating to cooperative associations                                                                                            | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 515</u> | Relating to use of television receivers and other devices in vehicles                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 523</u> | Making supplementary appropriation of unappropriated moneys to various accounts                                                 | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 524</u> | Supplementing, amending, decreasing and increasing appropriations from State Road Fund to DOT                                   | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 525</u> | Making supplementary appropriation of federal funds to various accounts                                                         | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 528</u> | Making supplementary appropriation of federal funds to DHHR, Division of Human Services-Temporary Assistance for Needy Families | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 527</u> | Relating to process of filling vacancies in certain elected offices                                                             | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 534</u> | Correcting internal code reference regarding insurance information disclosure                                                   | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 535</u> | Relating to process for maintaining voter registration lists                                                                    | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 538</u> | Eliminating requirement law enforcement maintain files of domestic violence orders                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 542</u> | Relating to restricted races at pari-mutuel thoroughbred horse race tracks                                                      | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 544</u> | Scheduling departmental performance reviews                                                                                     | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 553</u> | Relating to Highway Design-Build Program                                                                                        | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 657</u> | Continuing Preventive Care Pilot Program                                                                                        | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 661</u> | Establishing Tucker County Cultural District Authority                                                                          | House Message received        | Completed Legislation awaiting Governor's signature |
| <u>SB 664</u> | Increasing minimum construction cost of municipal public works project before competitive bidding is required                   | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>SB 671</u> | Extending time Oceana City Council can meet as governing body                                                                   | House Message received        |                                                     |

## Bill Status - Bills Completed Legislative Action

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|                         |                                                                                                                                                                             |                               |                                                     |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|
|                         |                                                                                                                                                                             |                               | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 580</a>  | Updating requirements for dental intern, resident and teaching permits                                                                                                      | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 588</a>  | Transferring authority to license cosmetology, barber and massage schools to Council for Community and Technical College Education                                          | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 590</a>  | Determining grant awards for Chesapeake Bay and Greenbrier River watershed compliance projects                                                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 601</a>  | Removing requirement certain juvenile proceedings be sealed                                                                                                                 | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 604</a>  | Expanding definition of "electronic communication"                                                                                                                          | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 630</a>  | Relating to Chief Technology Officer's duties with regard to security of government information                                                                             | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 638</a>  | Terminating certain severance tax exemption for production of natural gas or oil                                                                                            | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 652</a>  | Requiring criminal background checks for home inspector applicants                                                                                                          | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 658</a>  | Extending time for Madison City Council to meet as levying body                                                                                                             | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 663</a>  | Creating WV Feed to Ashlave Act                                                                                                                                             | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">SB 684</a>  | Decreasing appropriations of public monies in State Fund, General Revenue                                                                                                   | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2048</a> | Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act"                 | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2100</a> | Making the offense of failure to wear safety belts a primary offense                                                                                                        | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2158</a> | Relating to the provision of financially-related services by banks and bank holding companies                                                                               | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2314</a> | Authorizing a family court judge to order a child to be taken into custody in emergency situations                                                                          | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2351</a> | Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license                                             | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2352</a> | Clarifying that the West Virginia Department of Environmental Protection does not assume a mine operator's obligations or liabilities under the Water Pollution Control Act | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2357</a> | Relating to sexting by minors                                                                                                                                               | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2361</a> | Relating to the definition of "eligible veteran" for certain state training and employment preference benefits                                                              | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2395</a> | Relating to senior services                                                                                                                                                 | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2398</a> | Protecting livestock in dire or extreme condition                                                                                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2431</a> | Modifying the application process for obtaining a state license to carry a concealed deadly weapon                                                                          | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2453</a> | Expanding the Amber Alert Plan: "SKYLAR'S LAW"                                                                                                                              | House Message received        | Completed Legislation awaiting Governor's signature |

## Bill Status - Bills Completed Legislative Action

|                         |                                                                                                                                                                                         |                               |                                                      |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------------------------------------------------|
| <a href="#">HB 2463</a> | Repealing the article that permits the sterilization of persons deemed to be mentally incompetent                                                                                       | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2469</a> | Increasing the cap on earnings during temporary reemployment after retirement                                                                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2470</a> | Relating to sign support specialist or an educational sign language interpreter in the education of exceptional children                                                                | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2471</a> | Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2487</a> | Prohibiting the use of isotric                                                                                                                                                          | Approved by Governor 4/10/13  | Effective Ninety Days from Passage - (June 30, 2013) |
| <a href="#">HB 2490</a> | Providing for the appointment of veterans advocates at state institutions of higher education                                                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2491</a> | Establishing a uniform course completion policy for veteran students called up for active duty                                                                                          | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2497</a> | Requiring applicants for real estate licensure to undergo criminal history record checks                                                                                                | House Message received        | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2498</a> | Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted                                                                   | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2505</a> | Increasing civil penalties imposed by the Public Service Commission for pipeline safety violations                                                                                      | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2508</a> | Changing the capital investment threshold amount                                                                                                                                        | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2512</a> | Reforming the state Medicaid subrogation statute                                                                                                                                        | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2513</a> | Improving enforcement of drugged driving offensee                                                                                                                                       | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2514</a> | Lowering the total amount of tax credits available under the Film Industry Investment Act                                                                                               | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2516</a> | Updating the meaning of federal adjusted gross income and certain other terms used in the West Virginia Personal Income Tax Act                                                         | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2519</a> | Relating to reallocation and repatriation of certain funds to the General Revenue Fund                                                                                                  | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2521</a> | Relating to the West Virginia Contraband Forfeiture Act                                                                                                                                 | House Message received        | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2531</a> | Relating to the practice of speech-language pathology and audiology                                                                                                                     | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2534</a> | Relating to the regulation of pawn brokers                                                                                                                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2539</a> | Expiring, supplementing, amending, increasing, and adding items of appropriation in various accounts                                                                                    | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2541</a> | Making a supplementary appropriation from the State Fund, State Excess Lottery Revenue Fund, to the Department of Health and Human Resources, Division of Human Services                | Completed legislative action  | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2542</a> | Relating to publication of the State Register                                                                                                                                           | House Message received        | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2548</a> | Increasing the criminal penalties for assaults and batteries against athletic officials                                                                                                 | House received Senate message | Completed Legislation awaiting Governor's signature  |
| <a href="#">HB 2553</a> |                                                                                                                                                                                         | House Message received        |                                                      |

**Patti Hamilton**

**From:** "Patti Hamilton" <patti@wvaco.org>  
**To:** "WVACO Listserv - Commissioners" <commissioners@wvaco.org>; "WVACO Listserv - Assessors" <assessors@wvaco.org>; "WVACO Listserv - Sheriffs" <sheriffs@wvaco.org>; "WVACO Listserv - Circuit Clerks" <circuitclerks@wvaco.org>; "WVACO Listserv - County Clerks" <countyclerks@wvaco.org>; "WVACO Listserv - Prosecutors" <prosecutors@wvaco.org>  
**Sent:** Monday, April 15, 2013 11:47 AM  
**Subject:** County Legislative E-Line

**THE COUNTY LEGISLATIVE LINE**

Monday, April 15<sup>th</sup>, 2013

"The Fall-Out"

Happy Tax Day!

**CAPITOL QUOTES:**

*"I don't know a single veteran that would want to say 'take this money away.' Senator Wells, amending out the House floor amendment that would have waived all gun permit fees for active military and veterans, with the consequence of depleting the concealed weapons fund by as much as 70-80% and the Courthouse Facilities Authority Fund by over \$200,000 annually"*

*"They should work for their lunches." Del. Canterbury during a heated floor debate Friday on Senate bill providing free meals in schools program for all kids (during a Saturday floor speech, Del. Canterbury talked about personal responsibility and students in Japan who have to clean their schools but the speech was cut short by the Speaker who said they had a long calendar to get through)"*

*"Hey, we send people to jail, we feed them. We ask kids to go to school and go hungry. Give me a break." Del. Walker speaking to the same bill"*

*"This should appeal to those of us who are progressive and who are fiscally responsible." Del. Skirmer on the prison overcrowding bill and how it will help avoid the cost of building a new prison"*

There was a total of 1,829 bills introduced and a total of 215 completed legislation – 109 House bills and 106 Senate bills. Of those that completed legislation, about 1/3 of them are rulemaking and appropriations legislation. The process is designed to make it difficult to get a bill passed. Much less effort goes into getting bills killed – many times no effort at all is required because the bill is never even considered.

SB 2431, an NRA bill to modify application process for concealed weapon permits, was amended on the floor of the House to provide a waiver of all concealed weapon permit fees (initial fee and renewals) for all active military and veterans. The full financial impact was not realized until the bill was on 1<sup>st</sup> reading in the Senate. Sheriffs estimated that they would lose 50% to 80% of their funds from which most of their law enforcement equipment is purchased. The House amendment was removed in the Senate and the House concurred with the Senate version. Senator Wells characterized the House's amendment as well-intentioned but detrimental to State Police, Sheriffs and the Courthouse Facilities Improvement Authority, all of whom

benefit from the permit fee.

The "punish the school board" legislation from 2007, SB 541, unfortunately will go into effect on July 1<sup>st</sup>, 2013, despite efforts from the House to repeal it. Education Chairs have completely different philosophies on this legislation that takes away school aid formula funds from school boards if the Assessor is not in compliance at 54% or greater. The original legislation is based on several flawed premises and uses December's estimated values rather than March actual values. It also doesn't allow an Assessor, even one brand new to the office, any time to correct the compliance ratio. The Senate version changed the date to March and also gave some leeway by amending that the Assessor had to be out of compliance for two consecutive years (giving one year to make corrections) before the school boards' funding was reduced. The House did not concur with the Senate amendment as they wanted a full repeal of the original legislation.

I cannot begin to explain the situation that occurred with the county officials compensation bill. In fact, it defies explanation. All I can say is no pay raise bill passed at all, including the Magistrates bill which got caught up in a last day game with the Morgantown TIF bill for a baseball stadium. We may see one or both on a special session. Magistrates are attempting to equalize their pay so that all make the same; Tier 1 magistrates would receive no salary increase but all Tier 2 (based on population) would be brought up to Tier 1 salary level, a difference of \$6,375.

Needless to say, we all worked very hard on it and had majority bipartisan support in both the House and Senate. We appeared to have support from the Speaker and President. We did not have support from the Finance Chairs. Thanks to all who worked on the effort.

Summaries of all legislation affecting county government will be sent to all county officials after they are signed by the Governor. Below are bills that I've been tracking that completed legislative action. The final version, or enrolled bills, will be available in the next few weeks. If a bill has had several amendments, it is very hard to put together the final language from the online postings and the Senate does not post their amendments to House bills.

#### WVACofHouse - 2013 Regular Session

| Bill           | Title                                                                                                                           | SA(Same As)/<br>SI(Similar To) | Last Action                                      | Committee Reference                                                                                                            | Notes                                          |
|----------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| HB 2108 (None) | Making the offense of failure to wear safety belts a primary offense                                                            | SI SB 129                      | 04/10/13 - To House received message             | House Reference 1 - Roads and Transportation<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Judiciary                |                                                |
| HB 2351 (None) | Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license |                                | 04/12/13 - To House received message             | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                |                                                |
| HB 2357 (None) | Relating to sexting by minors                                                                                                   |                                | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance |                                                |
| HB 2399 (None) | Protecting livestock in dire or extreme condition                                                                               |                                | 04/13/13 - To House Completed legislative action | House Reference 1 - Agriculture<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Agriculture and Rural Development     | We got commission "committee" role amended out |
| HB 2431 (None) | Modifying the application process for obtaining a state license to                                                              |                                | 04/13/13 - To House Completed legislative        | House Reference 1 - Judiciary<br>Senate Reference 1 -                                                                          |                                                |

|                |                                                                                                                                                                                         |                       |                                                  |                                                                                                                                                                          |                                                                           |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
|                | carry a concealed deadly weapon                                                                                                                                                         |                       | action                                           | Judiciary                                                                                                                                                                |                                                                           |
| HB 2469 (None) | Increasing the cap on earnings during temporary reemployment after retirement                                                                                                           |                       | 04/13/13 - To House Completed legislative action | House Reference 1 - Pensions and Retirement<br>House Reference 2 - Finance<br>Senate Reference 1 - Pensions<br>Senate Reference 2 - Finance                              |                                                                           |
| HB 2471 (None) | Prohibiting the restriction or otherwise lawful possession, use, carrying, transfer, transportation, storage or display of a firearm or ammunition during a declared state of emergency | SI SB 330             | 04/12/13 - To House received message             | House Reference 1 - Judiciary<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Judiciary                                                          |                                                                           |
| HB 2498 (None) | Making it a crime for a person sitting on a grand jury to disclose the identity of an individual who will be indicted                                                                   |                       | 04/13/13 - To House received message             | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                                                           | This bill had been requested by the late Mingo County Sheriff Crum        |
| HB 2513 (None) | Improving enforcement of drugged driving offenses                                                                                                                                       | SA SB 181             | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Transportation and Infrastructure<br>Senate Reference 2 - Judiciary                 | Governor's bill                                                           |
| HB 2521 (None) | Relating to the West Virginia Contraband Forfeiture Act                                                                                                                                 |                       | 04/11/13 - To House Message received             | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                                          | WVACO legislative priority                                                |
| HB 2585 (None) | Increasing the time to file a petition in response to notice of an increased assessment                                                                                                 |                       | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                                                           | 8 business days                                                           |
| HB 2590 (None) | Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs                                | SI SB 50<br>SA SB 342 | 04/13/13 - To House Completed legislative action | House Reference 1 - Energy, Industry and Labor, Economic Development and Small Business<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Government Organization | Governor's bill; we requested & obtained amendments favorable to counties |
|                |                                                                                                                                                                                         |                       |                                                  | House Reference 1 - Political Subdivisions                                                                                                                               |                                                                           |

|                       |                                                                                                                                   |           |                                                  |                                                                                                                                                                |                                     |
|-----------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| HB 2600 <u>(None)</u> | Creating resort area districts                                                                                                    |           | 04/13/13 - To House received message             | House Reference 2 - Judiciary<br>Senate Reference 1 - Economic Development<br>Senate Reference 2 - Finance                                                     | Allow county commission to create   |
| HB 2717 <u>(None)</u> | Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification                                       | SA SB 360 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Finance                                                                   |                                     |
| HB 2747 <u>(None)</u> | Relating to Open Governmental Proceedings                                                                                         |           | 04/13/13 - To House Completed legislative action | House Reference 1 - Government Organization<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Judiciary | clarifying definitions              |
| HB 2814 <u>(None)</u> | Relating to human trafficking                                                                                                     |           | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                                |                                     |
| HB 2815 <u>(None)</u> | Clarifying and modifying the process of appointing and terminating guardians for minors                                           | SA SB 382 | 04/12/13 - To House Message received             | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                                |                                     |
| HB 2847 <u>(None)</u> | Relating to the collection of delinquent real property and personal property taxes                                                |           | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                                                 | new section 7a on personal property |
| HB 2851 <u>(None)</u> | Establishing a one time audit cost amnesty program for local governments with delinquent audit costs                              | SA SB 600 | 04/13/13 - To House received message             | House Reference 1 - Political Subdivisions<br>House Reference 2 - Finance<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance      |                                     |
| HB 2866 <u>(None)</u> | Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet | SI SB 476 | 04/12/13 - To House received message             | House Reference 1 - Natural Resources<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Judiciary                                                       |                                     |
|                       | Specifying procedures for adjusting payments to correct for                                                                       |           | 04/13/13 - To                                    | House Reference 1 - Judiciary                                                                                                                                  |                                     |

|                       |                                                                                                                     |           |                                                  |                                                                 |                     |
|-----------------------|---------------------------------------------------------------------------------------------------------------------|-----------|--------------------------------------------------|-----------------------------------------------------------------|---------------------|
| <b>HB 2913 (None)</b> | an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision | SA SB 439 | House Message received                           | House Reference 2 - Finance<br>Senate Reference 1 - Finance     | State Tax Dept bill |
| <b>HB 2933 (None)</b> | Providing notification to a prosecuting attorney of an offender's parole hearing and release                        |           | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary |                     |
| <b>HB 3135 (None)</b> | Relating generally to voting system certification and procedures at the central counting center                     | SA SB 650 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary | Sec of State bill   |

WVACoSenate - 2013 Regular Session

| Bill                 | Title                                                                            | SA (Same As)/SI (Similar To) | Last Action                                      | Committee Reference                                                                                                                                                                              | Notes                                                             |
|----------------------|----------------------------------------------------------------------------------|------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| <b>SB 74 (None)</b>  | Relating to jury service qualification                                           |                              | 04/13/13 - To House Message received             | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                                                                  |                                                                   |
| <b>SB 108 (None)</b> | Creating Unintentional Pharmaceutical Drug Overdose Fatality Review Team         | SI hb 2288                   | 04/13/13 - To House Completed legislative action | House Reference 1 - Health and Human Resources<br>House Reference 2 - Government Organization<br>Senate Reference 1 - Health and Human Resources<br>Senate Reference 2 - Government Organization | includes prosecuting attorney                                     |
| <b>SB 146 (None)</b> | Collecting unpaid magistrate court charges through income tax refund withholding |                              | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance                                                                   | Should help with the extreme delinquencies in court cost payments |
| <b>SB 158 (None)</b> | Creating Complete Streets Act                                                    | SA HB 2494                   | 04/11/13 - To House Message received             | House Reference 1 - Government Organization<br>Senate Reference 1 - Transportation and Infrastructure<br>Senate Reference 2 - Government Organization                                            | local govt consulted                                              |

|               |                                                                       |                         |                                                  |                                                                                                                                                  |                                                                  |
|---------------|-----------------------------------------------------------------------|-------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|
| SB 200 (None) | Relating to Eyewitness Identification Act                             | SA HB 2758              | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                  |                                                                  |
| SB 202 (None) | Creating WV Spay Neuter Assistance Program and Fund                   |                         | 04/13/13 - To House Completed legislative action | House Reference 1 - Finance<br>Senate Reference 1 - Agriculture and Rural Development<br>Senate Reference 2 - Finance                            |                                                                  |
| SB 331 (None) | Permitting Courthouse Facilities Improvement Authority to issue bonds | SA HB 2988              | 04/13/13 - To House Message received             | House Reference 1 - Finance<br>Senate Reference 1 - Government Organization<br>Senate Reference 2 - Finance                                      | WVACO legislative priority                                       |
| SB 355 (None) | Relating to final wage payment to discharged employees                | SA HB 2605<br>SI SB 175 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Labor<br>Senate Reference 2 - Judiciary                                                    |                                                                  |
| SB 369 (None) | Relating to concealed handgun license reciprocity                     | SI HB 2602              | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                  |                                                                  |
| SB 371 (None) | Relating to prison overcrowding                                       | SA HB 2726              | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance                   | Governor's bill addressing prison overcrowding & substance abuse |
| SB 386 (None) | Relating to personal safety orders                                    | SA HB 2782              | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                                  | personal safety orders                                           |
| SB 414 (None) | Clarifying hunting and fishing license-issuing authorities            |                         | 04/13/13 - To House Completed legislative action | House Reference 1 - Natural Resources<br>House Reference 2 - Judiciary<br>Senate Reference 1 - Natural Resources<br>Senate Reference 2 - Finance |                                                                  |
| SB 423 (None) | Providing certain convicted persons reduction in sentence             |                         | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                                   |                                                                  |

|                      |                                                                                    |            |                                                  |                                                                                                                                |                                                                           |
|----------------------|------------------------------------------------------------------------------------|------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| <b>SB 431 (None)</b> | Relating to public employer liability for delinquent retirement contributions      | SA HB 2822 | 04/08/13 - To House received message             | Senate Reference 1 - Pensions<br>Senate Reference 2 - Finance                                                                  |                                                                           |
| <b>SB 477 (None)</b> | Relating to electronic registration of voters                                      | SA HB 2865 | 04/13/13 - To House Message received             | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                | Sec of State bill                                                         |
| <b>SB 481 (None)</b> | Relating to juvenile mental health treatment                                       |            | 04/13/13 - To House Message received             | House Reference 1 - Judiciary<br>Senate Reference 1 - Health and Human Resources<br>Senate Reference 2 - Judiciary             | require transport by sheriff on order of circuit ct                       |
| <b>SB 482 (None)</b> | Relating to sale of voter registration lists                                       | SA HB 2863 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary<br>Senate Reference 2 - Finance | Sec of State bill                                                         |
| <b>SB 527 (None)</b> | Relating to process of filling vacancies in certain elected offices                | SI HB 2857 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                |                                                                           |
| <b>SB 535 (None)</b> | Relating to process for maintaining voter registration lists                       | SA HB 2941 | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>House Reference 2 - Finance<br>Senate Reference 1 - Judiciary                                 |                                                                           |
| <b>SB 538 (None)</b> | Eliminating requirement law enforcement maintain files of domestic violence orders |            | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                |                                                                           |
| <b>SB 601 (None)</b> | Removing requirement certain juvenile proceedings be sealed                        |            | 04/13/13 - To House Completed legislative action | House Reference 1 - Judiciary<br>Senate Reference 1 - Judiciary                                                                | WVACO Legis Priority for Circuit Clerks; keep confidential but not sealed |

## Bill Status - Bills Completed Legislative Action

|                         |                                                                                                                                                          |                               |                                                     |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|
|                         | Authorizing the Secretary of State to administratively dissolve certain business entities                                                                |                               | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2554</a> | Providing a procedure for the Secretary of State to revoke certificates of authority for foreign corporations                                            | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2567</a> | Relating to limited partnerships                                                                                                                         | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2571</a> | Relating to who may serve as members of the environmental quality board                                                                                  | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2577</a> | Relating to the practice of pharmacist care                                                                                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2579</a> | Revising state water quality standard for Selenium                                                                                                       | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2585</a> | Increasing the time to file a petition in response to notice of an increased assessment                                                                  | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2586</a> | Relating to qualifications for a license to practice embalming                                                                                           | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2590</a> | Creating a public nonprofit corporation and governmental instrumentality to collectively address several environmental and economic development programs | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2600</a> | Creating resort area districts                                                                                                                           | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2603</a> | Relating to the Family Protection Services Board                                                                                                         | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2606</a> | Requiring appraisal management companies to be registered                                                                                                | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2626</a> | Authorizing the Department of Military Affairs and Public Safety to promulgate Legislative Rules                                                         | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2652</a> | Authorizing the Department of Administration to promulgate legislative rules                                                                             | House Message received        | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2689</a> | Authorizing miscellaneous Boards and Agencies to promulgate legislative rules                                                                            | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2710</a> | Relating to the West Virginia Fairness in Competitive Bidding Act                                                                                        | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2717</a> | Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification                                                              | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2727</a> | Relating to the school aid formula                                                                                                                       | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2729</a> | Allowing schools to voluntarily maintain and use epinephrine auto-injectors                                                                              | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2730</a> | Relating to the Real Estate Appraisal Board                                                                                                              | House received Senate message | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2731</a> | Regulating the performance of health maintenance tasks by unlicensed personnel                                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2733</a> | Relating to hearings before the Office of Administrative Hearings                                                                                        | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2736</a> | Relating to the Center for Nursing                                                                                                                       | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <a href="#">HB 2747</a> | Relating to Open Governmental Proceedings                                                                                                                | Completed legislative action  | Completed Legislation awaiting Governor's signature |

|         |                                                                                                                                                 |                                              |                                                      |
|---------|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------------------|
| HB 2754 | Relating to further defining a retailer engaging in business in this state for purposes of sales and use taxes                                  | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2762 | Creating an exemption from licensure as an adjuster for certain individuals who conduct data entry into an automated claims adjudication system | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2764 | Relating to compulsory school attendance                                                                                                        | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2770 | Permitting dealers who sell fewer than eighteen new or used motor vehicles during a year to have their dealer licenses renewed                  | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2780 | Relating generally to multidisciplinary team meetings for juveniles committed to the custody of the West Virginia Division of Juvenile Services | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2784 | Relating to the Deputy Sheriff Retirement System Act                                                                                            | Approved by Governor 4/10/13 - House Journal | Effective Ninety Days from Passage - (June 26, 2013) |
| HB 2800 | Relating to the Teachers' Retirement System                                                                                                     | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2802 | Relating to the Emergency Medical Services Retirement System                                                                                    | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2805 | Making the West Virginia Supreme Court of Appeals Public Campaign Financing Pilot Program a permanent program                                   | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2808 | Relating to administrative remedies for prisoners generally                                                                                     | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2814 | Relating to human trafficking                                                                                                                   | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2816 | Clarifying and modifying the process of appointing and terminating guardians for minors                                                         | House Message received                       | Completed Legislation awaiting Governor's signature  |
| HB 2819 | Relating to the financial oversight of entities regulated by the Insurance Commissioner                                                         | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2825 | Relating to certain appointive state officers salaries                                                                                          | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2836 | Allowing certain Commission on Special Investigations personnel the right to carry firearms                                                     | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2837 | Amending various provisions of the Code affecting the Treasurer's Office                                                                        | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2842 | Clarifying that time-sharing plans, accommodations and facilities are subject to regulation by the Division of Land Sales and Condominiums      | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2847 | Relating to the collection of delinquent real property and personal property taxes                                                              | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2848 | Providing the process for requesting a refund after forfeiture of rights to a tax deed                                                          | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2861 | Establishing a one time audit cost amnesty program for local governments with delinquent audit costs                                            | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2858 | Relating generally to consumer rate relief bonds                                                                                                | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2861 | Relating to continued enrollment of at-risk student in public school                                                                            | Completed legislative action                 | Completed Legislation awaiting Governor's signature  |
| HB 2888 | Providing an exception to allow a resident of a dwelling house to discharge a firearm in a lawful manner within five hundred feet               | House received Senate message                | Completed Legislation awaiting Governor's signature  |
| HB 2888 | Allowing members of a policemen's civil service commission to serve on other local boards and commissions                                       | House received Senate message                | Completed Legislation awaiting Governor's signature  |

## Bill Status - Bills Completed Legislative Action

|                         |                                                                                                                                                                                 |                               |                                                             |
|-------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-------------------------------------------------------------|
| <a href="#">HB 2897</a> | Declaring certain claims against the state and its agencies to be moral obligations of the state                                                                                | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2913</a> | Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision | House Message received        | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2923</a> | Relating to directors of state-chartered banking institutions                                                                                                                   | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2933</a> | Providing notification to a prosecuting attorney of an offender's parole hearing and release                                                                                    | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2940</a> | Relating to regional meetings among certain officials of county boards of education                                                                                             | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2956</a> | Relating to resident brewers and brewpubs                                                                                                                                       | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2960</a> | Providing for internal and external review of adverse health coverage determinations                                                                                            | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2964</a> | Authorizing the mayor to appoint chiefs of police and deputy chiefs of police                                                                                                   | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2968</a> | Authorizing the use of an additional medium for use in archiving the records                                                                                                    | House Message received        | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2979</a> | Relating to broadband deployment projects                                                                                                                                       | House Message received        | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 2992</a> | Eliminating duplicative reporting requirements imposed on distributors of imported cigarettes                                                                                   | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3003</a> | Facilitating compliance with the Tobacco Master Settlement Agreement                                                                                                            | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3013</a> | Authorizing the establishment of job creation work groups                                                                                                                       | Approved by Governor 4/10/13  | <b>Effective Ninety Days from Passage - (June 30, 2013)</b> |
| <a href="#">HB 3020</a> | Improving boat dock and marina safety                                                                                                                                           | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3028</a> | Expanding the number of hours temporary state personnel may work in a calendar year                                                                                             | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3043</a> | Including methane monitoring equipment as eligible safety equipment for tax credit purposes                                                                                     | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3059</a> | Relating to access to justice                                                                                                                                                   | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3066</a> | Relating to juvenile services and criminal justice institutions                                                                                                                 | House Message received        | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3104</a> | Authorizing certain legislative rules regarding higher education                                                                                                                | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3135</a> | Relating generally to voting system certification and procedures at the central counting center                                                                                 | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3139</a> | Authorizing qualified investigators employed by the Secretary of State to carry a firearm and concealed weapon                                                                  | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3145</a> | Removing the existing maximum quantities of beer that retailers can sell for off premises                                                                                       | House received Senate message | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3167</a> | Restoring the authority, flexibility, and capacity of schools and school systems to improve student learning                                                                    | Completed legislative action  | Completed Legislation awaiting Governor's signature         |
| <a href="#">HB 3159</a> | Granting exceptions from certain compulsory attendance statutes to the Monroe and Nicholas County school systems                                                                | House received Senate message | Completed Legislation awaiting Governor's signature         |

## Bill Status - Bills Completed Legislative Action

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|                |                                                                                                     |                               |                                                     |
|----------------|-----------------------------------------------------------------------------------------------------|-------------------------------|-----------------------------------------------------|
| <u>HB 3100</u> | Providing for a pilot initiative on governance of schools jointly established by adjoining counties | Completed legislative action  | Completed Legislation awaiting Governor's signature |
| <u>HB 3161</u> | Repealing section relating to additional fee to be collected for each marriage license issued       | House received Senate message | Completed Legislation awaiting Governor's signature |

# Ethics Reporter

## Since the Last Reporter

Since the February edition of the **REPORTER**, the West Virginia Ethics Commission published six Advisory Opinion interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its March 7 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of a county employee being paid for performing multiple jobs concurrently, the permissibility of a county assessor engaging in private consulting work on non-county time, the permissibility of a legislator receiving benefits from a state housing loan program, the permissibility of a county prosecutor's

spouse being employed by the county board of education, the permissibility of an assistant prosecutor in one county serving as a county commissioner in another and, the permissibility of a legislator sponsoring a bill that he had advised a private legal client on previously.

### ADVISORY OPINION REPORT

**Advisory Opinion 2013-04** addressed the permissibility of a county employee being paid for performing multiple jobs concurrently.

The individual in question works for the county sheriff performing the functions of three separate positions, balancing them out across the work day and work week. The question is whether the positions can be combined into a new position that defines the job in the context of all duties and

then pay the individual accordingly.

The Ethics Commission examined the language of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another and that of 6B-2-5(l)(1) defining the restrictions on a public employee receiving compensation from another public source for performing those duties during the same work hours.

In its opinion, the Commission determined that the employee of the sheriff could permissibly have his position redefined to include all of his duties and that he could be compensated commensurate with the duties. The proposed arrangement is not "double dipping" since the individual is only working for one public employer.

**Advisory Opinion 2013-05** concerned the permissibility of a county assessor performing

**March, 2013**  
**Page Three**

body, and the provisions of Chapter 61-10-15 which make it unlawful for a county official or supervisory education official to have direct or indirect pecuniary interests in any contract over which they have voice, control or influence.

In addition, the Commission reviewed the Code relative to school personnel as well as the applicable rules of the State Board of Education pertaining to this situation.

In this case, the Ethics Commission ruled that nothing in the Ethics Act prohibits the employment of the county prosecutor's wife as a school nurse. The Commission did conclude that the prosecutor had the requisite authority as legal advisor to the board of education for the Chapter 61-10-15 standards to be triggered. In that the rules of the State Board of Education refer to a school nurse as a "professional educator," which is one of the protected categories in

61-10-15 that would permit the prosecuting attorney's wife to be employed as a school nurse/professional educator.

**Advisory Opinion 2013-09** addressed the permissibility of an assistant prosecutor in one county serving as a county commissioner in another.

In this instance, the assistant prosecutor would be serving as a commissioner for a county that is contained within the same judicial circuit he is serving as a prosecutor.

The Commission examined the language of 6B-2-5(b) prohibiting a public official from using their position to produce a gain for themselves or others in connection with this request, that of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have authority or control, and the provisions of Chapter 61-10-15 making it unlawful for a county officer to have direct or indirect pecuniary interests involved in matters where they

exercise voice, influence or control.

In its opinion, the Commission determined that there is no provision in the Ethics Act preventing an elected official from holding another office. In addition, the Commission found nothing in the Ethics Act or in 61-10-15 that prohibited the planned dual arrangement, provided that the individual continued to perform his duties as an assistant prosecutor.

The only cautionary note provided by the Commission concerned advice to seek guidance from the Supreme Court over the issue of potentially serving as a special prosecutor in the county where he serves as a county commissioner.

**Advisory Opinion 2013-11** concerned the permissibility of a legislator sponsoring a bill that he had advised a private legal client about previously.

In this instance, the attorney performed legal services for a client prior to being elected to the Legislature. While these

March, 2013  
Page Five

housing loan from a  
state agency (See also  
STATE  
GOVERNMENT)

**2013-11:**  
Permissibility of a  
legislator sponsoring a  
bill that he advised a  
private legal client on  
previously

**MUNICIPAL  
GOVERNMENT**

NONE PUBLISHED

**STATE GOVERNMENT**

**2013-07:**  
Permissibility of a  
legislator applying for a  
housing loan from a  
state agency (See also  
LEGISLATURE)

**TRADE  
ASSOCIATIONS AND  
LOBBYISTS**

NONE PUBLISHED

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**WEST VIRGINIA ETHICS COMMISSION  
2013 ADVISORY OPINIONS  
INDEXED BY TOPICAL SECTOR  
(Includes opinions published through March 7, 2013)**

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**BOARDS AND COMMISSIONS**

**2012-47:**

Permissibility of a county commissioner serving as a board member of a county ambulance authority (See also COUNTY GOVERNMENT)

**2012-48:**

Permissibility of a state board director having a business relationship with a member of the board or with a member of the community regulated by the board (See also STATE GOVERNMENT)

**2012-49:**

Permissibility of a county farmland protection board engaging in fundraising activities (See also COUNTY GOVERNMENT)

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Permissibility of a county solid waste authority member voting on matters affecting a fellow authority member (See also COUNTY GOVERNMENT)

**BOARDS OF EDUCATION**

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Permissibility of board members voting on paying expenses for all board members in connection with training activities

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**COUNTY GOVERNMENT**

**2012-45:**

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**2012-47:**

Permissibility of a county commissioner serving as a board member of a county ambulance authority (See also BOARDS AND COMMISSIONS)

MUNICIPAL GOVERNMENT (continued)

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**2012-51:**

Permissibility of an assistant attorney general serving as an elected member of a city council (See also STATE GOVERNMENT)

**2013-01:**

Permissibility of a city employing the adult child of the mayor

**STATE GOVERNMENT**

**2012-48:**

Permissibility of a state board director having a business relationship with a member of the board or with a member of the community regulated by the board (See also BOARDS AND COMMISSIONS)

**2012-51:**

Permissibility of an assistant attorney general serving as an elected member of a city council (See also MUNICIPAL GOVERNMENT)

**2013-07:**

Permissibility of a state legislator applying for housing loan assistance through a state program (See also LEGISLATURE)

**TRADE ASSOCIATIONS AND LOBBYISTS**

NONE PUBLISHED

**MISCELLANEOUS**

NONE PUBLISHED

ADVISORY OPINION NO. 2013-08

2013 MAR 25 PM 12:00

Issued On March 7, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

SECRETARY OF STATE

OPINION SOUGHT

An **Elected County Prosecutor** asks whether his spouse may be employed as a School Nurse in the county school system.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected Prosecutor. His wife is employed by the Board of Education in the county where he serves. Her job title is School Nurse. She is a registered nurse. Her office is in the central BOE office; however, she spends most of her time in the four schools located in the county.

She exercises some supervisory responsibility over service personnel such as aides and licensed professional nurses. She also provides education to classroom aides and teachers concerning the health needs of students. She carries a school-issued cellular phone and answers calls on a daily basis from parents and teachers regarding student health issues. On a daily basis she also provides nursing care to students. She attends monthly administrator meetings. Her role at these meetings is to advise and inform school administrators of current health issues that affect each school.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official ... may not knowingly and intentionally use ... her office or the prestige of ... her office for ... her own private gain or that of another person.

W. Va. Code § 6B-2-5(d)(1) reads, in pertinent part:

In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected ... official ... or member of ... her immediate family ... may be a party to or have an interest in the profits or benefits of a contract which the official ... may have direct authority to enter into, or over which ... she may have control: Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body....

W. Va. Code § 61-10-15(a) states, in pertinent part:

We must next analyze whether W. Va. Code § 61-10-15, which is more comprehensive, authorizes the continued employment of the spouse of the County Prosecutor in the county school system. This statute prohibits a county official from having a personal financial interest, directly or indirectly, in public contracts over which his public position gives him voice, influence or control.

Unlike the Ethics Act, W.Va. Code § 61-10-15 does not specifically make an exception for the employment of any person by any governmental body. Instead, it is stricter than the Ethics Act and also contains strict anti-nepotism provisions which prohibit, with limited exceptions, the employment of immediate family members in county agencies over which elected county officials, such as a Prosecutor, exercise voice, influence or control.

By statute, a County Prosecutor renders legal advice to the county school system. "It shall also be the duty of the prosecuting attorney... to advise, attend to, bring, prosecute or defend, as the case may be, all matters, actions, suits and proceedings in which such county or any county board of education is interested" W. Va. Code § 7-4-1. The Commission finds that the duty to render legal advice constitutes the exercise of voice, influence or control over county school system contracts. The Commission reached a similar conclusion in A.O. 2010-24 wherein the Commission ruled that an Assistant Prosecutor exercises voice, influence and control over board of education contracts.

Since the Prosecutor exercises voice, influence or control over county school board contracts, § 61-10-15 only authorizes her employment if she is employed in one of the following "covered" positions: (1) principal; (2) teacher; or (3) auxiliary or service employee. Hence, the Commission must determine whether her position falls within one of these permitted employment positions.

Clearly, the Requester's spouse is not a principal. Additionally, the Commission finds that she is not an auxiliary or service employee as these job classifications generally apply only to persons who are listed in W.Va. Code § 18A-4-8, e.g. accountant I, braille or sign language specialist, clerk I, etc.<sup>1</sup> In reviewing this code section and other applicable code sections governing service personnel, the positions of registered nurse and school nurse are not referenced or defined in these provisions.

Next, the Commission must determine whether the Prosecutor's spouse is considered a "teacher" for purposes of § 61-10-15 and applicable school law. The term teacher for

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<sup>1</sup> "Service person" or "service personnel", whether singular or plural, means a nonteaching school employee who is not included in the meaning of "teacher" as defined in section one, article one, chapter eighteen of this code and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any reference to "service employee" or "service employees" in this chapter or chapter eighteen of this code means service person or service personnel as defined in this section. W. Va. Code Ann. § 18A-1-1(e). Additionally, W.Va. Code § 18A-4-8(53) defines the term licensed practical nurse but the title school nurse is not included.

services to children in the county school system. Hence, her position falls within the exceptions created by § 61-10-15 and she may continue her employment.


This conclusion is consistent with the Commission's ruling in A.O. 2011-10 wherein the Commission ruled that the spouse of a superintendent may be employed as a School Psychologist. Additionally, the conclusion reached herein is consistent with the ruling of the Commission in A.O. 95-01 wherein the Commission previously ruled that the spouse of an elected County Board of Education Member may be employed as a County School Nurse. Despite this prior ruling wherein this Commission reached the same conclusion, the Commission has re-examined this issue as the laws governing the classification of school personnel have changed since the adoption of A.O. 95-01.<sup>4</sup> Nevertheless, despite the changes in the law, for purposes of analyzing school personnel classifications for purposes of interpreting § 61-10-15, the answer remains the same.

While his spouse may continue her employment with the county school system, the Requester may not advise the Board of Education on matters affecting her directly as opposed to affecting her as a member of a class of five or more similarly situated school personnel. See *generally* W.Va. Code § 6B-2-5(j) discussing the class rule.

### **CONCLUSION**

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, et seq. and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

Pursuant to W. Va. Code § 6B-2-3, any person acting in good faith reliance on an advisory opinion issued by the Ethics Commission is immune from the sanctions of section fifteen, article ten, chapter sixty-one of the code, and shall have an absolute defense to any criminal prosecution for actions taken in good faith reliance upon such opinion.

  
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R. Kemp Morton, III, Chairperson

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<sup>4</sup> When the Advisory Opinion was issued in 1995, school nurses were classified as service personnel.  
A.O. 2013-08 (Page 5 of 5)

## ADVISORY OPINION NO. 2013-04

2013 MAR 25 PM 12:00

Issued On March 7, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

C. J. WILSON  
SECRETARY OF STATE**OPINION SOUGHT**

A **County Commission** asks whether a full-time county employee may be paid for performing multiple jobs concurrently.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester County Commission is responsible for the County's budget, including the Sheriff's budget. The Sheriff employs one person to fulfill the job duties of three County positions. The positions are that of Court Bailiff, Home Confinement Officer and Process Server.

The Requester states that this employee used to be paid from the General County Fund until recently the West Virginia State Auditor's Office informed the County Commission that he had to be paid for his service of process duties from the service of process fund.<sup>1</sup> Hence, he is now paid from two funds but still only receives one paycheck.<sup>2</sup>

There are separate job descriptions for each position. The employee is performing the job duties of all three positions within a 40 hour work week. The Requester states that the employee may combine his time spent performing the duties of Home Confinement Officer and Process Server. For example, when he travels to an area to fulfill his home confinement duties, he may also serve process papers on a citizen. This is more cost-efficient to the County as it avoids duplication of travel. The Requester states that the employee is not being paid twice for the same work.

The Requester further asks if the current arrangement is prohibited, whether it would be permissible to employ this person under one job description which incorporates all duties to be performed by the position.

**CODE PROVISIONS RELIED UPON BY COMMISSION**

W. Va. Code § 6B-2-5(b) reads in relevant part:

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<sup>1</sup> Sheriffs are authorized to charge a fee for service of process. These fees are deposited in a special fund and are to be used by the Sheriff to cover the cost of providing these services. W.Va. Code § 59-1-14(d).

<sup>2</sup> The Requester mistakenly put in his letter that the employee is paid two paychecks; however, the County has clarified that he receives only one paycheck, but that the funds are drawn from two accounts.

Further, the Ethics Act does not require that the Requester combine the employee's job duties into one job description to comply with the Ethics Act. The test is not whether there is one job description as opposed to three; instead, the test is whether the public employer has a rational basis for making the personnel decision in question. As such, the Requester, in consultation with the Sheriff, may determine whether it is in the best interest of the county to continue the current arrangement.

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. Pursuant to W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked.

  
R. Kemp Morton, III, Chairperson

ADVISORY OPINION NO. 2013-05

Issued On March 7, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

2013 MAR 25 PM 12:00

SECRETARY OF STATE

**OPINION SOUGHT**

An elected **County Assessor** asks whether he may continue consulting for a photography firm in the evenings and on the weekends.

**FACTS RELIED UPON BY THE COMMISSION**

An elected County Assessor is currently a consultant for a photography firm. He states that he performs his job duties as County Assessor during the week from 8:30 a.m. until 4:30 p.m. He asks whether he may continue his secondary employment with a photography firm.

**CODE PROVISIONS RELIED UPON BY COMMISSION**

W. Va. Code § 6B-2-5(b) provides:

- (1) 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.

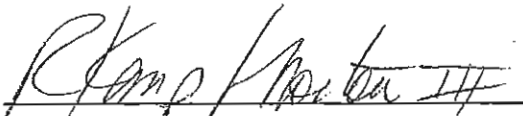
W. Va. Code § 6B-2-5(h) reads, in relevant part:

- (1) No full-time official may seek ... to purchase, sell or lease real or personal property to or from any person who:
  - (A) Had a matter on which he or she took, or a subordinate is known to have taken, regulatory action within the preceding twelve months; or
  - (B) Has a matter before the agency on which he or she is working or a subordinate is known by him or her to be working

**ADVISORY OPINION**

The West Virginia Ethics Act prohibits public employees from using their public office or the prestige of their office for their own private gain. W.Va. Code § 6B-2-5(b). Here, the Requester is not violating W. Va. Code § 6B-2-5(b) because the Requester's position as County Assessor is not being used in any way to further the Requester's work as a

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. Pursuant to W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by public servants and other persons unless and until it is amended or revoked.

  
R. Kemp Morton, III, Chairperson

## ADVISORY OPINION NO. 2013-08

Issued On March 7, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

2013 MAR 25 PM 12:00

SECRETARY OF STATE

**OPINION SOUGHT**

An **Elected County Prosecutor** asks whether his spouse may be employed as a School Nurse in the county school system.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester is an elected Prosecutor. His wife is employed by the Board of Education in the county where he serves. Her job title is School Nurse. She is a registered nurse. Her office is in the central BOE office; however, she spends most of her time in the four schools located in the county.

She exercises some supervisory responsibility over service personnel such as aides and licensed professional nurses. She also provides education to classroom aides and teachers concerning the health needs of students. She carries a school-issued cellular phone and answers calls on a daily basis from parents and teachers regarding student health issues. On a daily basis she also provides nursing care to students. She attends monthly administrator meetings. Her role at these meetings is to advise and inform school administrators of current health issues that affect each school.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official ... may not knowingly and intentionally use ... her office or the prestige of ... her office for ... her own private gain or that of another person.

W. Va. Code § 6B-2-5(d)(1) reads, in pertinent part:

In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected ... official ... or member of ... her immediate family ... may be a party to or have an interest in the profits or benefits of a contract which the official ... may have direct authority to enter into, or over which ... she may have control: Provided, That nothing herein shall be construed to prevent or make unlawful the employment of any person with any governmental body....

W. Va. Code § 61-10-15(a) states, in pertinent part:

We must next analyze whether W. Va. Code § 61-10-15, which is more comprehensive, authorizes the continued employment of the spouse of the County Prosecutor in the county school system. This statute prohibits a county official from having a personal financial interest, directly or indirectly, in public contracts over which his public position gives him voice, influence or control.

Unlike the Ethics Act, W.Va. Code § 61-10-15 does not specifically make an exception for the employment of any person by any governmental body. Instead, it is stricter than the Ethics Act and also contains strict anti-nepotism provisions which prohibit, with limited exceptions, the employment of immediate family members in county agencies over which elected county officials, such as a Prosecutor, exercise voice, influence or control.

By statute, a County Prosecutor renders legal advice to the county school system. "It shall also be the duty of the prosecuting attorney... to advise, attend to, bring, prosecute or defend, as the case may be, all matters, actions, suits and proceedings in which such county or any county board of education is interested" W. Va. Code § 7-4-1. The Commission finds that the duty to render legal advice constitutes the exercise of voice, influence or control over county school system contracts. The Commission reached a similar conclusion in A.O. 2010-24 wherein the Commission ruled that an Assistant Prosecutor exercises voice, influence and control over board of education contracts.

Since the Prosecutor exercises voice, influence or control over county school board contracts, § 61-10-15 only authorizes her employment if she is employed in one of the following "covered" positions: (1) principal; (2) teacher; or (3) auxiliary or service employee. Hence, the Commission must determine whether her position falls within one of these permitted employment positions.

Clearly, the Requester's spouse is not a principal. Additionally, the Commission finds that she is not an auxiliary or service employee as these job classifications generally apply only to persons who are listed in W.Va. Code § 18A-4-8, e.g. accountant I, braille or sign language specialist, clerk I, etc.<sup>1</sup> In reviewing this code section and other applicable code sections governing service personnel, the positions of registered nurse and school nurse are not referenced or defined in these provisions.

Next, the Commission must determine whether the Prosecutor's spouse is considered a "teacher" for purposes of § 61-10-15 and applicable school law. The term teacher for

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<sup>1</sup>"Service person" or "service personnel", whether singular or plural, means a nonteaching school employee who is not included in the meaning of "teacher" as defined in section one, article one, chapter eighteen of this code and who serves the school or schools as a whole, in a nonprofessional capacity, including such areas as secretarial, custodial, maintenance, transportation, school lunch and aides. Any reference to "service employee" or "service employees" in this chapter or chapter eighteen of this code means service person or service personnel as defined in this section. W. Va. Code Ann. § 18A-1-1(e). Additionally, W.Va. Code § 18A-4-8(53) defines the term licensed practical nurse but the title school nurse is not included.

services to children in the county school system. Hence, her position falls within the exceptions created by § 61-10-15 and she may continue her employment.

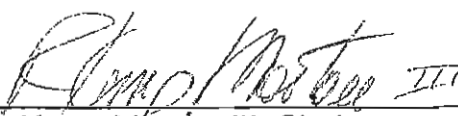
This conclusion is consistent with the Commission's ruling in A.O. 2011-10 wherein the Commission ruled that the spouse of a superintendent may be employed as a School Psychologist. Additionally, the conclusion reached herein is consistent with the ruling of the Commission in A.O. 95-01 wherein the Commission previously ruled that the spouse of an elected County Board of Education Member may be employed as a County School Nurse. Despite this prior ruling wherein this Commission reached the same conclusion, the Commission has re-examined this issue as the laws governing the classification of school personnel have changed since the adoption of A.O. 95-01.<sup>4</sup> Nevertheless, despite the changes in the law, for purposes of analyzing school personnel classifications for purposes of interpreting § 61-10-15, the answer remains the same.

While his spouse may continue her employment with the county school system, the Requester may not advise the Board of Education on matters affecting her directly as opposed to affecting her as a member of a class of five or more similarly situated school personnel. See generally W.Va. Code § 6B-2-5(j) discussing the class rule.

## **CONCLUSION**

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, et seq. and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

Pursuant to W. Va. Code § 6B-2-3, any person acting in good faith reliance on an advisory opinion issued by the Ethics Commission is immune from the sanctions of section fifteen, article ten, chapter sixty-one of the code, and shall have an absolute defense to any criminal prosecution for actions taken in good faith reliance upon such opinion.

  
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R. Kemp Morton, III, Chairperson

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<sup>4</sup> When the Advisory Opinion was issued in 1995, school nurses were classified as service personnel.  
A.O. 2013-08 (Page 5 of 5)

ADVISORY OPINION NO. 2013-09

Issued On March 7, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

2013 MAR 25 PM 12:00

SECRETARY OF STATE

OPINION SOUGHT

A Prosecutor asks whether an **Assistant Prosecutor** may simultaneously serve as an elected County Commissioner in another County.

FACTS RELIED UPON BY THE COMMISSION

Assistant Prosecutors serve at the will and pleasure of the Prosecutor. They take an oath of office.

The Requester, an elected Prosecutor, wants to know whether he may hire a person to serve as an Assistant Prosecutor if this person will simultaneously serve as an elected County Commissioner in another County.

The Requester states that the County where the Assistant Prosecutor would serve as a County Commissioner is in the same judicial circuit as the County where he would serve as an Assistant Prosecutor. Hence, as they are in the same judicial circuit, both counties share the same circuit court judge.

The Requester states that County Commissioners tend to the affairs of the county they represent, including matters which affect the judiciary. In particular, county commissions are charged with providing suitable office space to house the judiciary.<sup>1</sup> Nevertheless, it is the Supreme Court of Appeals of West Virginia, not County Commissions, which have supervisory control over the circuit courts and other courts in the judicial system.<sup>2</sup> Moreover, the salaries of circuit court judges are set by statute. Still, the Requester wants to ensure this dual service, i.e. Assistant Prosecutor in one county and elected County Commissioner in another, does not create a prohibited conflict of interest for purposes of the Ethics Act.

<sup>1</sup> The county commission of every county, at the expense of the county, shall provide at the county seat thereof a suitable courthouse and jail, together with suitable offices for the judge of the circuit court and judges of courts of limited jurisdiction, clerks of circuit courts, courts of limited jurisdiction and of the county commission, assessor, sheriff, prosecuting attorney, county superintendent of schools, and surveyor, and all other offices as are or may be required by law...W. Va. Code § 7-3-2.

<sup>2</sup> The court shall have general supervisory control over all intermediate appellate courts, circuit courts and magistrate courts. The chief justice shall be the administrative head of all the courts. He may assign a judge from one intermediate appellate court to another, from one circuit court to another, or from one magistrate court to another, for temporary service. The court shall appoint an administrative director to serve at its pleasure at a salary to be fixed by the court. The administrative director shall, under the direction of the chief justice, prepare and submit a budget for the court. W. Va. Const. art. VIII, § 3

i.e. Assistant Prosecutor in one county and elected County Commissioner in another.

While as an elected County Commissioner in "County A" he will exercise some budgetary control over a judge before whom he will appear in "County B", this type of control does not rise to a prohibited financial interest or create an inescapable conflict of interest. For example, in A.O. 2012-39, the Ethics Commission ruled that a County Commissioner who owns a business with the County Prosecuting Attorney may vote on matters relating to the Prosecuting Attorney's Office, particularly as the County Commission exercises no control over the Prosecutor's salary which is set by statute, not by the County Commission. Hence, the Commission concluded in A.O. 2012-39 that the County Commissioner did not have a prohibited financial interest in regard to matters affecting the operation of the Prosecutor's Office.

Similarly, here, while a County Commissioner in "County A" may exercise some control over matters affecting a Judge before whom he will appear in "County B", the control exercised does not affect the financial livelihood of the Judge. Instead, the Judge's salary is set by statute and he is under the supervision and control of the Supreme Court of Appeals of West Virginia.

The Commission has also considered the prohibitions against a public employee or public official from having a prohibited interest in a public contract. W.Va. Code § 6B-2-5(d) and W.Va. Code § 61-10-15. The Commission concludes these provisions are inapplicable as, in his capacity as an elected County Commissioner, he exercises no voice, influence or control over the Prosecutor's office in the county where he may be employed or serve as an Assistant Prosecutor.

The Commission finds that nothing in the Ethics Act prohibits an Assistant Prosecutor from serving as an elected County Commissioner in another County, even if the counties are situated in the same judicial circuit; still, limitations apply. Specifically, the Assistant Prosecutor must perform his County Commission duties on his own time, not during his public work hours. W.Va. Code § 6B-2-5(l). If the Requester has regular work hours at his prosecutor job, and if he is authorized to make-up hours to perform the duties of his County Commission position, then he must contact the Ethics Commission for further advice as he may be required to file time records with the Commission. W.Va. Code § 6B-2-5(l) and W.Va. C.S.R. § 158-14-1 *et. seq.*

While nothing in the Ethics Act prohibits an Assistant Prosecutor from serving as an elected County Commissioner in another county, the Commission has no jurisdiction to rule whether the West Virginia Constitution permits it, or the applicability, if any, of the common law doctrine of incompatibility. This doctrine stands for the proposition that "incompatibility rests not upon physical inability to perform the duties of both offices, but arises from the inconsistent nature of the offices and their relation to each other, rendering it improper, from considerations of public policy for one person to perform the duties of both." State ex rel. Thomas v. Wysong, 125 W. Va. 369, 24 S.E.2d 463, 466 (1943). See also 49 W.Va.Op.Atty.Gen. 398 (1962)(setting forth various positions which  
A.O. 2013-09 (Page 3 of 4)

**OPINION SOUGHT**

A **State Agency** asks whether a State Legislator may apply for a residential housing loan through a program it administers.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester has various statutory duties, including making loans for residential and multi-family housing. A Legislator may apply for a housing loan. The Requester wants to ensure that no restrictions in the Ethics Act prohibit the Legislator from applying for, or obtaining, a loan.

The Requester states that the applicant must meet all of the program requirements. Additionally, the Legislator would have no involvement in the agency's decision to accept or reject the loan application.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W.Va. Code § 6B-2-5(b) reads in relevant part:

(b) Use of public office for private gain. -- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person...

W.Va. Code § 6B-2-5(d) reads in relevant part:

(d) Interests in public contracts. --

(1) In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected or appointed public official or public employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control... Provided, however, That nothing herein shall be construed to prohibit a member of the Legislature from entering into a contract with any governmental body...

W. Va. Code § 6B-2-5(e) reads in relevant part:

## ADVISORY OPINION NO. 2013-11

Issued On March 7, 2013 By The

2013 MAR 25 PM 12:00

WEST VIRGINIA ETHICS COMMISSION

SECRETARY OF STATE

OPINION SOUGHT

A **State Legislator** asks whether he may sponsor a bill relating to an issue upon which he advised a client prior to his election to the Legislature when the bill uniquely affects his client.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected Member of the Legislature. He is also an attorney.

He resides in a small county. He practices law with his father. He states that there are few attorneys or law firms in the county.

Normally, his law practice does not involve advising clients on gambling laws. Nevertheless, prior to being elected to the Legislature, one of his clients retained him to research relevant laws to determine whether the client could build a casino in the county. The Requester advised his client that under existing laws, a casino could not be built in the county. Hence, a change in the law would be required before either his client or any business could build a casino.

Upon advising his client that the law would need to be changed, he introduced his client to several Members of the Legislature from his district. He did not lobby on behalf of his client. Instead, he gave them the names of several lobbyists which the client could use if the client wanted to retain someone to lobby on its behalf.

After he performed this legal work for the client, he was elected to the Legislature. He still performs legal work for the client; however, the work does not involve matters relating to the gambling industry. Instead, the legal services he performs for the client involve transactional work such as real estate closings. His law firm has also represented the client in arbitration proceedings. The Requester states that their law practice has many clients and that the client with the interest in building the casino represents five percent (5%) or less of their law firm's book of business.

The Requester thinks it is in the best interest of his county to have a casino as he states that there is a limited economic base in the county and expanding legalized gambling is one means of expanding that base. He states that his constituents are well aware of his views on this matter. As such, based upon his personal views as to what is in the best

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(e), Confidential information, provides:

No present or former public official or employee may knowingly and improperly disclose any confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests or the interests of another person.

W. Va. Code § 6B-2-5 reads: .

(i) Members of the Legislature required to vote. -- Members of the Legislature who have asked to be excused from voting or who have made inquiry as to whether they should be excused from voting on a particular matter and who are required by the Presiding Officer of the House of Delegates or Senate of West Virginia to vote under the rules of the particular house shall not be guilty of any violation of ethics under the provisions of this section for a vote so cast.

W. Va. Code § 6B-3-1 reads in relevant part:

(8)(A) "Lobbyist" means any individual employed by a lobbying firm or who is otherwise employed or contracts for economic consideration, other than reimbursement for reasonable travel expenses, to communicate directly or through his or her agents with any elective state official, agency official or legislative official for the purpose of promoting, advocating, opposing or otherwise attempting to influence...legislation....

West Virginia Senate Rule 43 is entitled "Excused from voting". It reads:

Every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

West Virginia House of Delegates Rule 49, "When Members Not to Vote", reads:

When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting.

In A.O. 2003-14 a State Legislator was employed by a company which wanted table gaming. The County commission of the county represented by the Legislator was petitioning the Legislature to pass a law giving county residents the right to decide by local referendum whether table games would be permitted. The Commission found that as the Legislator was employed by a business which would be a principle beneficiary of the legislation, the Legislator should not sponsor the Legislation.

Here, in reliance upon the law and past opinions cited therein, the Commission finds that the Requester may **not** sponsor the legislation in question as it uniquely affects his client. While there is no suggestion that his client is compensating him to work on promoting the passage of this legislation, or that the client is a major client of his law firm; still, the client stands to uniquely benefit from the passage of the legislation. If the legislation affects a class of five or more similarly situated companies a different result would follow. The Commission reached a similar conclusion in A.O. 2012-07 when it advised a Mayor that he may not vote on matters **uniquely** (emphasis supplied) affecting current customers.

There are no facts in the present case to suggest that the Requester has any motive other than promoting legislation which he believes is in the best interest of his county. Still, the Commission declines to find that he may sponsor the legislation as such a finding may create a loophole for bad actors who may be paid large sums of money from clients for "other work" when, in actuality, the client is seeking to influence the Legislator's actions and decisions on legislation which **uniquely** (emphasis supplied) affects the client.

Although the Requester may not sponsor the legislation, nothing in the Ethics Act prohibits him from exercising his right to advocate, formally or informally, on behalf of its passage.

Whether he may ultimately vote on the passage of the Bill is a question to be answered by the presiding officer of the house in which he serves. W. Va. Code § 6B-2-5 reads:

(i) Members of the Legislature required to vote. -- Members of the Legislature who have asked to be excused from voting or who have made inquiry as to whether they should be excused from voting on a particular matter and who are required by the Presiding Officer of the House of Delegates or Senate of West Virginia to vote under the rules of the particular house shall not be guilty of any violation of ethics under the provisions of this section for a vote so cast.

Pursuant to this procedure, a Member of the Legislature publicly discloses to the presiding officer his interest in a particular bill. It provides transparency in the Legislative process. So long as the Requester complies with the foregoing voting rule, as well as the direction of the presiding officer, he does not violate the Ethics Act.

## ADVISORY OPINION NO. 2013-07

Issued On March 7, 2013 By The

2013 MAR 25 PM 12:00

WEST VIRGINIA ETHICS COMMISSION

SECRETARY OF STATE

**OPINION SOUGHT**

A **State Agency** asks whether a State Legislator may apply for a residential housing loan through a program it administers.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester has various statutory duties, including making loans for residential and multi-family housing. A Legislator may apply for a housing loan. The Requester wants to ensure that no restrictions in the Ethics Act prohibit the Legislator from applying for, or obtaining, a loan.

The Requester states that the applicant must meet all of the program requirements. Additionally, the Legislator would have no involvement in the agency's decision to accept or reject the loan application.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W.Va. Code § 6B-2-5(b) reads in relevant part:

(b) Use of public office for private gain. -- (1) A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person...

W.Va. Code § 6B-2-5(d) reads in relevant part:

(d) Interests in public contracts. --

(1) In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected or appointed public official or public employee or member of his or her immediate family or business with which he or she is associated may be a party to or have an interest in the profits or benefits of a contract which the official or employee may have direct authority to enter into, or over which he or she may have control... Provided, however, That nothing herein shall be construed to prohibit a member of the Legislature from entering into a contract with any governmental body...

W. Va. Code § 6B-2-5(e) reads in relevant part:



# Agriculture & Natural Resources in Jefferson County



## On Pasture [onpasture.com](http://onpasture.com)

Research and Experience Translated Into Grazing Practices You Can Use NOW

On March 21, a new publication came online to serve graziers. OnPasture is brought to you by many of the same people whose articles you've read before, or who you've seen at grazing conferences. The focus of OnPasture is translating research and experience into grazing practices you can use now.

"Those of us on the grazing conference speaking circuit started talking about a year ago about the difficulties farmers and ranchers face in trying to sort through all the available information to figure out what practices will help them be more successful," says Kathy Voth, OnPasture co-editor. "With OnPasture, we've decided to change that. We're taking on the job of sifting through the piles of research and grazing practices, translating them into ideas that can work, and then putting together the simple steps for getting started."

With the inaugural issue, available free online at <http://onpasture.com>, readers will learn how a \$4 grazing chart gets farmers and ranchers through drought successfully, and can choose from several free, downloadable grazing charts designed for a variety of different grazing operations. Articles will also cover what makes a forage palatable, what weeds we can use as forage, and how to take the drudgery out of soil testing.

"Since this is an online magazine, we can also take advantage of sharing information in different ways," says co-editor Rachel Gilker. The publication includes videos, podcasts and lots of pictures. "We also want to entertain, and get folks to think outside the box from time to time, so we've included a section we call 'Consider This.' In the first issue we point readers to a funny podcast about the possibility of using pork bung as artificial calamari, and a new product called "Sna-Koil." Future issues will give producers the low-down on keyline plowing and raw milk as a soil amendment, and what we know about the benefits and issues with grazing near ponds and streams.

The contributors are mainly farmers and ranchers themselves. The team includes: Greg Judy, Karen Hoffman, Jim Cropper, Dr. Ed Rayburn, Gabe Clark, Will Ameden, Dan Hudson, Morgan Hartmann, Troy Bishopp, Jenn Colby, David Kennard and Leah Ashley Esser. Others will be added as the year goes on. Check it out! <http://onpasture.com>

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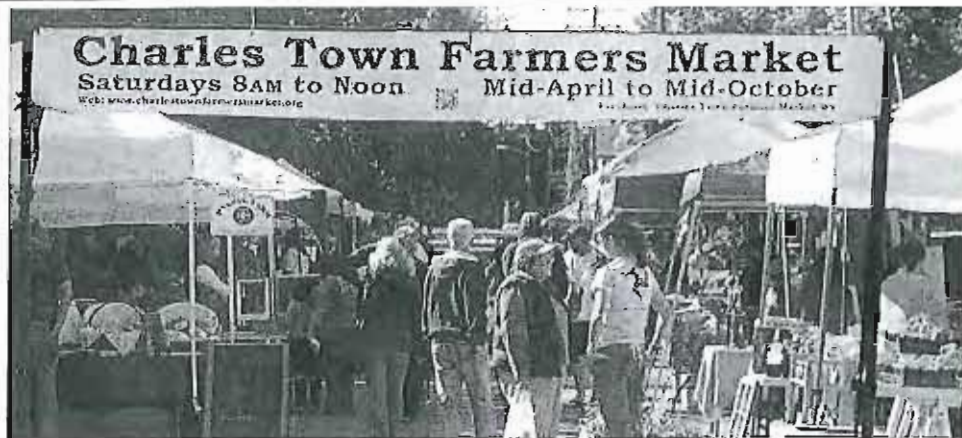
### Virginia Master Cattlemen's Program

offered by Virginia Cooperative Extension  
and Virginia Tech

Virginia Cooperative Extension will be offering the Virginia Masters Cattlemen Program in Fauquier and Loudoun counties. The 7 classes will rotate between Whitestone Farm, Kinloch Farm and Clermont Farm. Contact Corey Childs, Loudoun County Extension for details 703/777-0373 or [cchilds@vt.edu](mailto:cchilds@vt.edu) or Tim Mize 540/341-7950 ext. 212 or [tmize@vt.edu](mailto:tmize@vt.edu)

# Charles Town Farmers Market 2013

101 South Samuel St,  
Charles Town – Saturdays  
8 a.m. to 12 noon  
April 13 to October 26, 2013



## Vendor List for 2013

|                             |                                                                          |
|-----------------------------|--------------------------------------------------------------------------|
| Ash Creek Farm              | Full line of vegetable crops, plus baked good and preserves              |
| Awee Farm                   | Pastured pork, sausage, bacon and free range eggs                        |
| Bellwethers                 | Upcycled craft and clothing items                                        |
| Black Dog Coffee            | Artisan roasted specialty coffees from around the world                  |
| Cocoa Jo's Confectionary    | Hand crafted chocolates and other confections                            |
| Cottage of Herbs            | Dried herb, hand crafted vinegars and sauces                             |
| Cutler Tigh Farm            | Full range of farm products, including maple syrup and mushrooms         |
| Garden by the Woods         | Cut flowers and finished bouquets                                        |
| Good Stuff Breads           | Pastries, Panini, focaccia and other baked goods                         |
| Joy Bridy Pottery           | Handcrafted functional ceramics                                          |
| Kilmer Orchards             | Broad range of fruits from their 600 acres of orchard                    |
| Mabon Acres                 | Broad range of vegetable crops                                           |
| Meadowsweet Botanicals      | Herbal teas, potions and treatments                                      |
| Middleway Farm              | Plants and produce from Middleway                                        |
| Mountain View Gourds        | Gourd crafter                                                            |
| Patriot's Path              | Spring bedding plants, both flowers and vegetables, plus hanging baskets |
| Pawrate Treasures           | Handcrafted dog treats                                                   |
| Payne's Berries             | Raspberries and other cane fruits (seasonal)                             |
| Peace of Nature             | Herbal and natural body and health care products                         |
| Rainbow Hill Farm           | Broad range of vegetable crops                                           |
| Rdgefield Farm              | Fruits and vegetables                                                    |
| Rivas Salsas                | Latin sauces, seasonings and ready to eat foods                          |
| Shepherd's Whey Creamery    | Hand crafted goat cheeses and other dairy products                       |
| Sister Sue's Jams & Jellies | Jams and jellies made with local fruits                                  |
| Slaynt Vie Farm             | Wide range of vegetable crops and braided garlic, eggs and honey         |
| Stone Hearth Bakery         | Full line of bakery products                                             |
| Tudor Hall Farm             | Beef, eggs and a wide range of vegetable and fruit crops                 |
| Uvilla Orchard              | Fruits and vegetables in season                                          |
| Whistling Hill Farm         | Lamb, lamb products and hand crafted soaps                               |

Images courtesy of Charles Town Farmers Market

Largest market in the county, with nearly 30 vendors, plus music and workshops every week and a special event Saturday every month of the season. Fresh produce, fruit, meat, dairy, eggs, honey, flowers, baked goods, preserves and ready to eat foods. Seasonal plant sales, plus herbal products, artisanal soaps, and hand crafted functional items.

Fiona Harrison – Market Manager  
304.579.0924 (market cellphone)  
[www.charlestownfarmersmarket.net](http://www.charlestownfarmersmarket.net)





## The Word from Kearneysville:

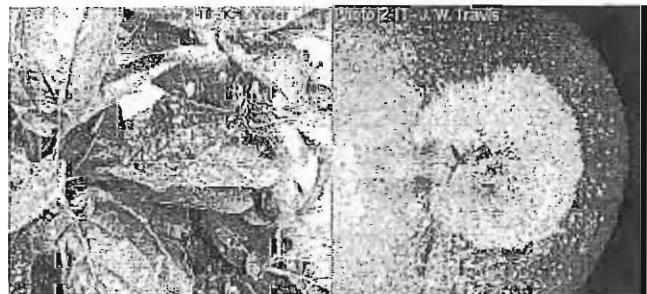
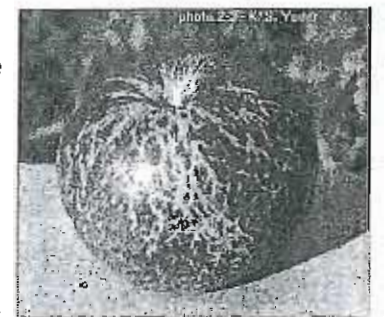
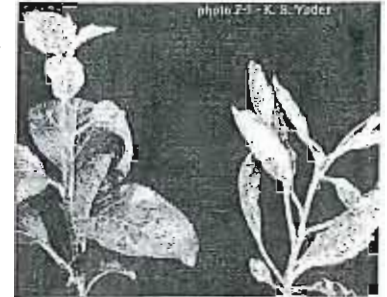
Here are some ideas for early-season apple disease management from the tree fruit professionals at the Kearneysville Tree Fruit Research and Education Center.

*It's best to control early-season apple diseases before they appear.*

*Check out all the new apple resources at: [www.extension.org/apples](http://www.extension.org/apples)*

- Controlling Apple Scab, Powdery Mildew, and Rust Diseases use products like Bonide Tree Fruit Spray = Captan 12%, Malathion 6%, Carbaryl .3% and a spreader sticker.
- Don't use products like Spectracide Immunox Plus or any other product containing insecticides during bloom! (you will kill your pollinators)
- Watch out for old leaves – year's apple leaves should be raked up and destroyed prior to bud break to greatly improve the chances for effective control of apple scab this year.
- Rust diseases cannot be controlled with either Captan or sulfur-containing fungicide products. If cedar apple rust pressure is high, you will need to use Immunox or use a cultivar with resistance to cedar apple rust.
- Good control of Apple Scab, Powdery Mildew, and Rust Diseases can be achieved with Immunox. However by supplementing Immunox with Captan you can reach the highest level of disease control that can be achieved by a home orchardist.
- Don't stop spraying at bloom time (just don't spray anything with an insecticide). Some of our most important fungal diseases are active at this time. Lapses in spray coverage and timing with fungicides often leads to problems with apple scab, cedar apple rust, quince rust, and powdery mildew. If the spray you use is a mix with insecticide consider buying an insecticide free alternative such as Immunox to use during bloom.
- Immunox and Spectracide Immunox Plus are not the same thing. Spectracide Immunox Plus contains the fungicide Immunox, and an insecticide.

Photos: <http://www.caf.wvu.edu/keameysville/wvufam11.html>



**Cedar Apple Rust**



**Apple Scab**



photo 2-9 - A. R. Biggs

For more general information on fruit trees and fruit tree management check out these web links:

A good general fruit disease and insect management guide for homeowners is available here: <http://www.caf.wvu.edu/keameysville/vadisbul.pdf>

Apple scab fact sheet is here:

[http://www.caf.wvu.edu/keameysville/disease\\_descriptions/omapscab.html](http://www.caf.wvu.edu/keameysville/disease_descriptions/omapscab.html)

Cedar apple rust fact sheet is here:

[http://www.caf.wvu.edu/keameysville/disease\\_descriptions/omcar.html](http://www.caf.wvu.edu/keameysville/disease_descriptions/omcar.html)

Powdery mildew fact sheet is here:

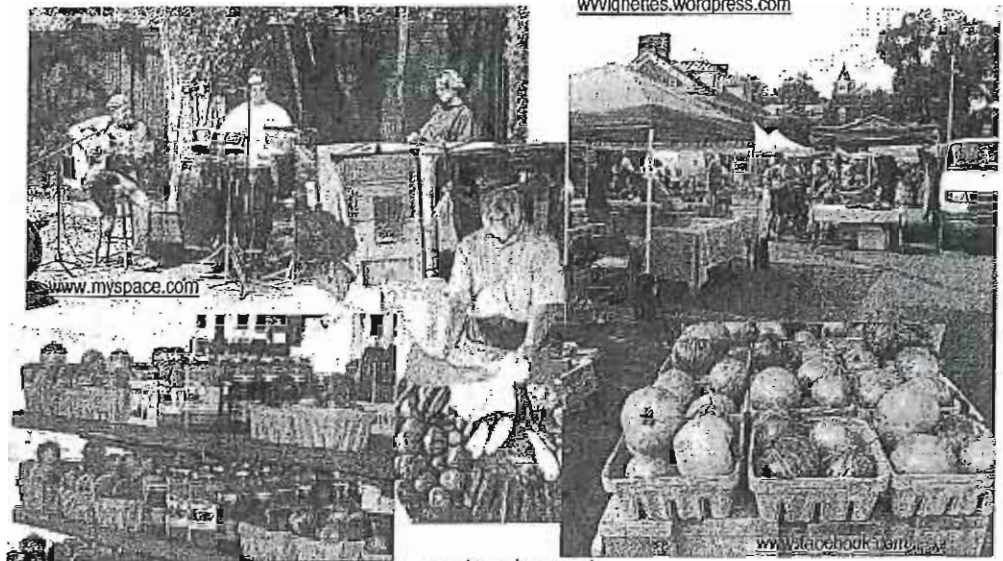
[http://www.caf.wvu.edu/keameysville/disease\\_descriptions/ompowmil.html](http://www.caf.wvu.edu/keameysville/disease_descriptions/ompowmil.html)

Disease resistant apple cultivar list is here:

<http://www.caf.wvu.edu/keameysville/tables/totscabsus.html>

# Shepherdstown Farmers Market

The Shepherdstown Farmers market began in 1991 and is held every Sunday from 9 am until 1 p.m. on South King Street, behind the library from April through December. The market has 16 vendors, these local farmers sell a large assortment of seasonal produce, and fruits. Products include everything from farm fresh eggs to fresh baked muffins as well local musicians performing live starting around 11 a.m.



<http://www.panhandlefarmfresh.com/FarmersMarket/index.html>

[www.journal-news.net](http://www.journal-news.net)

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Tudor Hall Farm</b>                  | Vegetables, fresh free range eggs, grass fed beef and free roaming pork                                                                                                                                                                                                                                                                                                                                                              |
| <b>Peace in the valley Herb Farm</b>    | Annuals, perennials, herbs, specializing in a variety of culinary herbs, rare medicinal herbs, herbal tinctures and dried floral wreaths                                                                                                                                                                                                                                                                                             |
| <b>Cottage of Herbs</b>                 | All-natural gourmet herb products, specializing in delicious gourmet herb dips, seasoning blends, herb mixes and high quality loose teas                                                                                                                                                                                                                                                                                             |
| <b>Cutler Tigh Farm</b>                 | Goat milk soaps, lotions, bath and body products and mushrooms (seasonal)                                                                                                                                                                                                                                                                                                                                                            |
| <b>Megan Webber</b>                     | Cut flowers, annuals, perennials, herbs, large selection of ornamental salvias to attract hummingbirds to the garden and Christmas wreaths                                                                                                                                                                                                                                                                                           |
| <b>Blueberry Hill</b>                   | Certified organic large selection of vegetables and fruits                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Uvilla Orchards</b>                  | Strawberries, peaches and other fruits and vegetables                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Shepherd's Whey Creamery</b>         | Goat milk cheeses and yogurt                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Danny Rohrer</b>                     | Fresh beef, pork, lamb, eggs, cheeses, pies, fruits, jams and jellies                                                                                                                                                                                                                                                                                                                                                                |
| <b>New Hope Farm</b>                    | Salad mixes and vegetables                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Middleway Farm</b>                   | Annuals, perennials, herbs and hanging baskets                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Peace Of Cake</b>                    | Baked goods using local farm eggs, real butter and minimally processed sugar, traditionally made cookies: chocolate chip, oatmeal raisin, ginger, peanut butter blossoms, coconut macaroons, M&M's, blackberry jelly ; shortbread thumbprint, chocolate mint, sugar sprinkles quick breads: applesauce, banana nut, banana chocolate, gingerbread, lemon, blueberry raspberry, zucchini, pumpkin cranberry, cakes: carrot, chocolate |
| <b>Fresh &amp; Local CSA</b>            | Biodynamically grown vegetables and fresh meats                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Rivas Salsas</b>                     | Fresh Mexican style salsas for dipping or cooking, fresh guacamole, corn tortilla chips, home made tamales, pozole soup, empanadas, corn and bean dip, vegetable and fruit Juices and more Mexican-style food                                                                                                                                                                                                                        |
| <b>Bluebell Ridge Native Perennials</b> | Assorted native plants                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Ridgefield Farm &amp; Orchard</b>    | Apples, fruits, vegetables, pumpkins and Christmas trees                                                                                                                                                                                                                                                                                                                                                                             |

## Selected Thoughts on Early Season Weed Control

*excerpts from Weeds: Weed Control in Field Crops section 5-1*

*E.S Hagoo., H.P. Wilson, R.L. Ritter, B.A. Majek, W.S. Curran, R.Chandran, M.Van Gessel, 2013*



Herbicides are useful tools in most weed management programs and should be used to supplement not supplant other methods. Always use good cultural practices, proper fertilization and liming, crop rotation and proper cultivation. Also remember many recommendations are for selective herbicides. At the recommended rate of application a selective herbicides will selectively control or injure weeds but will not seriously damage crops. If you are using a selective herbicide be extra careful. If you fail to follow the recommended rate of application with a selective herbicide because higher rates may severely injure or kill the crop. Always read the label on the container and follow the directions carefully.

*The recommended use rates of herbicides generally vary with soil texture and organic matter content.*

| Soil Texture Group | Soil Texture                                            |
|--------------------|---------------------------------------------------------|
| Coarse             | Sand, loamy sand, sandy loam                            |
| Medium             | Loam, silt loam, silt, sandy clay loam                  |
| Fine               | Silty cly loam, clay loam, sandy clay, silty clay, clay |

Low rates of herbicides generally are used on coarse soils low in organic matter while high rates generally are used on fine soils high in organic matter. Consult the label for the proper herbicide rate for your soils. Contact your local soils experts (NRCS – WVU Extension) to determine the texture of your soil.

- Spray only when necessary
- Use alternative methods of control whenever possible
- Rotate crops
- Limit number of applications of herbicide(s) with same site of action
- Use mixtures or sequential herbicide treatments with different sites of action to control your weed
- Scout fields after application to detect stragglers
- Clean equipment before leaving weedy fields

*Reduce the risk of developing herbicide-resistant weed populations by the incorporation these guidelines in managing your fields.*

Rotating herbicides with differing sites of action is important for minimizing the risk of developing herbicide-resistant weeds. For help determining the mode of action of your herbicide contact the local extension office for assistance.

Legume seedlings start slow, weeds start fast. Failure to address this will allow weeds to out compete legumes for sun and water and the excess pressure will inhibit stand development. In the end, you will have a substandard stand of your legume. Consider pre-seeding measures to control the weeds first, use pretreatments and pre-emergent herbicides. Perhaps you will want to consider seed-herbicide packages like roundup ready alfalfa.

Weed control in corn can be critically important in determining yield. Corn weed control programs must be both well planned and well executed. Consider cultural, mechanical, and chemical methods of weed control based on the specifics of the weed infestation. First identify the weeds in your fields. Second record this data annually. This can help you spot trends and determine how effective you have been at suppressing particular weeds in other fields. Third, utilize crop rotations so you can rotate spraying with herbicides that target broad groups like grasses or broad leaves. Forth rotate herbicides to avoid resistance.

Utilize the resources available to you. There is far too much good information to include in a single newsletter. Contact the extension office for a copy of the 2013 Weed Control in Field Crops publication or work with Dr. Chandran in Morgantown to solve your weed problems.

Michael Harman  
 Extension Instructor - Extension Agent  
 Agriculture & Natural resources  
 304.728.7413  
 Michael.harman@mail.wvu.edu

Dr. Rakesh Chandran Extension Specialist,  
 Professor, IPM State Coordinator  
 Office: 304.293.2603  
 Email: [RSChandran@mail.wvu.edu](mailto:RSChandran@mail.wvu.edu)

FSA/USDA/NRCS  
 209 E 3rd Ave  
 Ranson, West Virginia 25438  
 304.725.3471


*Schedule of coming events:*

April 6 – Opening Day!  
 April 13th – Chicken Workshop and Chick & Chicken Sale!  
 April 20th – Potato Container Planting Workshop!  
 April 27th – Earth Day Terrarium Garden Crafts with Morgan Academy!  
 Open every Saturday 9 a.m. until Noon, May through September.

OPENING DAY APRIL 6 9AM-1PM FEATURING EARLY CROPS & GARDEN SUPPLIES

FAMILY FRIENDLY PETTING ZOO

Chloe's Farm Friends




Pet & Play

# MORGAN'S GROVE MARKET

A Healthy Living Collaborative

Change the Future WV

CHILDREN'S CRAFTS WITH MORGAN ACADEMY



LOCATED NEXT TO MORGAN'S GROVE PARK, SHEPHERDSTOWN

**Morgan's Grove Market** Offering fresh and local meats, produce, seedlings for your spring garden, specialty drinks, Hypnocoffe, Tricking Springs dairy products including yogurt and cheese, Wisteria pre-made meals, mushrooms and so much more!

**Morgan Academy** Children's crafts featuring seed socks.

**Berkeley Home Tech and Sol Hollow Farm** Offering seedlings, herbs, flowers, spinach and lettuces, and Garden Minions Baltimore style accordion window screens - unique hand-painted screens - 100% reclaimed materials upcycled into garden art Crafty Cutlery - flattened knives, forks, and spoons as herb and row markers, and a solar powered hot water display from Berkeley Home Tech.

**Chloe's Farm Friend's Pet and Play**

**Susie Wimer's** Fresh baked pies and goodies.

**Stony Ridge Farm** Offering organics salad greens, seed potatoes, seed onions, organic and heirloom garden seeds, hand mixed potting soil, you can pre-order your shopping with Stony Ridge Farm at [www.stonyridgefarmwv.com](http://www.stonyridgefarmwv.com).

**Two Rivers Treads** Running clinic and free kids play.

**Shepherdstown Community Garden** Informational booth.

**Meadowsweet Botanicals** With herbal teas and other botanical items.

**Blue Ridge Community Technical College** With fresh baked bread.

**Divine Journeys** Offering herbal products and personal care items.

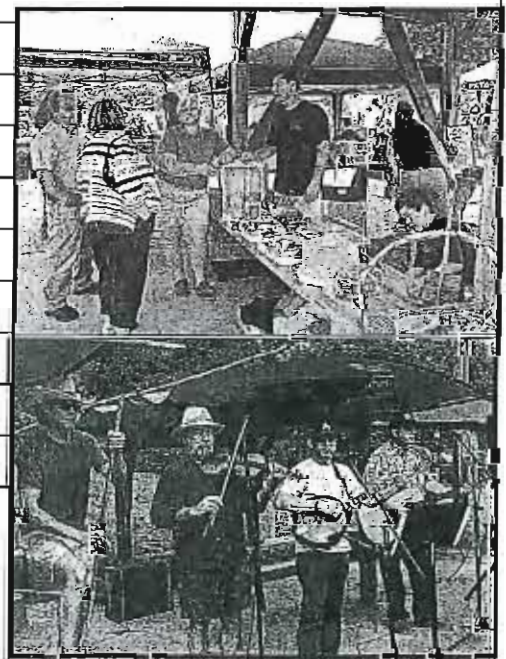
**Cottage of Herbs** With culinary herbs.

**Jodi's Soap Box** Offering artisanal soaps and personal care items.

**Sugar Rush** Cakes, candies and gluten free baked items.

**Spikers Greenhouse** With plant starts for your spring garden.

**Limekiln RD Wood Works** With handcrafted birdhouses and decorative carvings.



Images: Courtesy of Morgan's Grove Market

Save the date: Morgan's Grove Market Honey Festival - September 16  
 from 10 a.m. until 1 p.m. Sponsored by Eastern Panhandle Beekeepers  
 Association in cooperation with the Master Gardeners

# Ethnic Specialty Crops

## A Regional Opportunity

What is an ethnic specialty crop? An ethnic specialty crop is any fruit or vegetable crop customarily valued by people with a common racial, national, tribal, religious, linguistic or cultural origin or background. In Berkeley, Jefferson, Frederick, Clark, and Loudoun counties there are over 80,000 legal residents born outside the US. In DC there is an additional 80,000 or more legal residents born outside the US. Without considering the populations of nearby MD counties, the remainder of northern VA and the city of Baltimore, there are in excess of 160,000 individuals legally living in within 75 miles of so from Jefferson County who were born outside the US. Most of these individual likely associate themselves with an ethnic group. Accordingly there should be produce atypical to the mid-Atlantic that these individuals covet and likely have difficulty finding in this region. The basis of ethnic specialty crop production is providing these individuals the produce the desire at a premium price thereby maximizing the profitability of market farmers in Jefferson County.

Researchers have identified 4 categories of specialty crops that hold the most promise in the mid-Atlantic. They selected these crops based on surveys, our ability to grow these crops, the potential to produce marketable yields, and the crops were desired produce across multiple ethnic groups. One group they identified were the cucurbits such as ridge and smooth luffa, bitter melon, bottle gourd, calabaza, and calabacita. Another crop of interest is the eggplant. Most of the eggplants (not limited to the Asian, Indian, and Dominican varieties) are preferred across multiple ethnic groups. Additionally capsicum peppers and coriander have been identified as crops with huge potential in this region.

Photo courtesy of the University of the District of Columbia



Locally Peter Corum of **Morgan's Grove Market** has decided to take advantage of this opportunity and begin producing some of these specialty crops locally. Peter plans to sell these products through their market directly to consumers and wholesale these products to Farmer's Market Vendors in the neighboring metropolitan areas. Peter has indicated he is open to purchasing ethnic specialty crops from other local producers to retail and or wholesale with his produce to the extent that market prices allow.



<http://ncpreppers.files.wordpress.com/2011/10/huckleberries.jpg>

Huckleberry

Individuals interested in this opportunity will need to individual negotiate their terms with Peter or find market opportunities of their own. The extension office has some resources in terms of information where seeds and production related information can be acquired. For more information give me (Michael Harman) a call at the extension office and I'll try to answer any questions you may have about ethnic specialty crop production.

Ethnic specialty crop production is a golden opportunity for local market farmers. As is the case with any new product there will be moments that try your patience and aspects that turn out to be easier than you expected. The critical aspect to establishing a new product is independent of any ethnic status or association; it's the same as any other crop. Before you plant a crop you need to know what you plan to do with it. Before you decide what you plan to do with a crop you need to understand the "market" you intend to sell that product into. We in extension can show the way, but it will always be up to the individual to navigate that path successfully. Every venture has risk and this one is no different. However, if you're looking to transition some of your property into production agriculture, diversify the crops you currently produce, or become a market farmer, ethnic specialty crops may be the right choice for you.

## Sign-up to Protect Wetlands

By April 30, 2013

MORGANTOWN, WV, April 1, 2013—West Virginia landowners interested in restoring, enhancing or protecting wetlands may receive funding through the Wetland Reserve Program (WRP).

Landowners must have their applications submitted to their local Natural Resources Conservation Service (NRCS) Service Center by close of business on April 30, 2013 to be considered for funding this ranking period. NRCS will accept applications after April 30, 2013, but they will not be ranked until the next ranking period is announced.

Through WRP, NRCS assists eligible applicants in the restoration, creation, protection, and enhancement of wetlands on their property through a voluntary, environmentally safe and cost-effective manner. Landowners can receive assistance through three WRP program participation options: restoration cost-share agreements, 30-year easements, or permanent easements.

NRCS encourages landowners who are interested in these voluntary programs to contact their local USDA Service Center/NRCS Field Office today to be eligible for the initial funding. Additional information on WRP and other conservation programs is available on the Web at [www.wv.nrcs.usda.gov](http://www.wv.nrcs.usda.gov)



## Do You Know What The Cooperative Extension Service Can Do For You?

In continuation of the theme in my last newsletter, I would like to remind you that the West Virginia University Cooperative Extension Service offers a great number of programs and service to the people of Jefferson County. Many people don't realize the extent of these services and fail to utilize them. For starters the University employs several "specialists" in a number of fields. They have beef specialists, bug specialists, plant disease specialists, weed specialists, forestry specialists, and wildlife specialists to name a few. These individuals possess a degree of knowledge beyond what your typical county agent has and work state wide on problems in their field. In this newsletter I would like to introduce you to three more specialists you may need to know:



**Dr. Alan Biggs**

Extension Specialist & Professor of Plant Pathology  
Kearneysville Tree Fruit Research and Education Center  
Kearneysville, WV 25430  
Alan.Biggs@mail.wvu.edu  
Phone: 304.876.6353  
Fax: 304.876.6034

*Dr. Biggs area of expertise includes diseases of fruit trees and small fruits, disease epidemiology, disease prediction and modeling, and organic fruit production. Dr. Biggs can be a big help with problems related to diseases in fruit trees and small fruits.*



**Dr. Lewis Jett**

Extension Specialist and Assistant Professor Horticulture  
lewis.jett@mail.wvu.edu  
Phone: 304.293.2634  
Fax: 304.293.6954  
2101 Agricultural Sciences Building P.O. Box 6108  
Morgantown, WV, 26506-6108

*Dr. Jett's area of expertise include commercial horticulture, methods to lengthen the traditional growing season, expanding locally grown production of fruits and vegetables, stand establishment, seed production, and organic horticulture. Dr. Jett can help you with problems related to growing small fruits and vegetables, season extension technology, fertilization and pest management of fruits and vegetables, irrigation methods for vegetables and fruits, and post-harvest handling of fruits and vegetables.*



**Dr. Ed Rayburn**

Extension Specialist and Professor of Agronomy  
1078 Agricultural Science Building P.O. Box 6108  
Morgantown, WV 26506-6108  
Ed.Rayburn@mail.wvu.edu  
Phone: 304.293.2654

*Dr. Rayburn's area of expertise include pasture, hay, and silage production and harvest management, soil fertility, fertilizing, and liming of forage crops, nutrient management in pastures, hay fields, and meadows, beef, dairy, sheep, and goat nutrition, feeds, and feeding, field crop production (corn and small grains), and establishing wildlife food plots. Dr Rayburn is a great resource if you have problems with fertilizer and liming recommendations for forage crops, grazing management of pastures, managing legumes in pastures and hay crops, and livestock nutrition in grazing systems.*

## Slug control: what can you do?

As is the case with most questions there are always two answers, the long answer and the short answer. The short answer is not much. The long answer is, well.... longer.

Before we discuss the ways we can fight slug damage we need to consider the slugs and what we know about them. Slugs are hermaphrodites, meaning they have both male and female reproductive organs. However they usually mate with one another to reproduce. This happens periodically all year long, or at least when weather and temperature permit. It is nearly impossible to predict what slug activity will be like from year to year. The problem occurs in field crops where baby slug levels are high and plants are small. Slug damage can be a problem in field corn, but it's more likely to occur in beans. The worst news is slug baits or molluscicides are very expensive. And by the way, do you remember how all the agencies like WVU, NRCS, FSA, and EPCD spent years talking you into no-till farming? No-till exasperates slug problems. So to recap, slugs are everywhere, they eat corn and beans, they reproduce all the time, slug dope is very expensive, best management practices, sound conservation, and environmental stewardship make it worse.

So what can you do to fight slugs? If damage is extensive and total crop failure is possible, application of slug bait while expensive may be warranted. Some research says sweeping crop residue from rows, plowing, tilling, or otherwise removing the habitat (damp shady locations) can be effective. Some say disking in or chopping up crop residue to accelerate decomposition can help. However, it's likely too late for that to work this year.

The best defense is a multifaceted approach that combines selecting seed that produces vigorous young plants with early planting dates so crops can establish prior to slug activity. This works best for corn less so with beans. Maintaining high fertility can enhance a crop's ability to quickly grow beyond the stages where slug damage can cost you yield. Additionally some farmers have had measured success spraying their fields with 30% urea based nitrogen at night. Urea nitrogen is a contact irritant to the slugs inhibiting their activity. This approach requires applications on successive nights to optimize the effect. An added bonus is the nitrogen boost your crops receive. This boost helps the plants grow past the stages where slug damage is a problem. However, remember to include this nitrogen in your nutrient management plan. If you have additional questions related to slugs let me know and I'll forward your concerns to our entomologists in Morgantown for clarification.

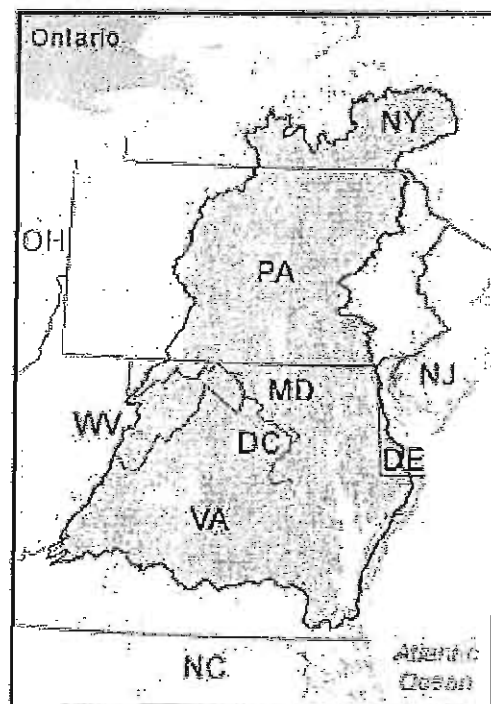


Figure 1: A juvenile gray garden slug (*Durococcus reticulatus*) on a leaf.  
Photo by Nick Soff

## Making progress in the Chesapeake Bay

West Virginia's Watershed Implementation Plan (WIP) for the reduction of nitrogen, phosphorus and sediment reaching the Chesapeake Bay contains many long-term goals to be implemented by 2017 and 2025. To stay on track and reach those goals we track two-year milestones. You can track the progress online at: <http://stat.chesapeakebay.net/>. Alana Hartman with the WVDEP recently announced "This first analysis of 2012 progress toward 2013 milestones is very promising."

WVDEP recently completed the annual reporting of Best Management Practice (BMP) numbers to the Chesapeake Bay Program for 2012, and the results show that West Virginia is making significant progress toward the 2013 milestones. For example, looking at the top six agriculture BMPs in our WIP, WVDEP said we are doing very well as of 2012. We are also well on our way toward achieving the 2025 goal of having nutrient management plans (NMPs) on 90,000 agricultural acres, (we have 53,610 acres as of 2012) and the West Virginia Department of Agriculture recently brought on two additional nutrient management planners to further accelerate progress toward these goals. Other examples of our progress include 3,454 acres of stream exclusion fencing of the 3,583 acres needed by 2013 and 3,942 acres of forest buffer out of a needed 4,011 acres by 2013. Thanks Alana it's nice when we hear about the good things we are doing in the agricultural community.



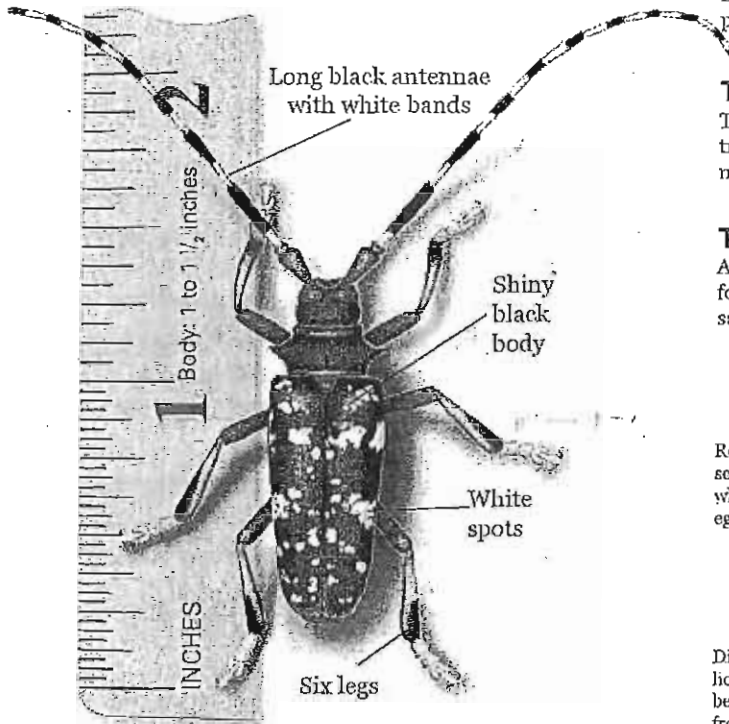


# Identify the Asian Longhorned Beetle

The ALB is an invasive pest that kills certain hardwood trees. Help protect trees. Search for signs of ALB infestation and report your findings.

## Here's what to look for:

### The Beetle



### The Trees

The ALB grows and reproduces within hardwood trees, such as elm, horse chestnut, maple (all species), willow, ash, mountain ash, London plane, hackberry, birch, mimosa, and poplar.

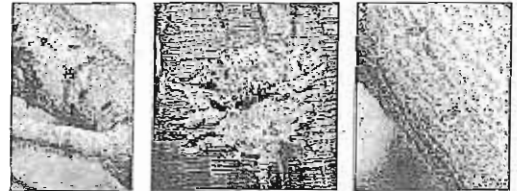
### The Lifecycle

The ALB begins life as an egg, hatches into a larva that tunnels into a tree, transforms into a pupa, and then drills its way out of the tree as a mature beetle. The ALB is visible from late spring through fall.

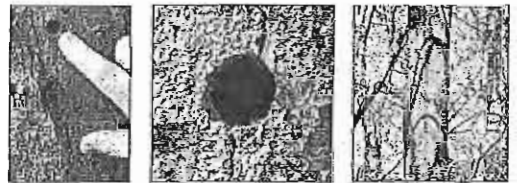
### The Evidence

ALBs leave characteristic signs that are easy to identify on trees. Look for pencil shaving-like material on limbs and around tree bases, flowing sap, and/or these signs of infestation:

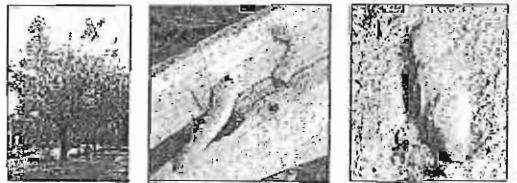
Round or oval scars on bark where beetles laid eggs



Dime-sized exit holes where beetles emerged from trees



Yellowing or drooping leaves or dead branches



Larvae and pupae in split wood

You can find ALBs on trees or on objects near trees—check park benches, lampposts, car hoods, patio furniture, walls, and other outdoor locations.

### Search and report your findings.

New England: 1-866-702-9938  
 New York: 1-877-STOP-ALB or 1-866-265-0301  
 New Jersey: 1-866-233-8531  
 Illinois: 847-699-2424

In other States, contact the State Department of Agriculture or the USDA State Plant Health Director.

Go to [www.aphis.usda.gov/ALB](http://www.aphis.usda.gov/ALB) or <http://beetlebusters.aphis.usda.gov> for more information.

## Getting a good start on a good stand!

Good stand establishment is essential to establishing a perennially great forage crop. It is critical to maximize production potential. Thin stands encourage weeds, reduce yield, and hasten reseeding. To maximize the chances of success follow these simple rules.

### Seeding Rate:

Seeding rates vary considerably across the country but reducing rates below the recommended level is a very bad idea. In general less than 4% of the total cost of forage production is seed cost. If you want to save money, calibrate your seeder so that it is actually planting the amount of seed that you want to plant.

### Seeding Depth:

The number one reason for poor forage stand establishment is seeding too deep. The agronomic rule-of-thumb is not to plant a seed deeper than 5 times its diameter. That means that most of our forages shouldn't be seeded deeper than 3/8 inch. When seeding into a tilled seed bed it must be firmed. A fluffy seedbed does not allow the depth gauge wheels to function properly and seed is frequently placed too deep.

### Rules-of-Thumb to Determine if the Soil is Firm Enough to Plant Forage:

1. On properly firmed soil, an adult's footprint should not be deeper than 1/4 inch.
2. Approximately 10% of the seeds should be on the soil surface after planting. If no seeds are visible, then you're planting too deep!

### Seed-to-Soil Contact:

Forage seeds must absorb a great deal of water to germinate. Seed get water from the soil so contact with the soil is critical. Poor seed-to-soil contact results in poor germination. Poor germination lowers plant density. Low density = thin stand=poor yield=weeds!



Reference : PENNSYLVANIA FORAGE and GRASSLAND NEWS  
Volume 23, No. 2, Spring 2013 Remember the Basics of Forage  
Establishment by Marvin Hall

## Did you know?

From the University of Kentucky Cooperative Extension  
**CAN PREGNANT MARES GRAZE PASTURES  
CONTAINING TALL FESCUE ?**

<http://www.arec.vaes.vt.edu/middleburg/>

It is well documented that pregnant mares in their last trimester have a low tolerance for grazing endophyte infected tall fescue (*Lolium arundinaceum* Schreb.) At the University of Kentucky we are often asked the question, "Can pregnant mares graze pastures that contain tall fescue?" The UK Horse Pasture Evaluation Program has developed methods to assess the risk that is present in a given pasture based on the percent pasture composition including: tall fescue, desirable forages species, weeds, and bare soil.



<http://www2.ca.uky.edu/afs/4H/horseprogram>

These measurements, combined with information on current ergovaline levels and the infection status of the pasture, allows farm managers to determine the true risk of grazing a pasture with pregnant mares. Infected tall fescue is found in every horse pasture in Central Kentucky; however these pastures can be managed in a way to reduce the risk of toxicity to mares and successfully raise the next generation of equine athletes.

(SOURCE: S. Ray Smith, Krista Cotten, and Tom Keene  
IN AFGC Proceedings & Abstracts, January 2013)

For more information: Smith, S.R., L. Schwer, and  
T.C. Keene. 2009. Tall fescue toxicity for horses:  
Literature review and Kentucky's successful pasture  
evaluation program. *Forage and Grazinglands*.  
Published online: doi:10.1094/FG-2009-1102-02-RV.

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Agriculture & Natural Resources  
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Kearneysville, WV 25430



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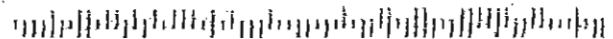
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Jane Tabb  
Jefferson County Commissioner  
P.O. Box 250  
Charles Town, WV 25414



Please Recycle

2541430250



## Farmland Protection Board Unveils Proposed Strategic Plan

You gave us your ideas. Now we're ready to present our proposed strategic plan for public comment.

The Jefferson County Farmland Protection Board was formed in 2000 to conserve Jefferson County land best suited for farming in accordance with West Virginia State Code. In the past few months, hundreds of community members have helped to guide our strategic priorities for the next several years.



Image courtesy of Farmland Protection Board

Three public workshops will be held: Monday, **April 22**, at **5:30 p.m.** and at **7:00 p.m.**, and on **Tuesday, April 23** at **12:00 p.m.** The sessions will be held at the large meeting room in the Jefferson County Public Services Center building at 1948 Wiltshire Road in Kearneysville.

For more information, email [farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net) or call 304.724.1414

*Thank you! We appreciate your feedback!*

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                       | Week Ending         |
|--------------------------------------------------------|---------------------|
|                                                        | April 13, 2013      |
| <b>To be Deposited on:</b>                             | April 19, 2013      |
| Amount Played                                          | 68,787,537.45       |
| Amount Won                                             | 61,980,156.78       |
| Amount Promo                                           | 223,315.00          |
| MWAP Contribution                                      | <u>4,284.59</u>     |
| <b>Adjusted Gross Terminal Revenue</b>                 | <u>6,579,781.08</u> |
| Administrative Costs @ 4%                              | 0.00                |
| Excess Lottery Fund @ 4%                               | <u>263,191.25</u>   |
| <b>Net Terminal Revenue</b>                            | <u>6,316,589.83</u> |
| Surcharge @ 10%                                        | 631,658.99          |
| State Share Excess @ 58%                               | 366,362.21          |
| Track Share of Capital Reinvestment @ 42%              | <u>265,296.78</u>   |
| <i>Track Share of Capital Reinvestment @ 42% - 98%</i> | <i>254684.91</i>    |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>10611.87</i>     |
| <b>Adjusted Net Terminal Revenue</b>                   | <u>5,684,930.84</u> |
| Racetrack @ 46.50% / 42%                               | 2,387,670.95        |
| Lottery Fund @ 30% / 0%                                | 0.00                |
| Excess Lottery Fund @ 0% / 41%                         | 2,330,821.69        |
| Race Track Purses @ 7% / 14% / 8%                      | 454,794.47          |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                |
| Employee Pension Fund @ 1% / .5%                       | 28,424.65           |
| Greyhound Development @ .75%                           | 42,636.98           |
| Thoroughbred Development @ .75%                        | 42,636.98           |
| Racing Commission @ 1%                                 | 56,849.30           |
| County/Municipality @ 2%                               | 113,698.60          |
| <b>3% Funds:</b>                                       |                     |
| Tourism Promotion Fund @ 1.375%                        | 78,167.80           |
| Development Office Promotion Fund @ .375%              | 21,318.49           |
| Research Challenge Fund @ .5%                          | 28,424.65           |
| Capitol Renovation and Improvement Fund @ .6875%       | 39,083.90           |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,553.08            |
| <b>1% Funds:</b>                                       |                     |
| State Capitol Complex Parking Garage @ 1%              | 0.00                |
| Cultural Facilities and Capitol Resources @ .5%        | 0.00                |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>56,849.30</u>    |
|                                                        | <u>5,684,930.84</u> |

**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%             \$    912,083.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19%<br>7.93% | CHARLES<br>TOWN<br>41.20%<br>39.90% | HARPERS<br>FERRY<br>2.24%<br>2.17% | RANSON<br>34.78%<br>33.68% | SHEPHERDS<br>TOWN<br>13.59%<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|---------------------------|-------------------------------------|------------------------------------|----------------------------|---------------------------------------|
| Revised % (after 2/9/2013) |                              |                           |                      |                           |                                     |                                    |                            |                                       |
| Week Ending:               |                              |                           |                      |                           |                                     |                                    |                            |                                       |
| 07/07/12                   | \$ 161,637.92                | \$ 161,637.92             | \$ -                 | \$ -                      | \$ -                                | \$ -                               | \$ -                       | \$ -                                  |
| 07/14/12                   | \$ 129,468.04                | \$ 129,468.04             | \$ -                 | \$ -                      | \$ -                                | \$ -                               | \$ -                       | \$ -                                  |
| 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                   | \$ 133,881.76                | \$ 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         | \$ 4,868.05               | \$ 23,482.72                        | \$ 1,276.73                        | \$ 19,823.52               | \$ 7,745.88                           |
| 09/29/12                   | \$ 123,222.80                | \$ 61,811.40              | \$ 61,811.40         | \$ 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                   | \$ 124,686.16                | \$ 82,333.08              | \$ 82,333.08         | \$ 5,105.06               | \$ 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                   | \$ 113,090.50                | \$ 56,545.30              | \$ 56,545.30         | \$ 4,631.06               | \$ 23,298.66                        | \$ 1,288.61                        | \$ 19,668.48               | \$ 7,684.51                           |
| 11/10/12                   | \$ 112,221.92                | \$ 56,110.96              | \$ 56,110.96         | \$ 4,595.49               | \$ 23,117.72                        | \$ 1,258.88                        | \$ 19,515.39               | \$ 7,626.48                           |
| 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                        | \$ 17,656.14               | \$ 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                           |
| 12/22/12                   | \$ 93,677.92                 | \$ 46,838.96              | \$ 46,838.96         | \$ 3,836.11               | \$ 19,297.65                        | \$ 1,049.19                        | \$ 16,290.59               | \$ 6,365.42                           |
| 12/29/12                   | \$ 119,394.44                | \$ 59,697.22              | \$ 59,697.22         | \$ 4,889.20               | \$ 24,595.28                        | \$ 1,337.22                        | \$ 20,762.69               | \$ 8,112.85                           |
| 01/05/13                   | \$ 143,347.04                | \$ 71,673.52              | \$ 71,673.52         | \$ 5,670.06               | \$ 29,529.49                        | \$ 1,605.49                        | \$ 24,928.05               | \$ 9,740.43                           |
| 01/12/13                   | \$ 100,832.60                | \$ 50,416.30              | \$ 50,416.30         | \$ 4,129.09               | \$ 20,771.52                        | \$ 1,129.33                        | \$ 17,534.79               | \$ 6,851.57                           |
| 01/19/13                   | \$ 102,423.76                | \$ 51,211.88              | \$ 51,211.88         | \$ 4,194.25               | \$ 21,099.30                        | \$ 1,147.15                        | \$ 17,811.49               | \$ 6,959.69                           |
| 01/26/13                   | \$ 93,932.52                 | \$ 46,966.26              | \$ 46,966.26         | \$ 3,846.54               | \$ 19,350.10                        | \$ 1,052.04                        | \$ 16,334.87               | \$ 6,382.71                           |
| 02/02/13                   | \$ 104,135.84                | \$ 52,067.92              | \$ 52,067.92         | \$ 4,264.36               | \$ 21,451.99                        | \$ 1,166.32                        | \$ 18,109.22               | \$ 7,076.03                           |
| 02/09/13                   | \$ 104,444.40                | \$ 52,222.20              | \$ 52,222.20         | \$ 4,277.00               | \$ 21,515.54                        | \$ 1,169.78                        | \$ 18,162.88               | \$ 7,097.00                           |
| 02/16/13                   | \$ 128,487.04                | \$ 64,243.52              | \$ 64,243.52         | \$ 5,094.51               | \$ 25,633.17                        | \$ 1,394.06                        | \$ 21,637.22               | \$ 10,484.54                          |
| 02/23/13                   | \$ 128,231.40                | \$ 64,115.70              | \$ 64,115.70         | \$ 5,084.38               | \$ 25,582.16                        | \$ 1,391.31                        | \$ 21,594.17               | \$ 10,463.68                          |
| 03/02/13                   | \$ 125,205.48                | \$ 62,602.74              | \$ 62,602.74         | \$ 4,964.40               | \$ 24,978.49                        | \$ 1,358.48                        | \$ 21,084.60               | \$ 10,216.77                          |
| 03/09/13                   | \$ 118,426.52                | \$ 59,213.26              | \$ 59,213.26         | \$ 4,695.61               | \$ 23,626.09                        | \$ 1,284.93                        | \$ 19,943.03               | \$ 9,663.60                           |
| 03/16/13                   | \$ 124,732.72                | \$ 62,366.36              | \$ 62,366.36         | \$ 4,945.65               | \$ 24,884.18                        | \$ 1,353.35                        | \$ 21,004.99               | \$ 10,178.19                          |
| 03/23/13                   | \$ 119,682.04                | \$ 59,841.02              | \$ 59,841.02         | \$ 4,745.39               | \$ 23,876.57                        | \$ 1,298.55                        | \$ 20,154.46               | \$ 9,766.05                           |
| 03/30/13                   | \$ 115,135.96                | \$ 57,567.96              | \$ 57,567.96         | \$ 4,565.14               | \$ 22,969.62                        | \$ 1,249.23                        | \$ 19,368.90               | \$ 9,395.09                           |
| 04/06/13                   | \$ 126,217.68                | \$ 63,108.84              | \$ 63,108.84         | \$ 5,004.53               | \$ 25,180.43                        | \$ 1,369.46                        | \$ 21,255.06               | \$ 10,299.36                          |
| 04/13/13                   | \$ 113,698.60                | \$ 56,849.30              | \$ 56,849.30         | \$ 4,508.16               | \$ 22,682.87                        | \$ 1,233.63                        | \$ 19,146.84               | \$ 9,277.81                           |
| Subtotal                   | \$ 4,952,639.60              | \$ 2,932,351.54           | \$ 2,020,288.06      | \$ 164,031.83             | \$ 825,209.88                       | \$ 44,869.52                       | \$ 696,607.18              | \$ 289,569.65                         |

Benchmark Goal @ 2%             \$    912,063.46

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  | 12/22/2012 | 46,838.96  |
| 12/27/2008 | 72,205.91  | 12/26/2009 | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |
| 01/03/2009 | 96,504.65  | 01/02/2010 | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |
| 01/10/2009 | 53,286.62  | 01/09/2010 | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |

|               |           |            |           |            |           |            |           |            |           |
|---------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 01/17/2009    | 56,068.87 | 01/16/2010 | 60,551.28 | 01/15/2011 | 54,005.90 | 01/14/2012 | 58,901.92 | 01/19/2013 | 51,211.88 |
| 01/24/2009    | 71,474.63 | 01/23/2010 | 69,943.53 | 01/22/2011 | 60,924.74 | 01/21/2012 | 61,819.92 | 01/26/2013 | 46,966.26 |
| 01/31/2009    | 61,089.80 | 01/30/2010 | 48,527.75 | 01/29/2011 | 48,036.94 | 01/28/2012 | 62,898.78 | 02/02/2013 | 52,067.92 |
| 02/07/2009    | 83,539.63 | 02/06/2010 | 37,155.14 | 02/05/2011 | 60,777.44 | 02/04/2012 | 72,154.66 | 02/09/2013 | 52,222.20 |
| 02/14/2009    | 76,054.44 | 02/13/2010 | 44,334.00 | 02/12/2011 | 67,471.84 | 02/11/2012 | 66,429.04 | 02/16/2013 | 64,243.52 |
| 02/21/2009    | 91,838.41 | 02/20/2010 | 76,946.12 | 02/19/2011 | 72,018.54 | 02/18/2012 | 77,455.88 | 02/23/2013 | 64,115.70 |
| 02/28/2009    | 80,806.88 | 02/27/2010 | 72,024.40 | 02/26/2011 | 75,544.02 | 02/25/2012 | 77,611.78 | 03/02/2013 | 62,602.74 |
| 03/07/2009    | 48,837.13 | 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/14/2009    | 96,025.39 | 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/21/2009    | 79,002.82 | 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/28/2009    | 79,250.83 | 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/04/2009    | 75,968.30 | 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/11/2009    | 75,964.94 | 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 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**

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**4041141.56**

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**4016541.01**

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**4124906.8**

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**2932351.54**

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        |                        |                   |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        |                        |                   |
|                        |                  | June, 2012             | 129,235.38        |                        |                   |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2011-2012</b> | <b>1210366.33</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          |
| November, 2012         | 403,331.79          |
| December, 2012         | 440,033.75          |
| January, 2013          | 397,951.05          |
| February, 2013         | 381,857.07          |
| Msrch, 2013            | 447,100.86          |
| <b>Total 2011-2012</b> | <b>3,648,046.19</b> |

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                | <b>Week Ending</b>  |
|--------------------------------------------------------|---------------------|
|                                                        | April 20, 2013      |
| <b>To be Deposited on:</b>                             | April 26, 2013      |
| Amount Played                                          | 66,287,960.68       |
| Amount Won                                             | 59,856,539.05       |
| Amount Promo                                           | 212,101.00          |
| MWAP Contribution                                      | <u>3,566.88</u>     |
| <b>Adjusted Gross Terminal Revenue</b>                 | <u>6,415,753.75</u> |
| Administrative Costs @ 4%                              | 0.00                |
| Excess Lottery Fund @ 4%                               | <u>256,630.15</u>   |
| <b>Net Terminal Revenue</b>                            | <u>6,159,123.60</u> |
| Surcharge @ 10%                                        | 615,912.36          |
| State Share Excess @ 58%                               | 357,229.17          |
| Track Share of Capital Reinvestment @ 42%              | <u>258,683.19</u>   |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>248935.86</i>    |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>10347.33</i>     |
| <b>Adjusted Net Terminal Revenue</b>                   | <u>5,543,211.24</u> |
| Racetrack @ 46.50% / 42%                               | 2,328,148.72        |
| Lottery Fund @ 30% / 0%                                | 0.00                |
| Excess Lottery Fund @ 0% / 41%                         | 2,272,716.58        |
| Race Track Purses @ 7% / 14% / 8%                      | 443,456.90          |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                |
| Employee Pension Fund @ 1% / .5%                       | 27,716.06           |
| Greyhound Development @ .75%                           | 41,574.08           |
| Thoroughbred Development @ .75%                        | 41,574.08           |
| Racing Commission @ 1%                                 | 55,432.12           |
| County/Municipality @ 2%                               | 110,864.24          |
| <b>3% Funds:</b>                                       |                     |
| Tourism Promotion Fund @ 1.375%                        | 76,219.15           |
| Development Office Promotion Fund @ .375%              | 20,787.04           |
| Research Challenge Fund @ .5%                          | 27,716.06           |
| Capitol Renovation and Improvement Fund @ .6875%       | 38,109.58           |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,464.51            |
| <b>1% Funds:</b>                                       |                     |
| State Capitol Complex Parking Garage @ 1%              | 0.00                |
| Cultural Facilities and Capitol Resources @ .5%        | 0.00                |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>55,432.12</u>    |
|                                                        | <u>5,543,211.24</u> |

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%<br>7.93% | CHARLES<br>TOWN<br>41.20%<br>39.90% | HARPERS<br>FERRY<br>2.24%<br>2.17% | RANSON<br>34.78%<br>33.68% | SHEPHERDS<br>TOWN<br>13.59%<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|---------------------------|-------------------------------------|------------------------------------|----------------------------|---------------------------------------|
| Revised % (after 2/9/2013) |                              |                           |                      |                           |                                     |                                    |                            |                                       |
| Week Ending:               |                              |                           |                      |                           |                                     |                                    |                            |                                       |
| 07/07/12                   | \$ 181,637.92                | \$ 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                   | \$ 133,881.76                | \$ 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                   | \$ 134,288.84                | \$ 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               | \$ 6,403.79                           |
| 09/22/12                   | \$ 113,993.60                | \$ 56,996.90              | \$ 56,996.90         | \$ 4,668.05               | \$ 23,462.72                        | \$ 1,278.73                        | \$ 19,823.52               | \$ 7,745.88                           |
| 09/29/12                   | \$ 123,222.80                | \$ 61,611.40              | \$ 61,611.40         | \$ 5,045.97               | \$ 25,363.90                        | \$ 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                | \$ 80,710.18              | \$ 80,710.18         | \$ 4,972.17               | \$ 25,012.59                        | \$ 1,359.81                        | \$ 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                        | \$ 21,879.44               | \$ 8,471.07                           |
| 10/27/12                   | \$ 116,147.08                | \$ 58,073.54              | \$ 58,073.54         | \$ 4,766.22               | \$ 23,926.30                        | \$ 1,300.85                        | \$ 20,197.96               | \$ 7,892.19                           |
| 11/03/12                   | \$ 113,090.60                | \$ 56,545.30              | \$ 56,545.30         | \$ 4,631.06               | \$ 23,296.66                        | \$ 1,268.51                        | \$ 19,666.46               | \$ 7,684.51                           |
| 11/10/12                   | \$ 112,221.92                | \$ 56,110.96              | \$ 56,110.96         | \$ 4,595.49               | \$ 23,117.72                        | \$ 1,256.86                        | \$ 19,515.39               | \$ 7,625.48                           |
| 11/17/12                   | \$ 114,664.72                | \$ 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                | \$ 65,888.66              | \$ 65,888.66         | \$ 5,396.30               | \$ 27,146.21                        | \$ 1,475.81                        | \$ 22,916.14               | \$ 8,954.30                           |
| 12/01/12                   | \$ 100,488.68                | \$ 50,243.34              | \$ 50,243.34         | \$ 4,114.93               | \$ 20,700.26                        | \$ 1,125.45                        | \$ 17,474.63               | \$ 6,628.07                           |
| 12/08/12                   | \$ 101,541.92                | \$ 50,770.96              | \$ 50,770.96         | \$ 4,158.14               | \$ 20,917.64                        | \$ 1,137.27                        | \$ 17,858.14               | \$ 6,899.77                           |
| 12/15/12                   | \$ 94,044.76                 | \$ 47,022.36              | \$ 47,022.36         | \$ 3,851.13               | \$ 19,373.22                        | \$ 1,053.30                        | \$ 16,354.39               | \$ 6,390.34                           |
| 12/22/12                   | \$ 93,677.92                 | \$ 46,836.96              | \$ 46,836.96         | \$ 3,836.11               | \$ 19,297.65                        | \$ 1,049.19                        | \$ 16,290.59               | \$ 6,365.42                           |
| 12/29/12                   | \$ 119,394.44                | \$ 59,697.22              | \$ 59,697.22         | \$ 4,889.20               | \$ 24,596.26                        | \$ 1,337.22                        | \$ 20,762.69               | \$ 6,112.85                           |
| 01/05/13                   | \$ 143,347.04                | \$ 71,673.52              | \$ 71,673.52         | \$ 5,670.06               | \$ 29,529.49                        | \$ 1,605.49                        | \$ 24,928.05               | \$ 9,740.43                           |
| 01/12/13                   | \$ 100,832.60                | \$ 50,416.30              | \$ 50,416.30         | \$ 4,129.09               | \$ 20,771.52                        | \$ 1,129.33                        | \$ 17,534.79               | \$ 6,851.57                           |
| 01/19/13                   | \$ 102,423.76                | \$ 51,211.88              | \$ 51,211.88         | \$ 4,194.25               | \$ 21,099.30                        | \$ 1,147.15                        | \$ 17,811.49               | \$ 6,959.89                           |
| 01/26/13                   | \$ 93,932.52                 | \$ 46,966.26              | \$ 46,966.26         | \$ 3,846.54               | \$ 19,360.10                        | \$ 1,052.04                        | \$ 16,334.87               | \$ 6,382.71                           |
| 02/02/13                   | \$ 104,135.84                | \$ 52,067.92              | \$ 52,067.92         | \$ 4,284.36               | \$ 21,451.99                        | \$ 1,166.32                        | \$ 18,109.22               | \$ 7,078.03                           |
| 02/09/13                   | \$ 104,444.40                | \$ 52,222.20              | \$ 52,222.20         | \$ 4,277.00               | \$ 21,515.54                        | \$ 1,169.78                        | \$ 18,162.88               | \$ 7,097.00                           |
| 02/16/13                   | \$ 128,487.04                | \$ 64,243.52              | \$ 64,243.52         | \$ 5,094.51               | \$ 25,633.17                        | \$ 1,394.08                        | \$ 21,637.22               | \$ 10,484.54                          |
| 02/23/13                   | \$ 128,231.40                | \$ 64,115.70              | \$ 64,115.70         | \$ 5,084.38               | \$ 25,562.16                        | \$ 1,391.31                        | \$ 21,594.17               | \$ 10,463.66                          |
| 03/02/13                   | \$ 125,205.48                | \$ 62,602.74              | \$ 62,602.74         | \$ 4,964.40               | \$ 24,978.49                        | \$ 1,358.48                        | \$ 21,084.60               | \$ 10,216.77                          |
| 03/09/13                   | \$ 118,426.52                | \$ 59,213.26              | \$ 59,213.26         | \$ 4,695.61               | \$ 23,626.09                        | \$ 1,284.93                        | \$ 19,943.03               | \$ 9,663.60                           |
| 03/16/13                   | \$ 124,732.72                | \$ 62,366.36              | \$ 62,366.36         | \$ 4,945.65               | \$ 24,884.16                        | \$ 1,363.35                        | \$ 21,004.99               | \$ 10,178.19                          |
| 03/23/13                   | \$ 119,682.04                | \$ 59,841.02              | \$ 59,841.02         | \$ 4,745.39               | \$ 23,876.57                        | \$ 1,298.55                        | \$ 20,154.46               | \$ 9,768.05                           |
| 03/30/13                   | \$ 115,135.96                | \$ 57,567.98              | \$ 57,567.98         | \$ 4,565.14               | \$ 22,969.62                        | \$ 1,249.23                        | \$ 19,368.90               | \$ 9,395.09                           |
| 04/06/13                   | \$ 128,217.86                | \$ 63,108.84              | \$ 63,108.84         | \$ 5,004.53               | \$ 25,180.43                        | \$ 1,369.46                        | \$ 21,255.08               | \$ 10,299.36                          |
| 04/13/13                   | \$ 113,696.60                | \$ 56,849.30              | \$ 56,849.30         | \$ 4,508.15               | \$ 22,682.87                        | \$ 1,233.63                        | \$ 19,146.84               | \$ 9,277.61                           |
| 04/20/13                   | \$ 110,864.24                | \$ 55,432.12              | \$ 55,432.12         | \$ 4,395.77               | \$ 22,117.41                        | \$ 1,202.88                        | \$ 18,669.54               | \$ 9,046.52                           |
| Subtotal                   | \$ 5,063,503.84              | \$ 2,987,783.66           | \$ 2,075,720.18      | \$ 168,427.60             | \$ 847,327.29                       | \$ 46,072.40                       | \$ 715,276.72              | \$ 298,616.17                         |

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  | 12/22/2012 | 46,838.96  |
| 12/27/2008 | 72,205.91  | 12/26/2009 | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |
| 01/03/2009 | 96,504.65  | 01/02/2010 | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |
| 01/10/2009 | 53,286.62  | 01/09/2010 | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |

|               |           |            |           |            |           |            |           |            |           |
|---------------|-----------|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 01/17/2009    | 56,068.87 | 01/16/2010 | 60,551.28 | 01/15/2011 | 54,005.90 | 01/14/2012 | 58,901.92 | 01/19/2013 | 51,211.88 |
| 01/24/2009    | 71,474.63 | 01/23/2010 | 69,943.53 | 01/22/2011 | 60,924.74 | 01/21/2012 | 61,819.92 | 01/26/2013 | 46,966.26 |
| 01/31/2009    | 61,089.80 | 01/30/2010 | 48,527.75 | 01/29/2011 | 48,036.94 | 01/28/2012 | 62,898.78 | 02/02/2013 | 52,067.92 |
| 02/07/2009    | 83,539.63 | 02/06/2010 | 37,155.14 | 02/05/2011 | 60,777.44 | 02/04/2012 | 72,154.66 | 02/09/2013 | 52,222.20 |
| 02/14/2009    | 76,054.44 | 02/13/2010 | 44,334.00 | 02/12/2011 | 67,471.84 | 02/11/2012 | 66,429.04 | 02/16/2013 | 64,243.52 |
| 02/21/2009    | 91,838.41 | 02/20/2010 | 76,946.12 | 02/19/2011 | 72,018.54 | 02/18/2012 | 77,455.88 | 02/23/2013 | 64,115.70 |
| 02/28/2009    | 80,806.88 | 02/27/2010 | 72,024.40 | 02/26/2011 | 75,544.02 | 02/25/2012 | 77,611.78 | 03/02/2013 | 62,602.74 |
| 03/07/2009    | 48,837.13 | 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/14/2009    | 96,025.39 | 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/21/2009    | 79,002.82 | 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/28/2009    | 79,250.83 | 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/04/2009    | 75,968.30 | 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/11/2009    | 75,964.94 | 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/18/2009    | 80,598.22 | 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 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 |            |           |

|               |                   |                   |                   |                  |                   |
|---------------|-------------------|-------------------|-------------------|------------------|-------------------|
| <b>TOTALS</b> | <b>4403564.04</b> | <b>4041141.56</b> | <b>4016541.01</b> | <b>4124906.8</b> | <b>2987783.66</b> |
|---------------|-------------------|-------------------|-------------------|------------------|-------------------|

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        |                        |                   |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        |                        |                   |
|                        |                  | June, 2012             | 129,235.38        |                        |                   |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2011-2012</b> | <b>1210366.33</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          |
| November, 2012         | 403,331.79          |
| December, 2012         | 440,033.75          |
| January, 2013          | 397,951.05          |
| February, 2013         | 381,857.07          |
| Msrch, 2013            | 447,100.86          |
| <b>Total 2011-2012</b> | <b>3,648,046.19</b> |