

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JULY 11, 2013
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- Regular Meeting - June 13, 2013
- Regular Meeting - June 27, 2013

APPROVAL OF PURCHASE ORDERS

- July 11, 2013

APPROVAL OF ACCOUNTS PAYABLE

- July 4, 2013
- July 11, 2013

PUBLIC COMMENT

Anyone wishing to address the Commission regarding the Jefferson County Emergency Agency Services Fee Ordinance (JCESA), must do so during Public Comment. No public comment will be taken before or during the JCESA agenda item (9).

PRESENTATIONS:

1. 9:45 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action
2. 10:00 a.m. William Madert, Jefferson County Solid Waste Authority
- Update on Solid Waste Authority - Discussion/Action
3. 10:15 a.m. Susanne Lawton or Public Service District Representative, Jefferson County Public Service District - Requesting the consideration of transfer of approximately ¼ acre of TP02000200010004 to Jefferson County Public Service District to be used to upgrade an existing pump station - Discussion/Action

4. 10:30 a.m. Stephanie Grove, Assistant Prosecuting Attorney
- Possible hiring of a Discovery Commissioner for the October Tax Appeals
- Discussion/Action
5. 10:45 a.m. BREAK
6. 11:00 a.m. Pete Dougherty, Sheriff of Jefferson County
- Hiring of an Animal Control Officer to fill a vacancy - Discussion/Action
7. 11:10 a.m. John Reisenweber, Director Jefferson County Development Authority
- Revised Commercial Impact Fees Ordinance proposal for possible adoption
- Discussion/Action
8. 11:20 a.m. Jefferson County Emergency Fee Ordinance - 2nd Reading/Review/Edits of the
Jefferson County Emergency Fee Ordinance - Discussion/Action
*(Any public comments on this issue will be taken during the public comment
portion of the meeting - at the beginning of the County Commission meeting)*

UNFINISHED BUSINESS:

9. First Energy Resolution regarding opposing the "Intra-Company" sale of Harrison Power Plant
for possible adoption - Discussion/Action

FINANCIAL DIRECTOR:

Approval of Internal Budget Revision #124 - Circuit Clerk - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- IT Update - Discussion/Action
- Space Needs Study - Discussion/Action

COUNTY COMMISSION REPORTS

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

10. 1:30 p.m. Jennifer Brockman, Director Planning & Zoning
- Budget Amendment to allow the development of an Access Management
Study and Draft Ordinance for US 340 South - Discussion/Action
11. 2:00 p.m. Budget Workshop
12. ADJOURN

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Jefferson County GIS/Addressing Department Quarterly Update - 2013 - 2nd Quarter.
- Jefferson County Homeland Security and Emergency Management Quarterly Update - 2013 2nd Quarter.
- Jefferson County Emergency Services Agency Quarterly Update - 2013 - 2nd Quarter.
- Jefferson County Historic Landmarks Commission Quarterly Report - 2013 - 2nd Quarter.

CORRESPONDENCE:

Reminder Notice - Meet and Converse with your Jefferson County Commissioners - July 25, 2013.

Charleston Gazette news article regarding FirstEnergy's Proposed Deal on Harrison Plant.

West Virginia Association of Counties - Information on the Affordable Care Act.

Jefferson County Homeland Security & Emergency Management June/July 2013 Newsletter.
Land Trust of the Eastern Panhandle, Summer 2013 Newsletter.

County Commissioners' Association of West Virginia Newsletter - Volume 16, Issue 11, June 12, 2013.

West Virginia Lottery - Weekly Settlement for Charles Town - week ending June 15, 2013.

West Virginia Lottery - Weekly Settlement for Charles Town - week ending June 22, 2013.

West Virginia Lottery - Weekly Settlement for Charles Town - week ending June 29, 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, June 13, 2013

A meeting of the Jefferson County Commission was held on Thursday, June 13, 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, Executive Assistant and Jimmy Eddie, Bailiff. (An audio tape of the June 13, 2013 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the Minutes of the June 6, 2013 County Commission Meeting with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Widmyer to approve Purchase Orders in the amount of \$24,456.70 to include P. O. Nos. 51401, 50202, 51713, 51716, 51717, 51624, 51625, 51240, 51587, 51588, 50026, 51374, 50007, 50398, 50399, 50400, 51490, 51491, 51492, 52107 and 51341. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070067	412	COMCAST		\$ -	\$ 215.44	\$ 215.44
070068	424	AT&T/IL		\$ -	\$ 0.16	\$ 0.16
070069	700	AUTOZONE		\$ -	\$ 339.42	\$ 339.42
070070	413	APPLE VALLEY OFF.PRODUCT	51627	\$ 72.85	\$ -	\$ 72.85
070071	424	B-K OFFICE SUPPLY INC	51586	\$ 343.50	\$ -	\$ 343.50
070071	439	B-K OFFICE SUPPLY INC	50332	\$ 266.03	\$ -	\$ 266.03
070071	439	B-K OFFICE SUPPLY INC	50334	\$ 95.47	\$ -	\$ 95.47
070072	406	CASTO & HARRIS INC	51400	\$ 977.95	\$ -	\$ 977.95
070073	402	COMPLETE SYSTEM SUPPORT	51621	\$ 655.00	\$ -	\$ 655.00
070074	700	CHIEF	51484	\$ 1,526.72	\$ -	\$ 1,526.72
070075	401	CHOICE STAFFING, INC.		\$ -	\$ 247.50	\$ 247.50
070076	711	CERVIS TECHNOLOGIES, LLC	50006	\$ 1,500.00	\$ -	\$ 1,500.00
070076	711	CERVIS TECHNOLOGIES, LLC	50006	\$ 250.00	\$ -	\$ 250.00
070077	401	CONTEMPORARY AMERICAN		\$ -	\$ 1,000.00	\$ 1,000.00

070078	439	DELL MARKETING LP	50331	\$ 1,061.59	\$ -	\$ 1,061.59
070079	433	D & S CONSTRUCTION	51373	\$ 3,114.50	\$ -	\$ 3,114.50
070080	712	KAREN ECHEMENT		\$ -	\$ 29.79	\$ 29.79
070081	717	FISHER AUTO PARTS		\$ -	\$ 1,008.67	\$ 1,008.67
070081	717	FISHER AUTO PARTS		\$ -	\$ 50.00	\$ 50.00
070082	402	SALLY GRAN		\$ -	\$ 15.00	\$ 15.00
070083	717	GUTTMAN OIL CO		\$ -	\$ 18,790.49	\$ 18,790.49
070084	716	HILLSIDE VETERINARY HOSP	50365	\$ 149.78	\$ -	\$ 149.78
070085	700	HUNTZMAN ENTERPRISES	51489	\$ 1,029.00	\$ -	\$ 1,029.00
070086	439	INSIGHT A/V SERVICES	50321	\$ 584.86	\$ -	\$ 584.86
070087	451	JEFFERSON PUBLISH CO INC	50330	\$ 154.84	\$ -	\$ 154.84
070087	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 35.38	\$ 35.38
070088	425	JEFFERSON UTILITIES INC		\$ -	\$ 559.76	\$ 559.76
070089	700	GLENDON KINCAID		\$ -	\$ 6.55	\$ 6.55
070090	712	LANGUAGE LINE SERVICES		\$ -	\$ 65.59	\$ 65.59
070091	716	HOME DEPOT CREDIT SERVIC		\$ -	\$ 663.76	\$ 663.76
070092	711	BARBARA J. MILLER		\$ -	\$ 230.00	\$ 230.00
070093	402	JENNIFER S. MAGHAN		\$ -	\$ 57.00	\$ 57.00
070094	700	ROBIN MAHONY		\$ -	\$ 6.66	\$ 6.66
070095	424	NEOPOST MIDATLANTIC	51585	\$ 536.74	\$ -	\$ 536.74
070096	402	NEW EDGE AWARDS	51617	\$ 2,799.90	\$ -	\$ 2,799.90
070097	402	PIFER OFFICE SUPPLY, INC	51619	\$ 108.58	\$ -	\$ 108.58
070098	403	POSTMASTER CHARLES TOWN	51437	\$ 88.00	\$ -	\$ 88.00
070098	439	POSTMASTER CHARLES TOWN	50336	\$ 88.00	\$ -	\$ 88.00
070099	712	FORENSIC PSYCHOLOGY CNTR	51717	\$ 800.00	\$ -	\$ 800.00
070100	716	SOFTWARE SYSTEMS, INC	51485	\$ 1,280.11	\$ -	\$ 1,280.11
070100	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 391.50	\$ 391.50
070100	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
070100	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 487.00	\$ 487.00
070100	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 753.00	\$ 753.00
070100	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 70.00	\$ 70.00
070100	700	SOFTWARE SYSTEMS, INC		\$ -	\$ 30.50	\$ 30.50
070100	986	SOFTWARE SYSTEMS, INC		\$ -	\$ 3,580.00	\$ 3,580.00
070101	700	SPECIALTY BUS SUPPLIES	51486	\$ 1,331.03	\$ -	\$ 1,331.03
070102	425	SHERWIN-WILLIAMS		\$ -	\$ 11.48	\$ 11.48
070103	711	SOFTWARE COMPUTER GROUP	53192	\$ 150.00	\$ -	\$ 150.00
070104	712	SEN COMMUNICATIONS	51600	\$ 512.58	\$ -	\$ 512.58
070104	712	SEN COMMUNICATIONS	51719	\$ 125.00	\$ -	\$ 125.00
070105	425	SHENANDOAH VALLEY WATER		\$ -	\$ 675.30	\$ 675.30
070106	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 199.00	\$ 199.00
070108	402	UNITED BANKCARD CENTER		\$ -	\$ 783.00	\$ 783.00

070108	402	UNITED BANKCARD CENTER		\$ -	\$ 983.88	\$ 983.88
070108	402	UNITED BANKCARD CENTER		\$ -	\$ 34.95	\$ 34.95
070108	403	UNITED BANKCARD CENTER		\$ -	\$ 36.00	\$ 36.00
070108	403	UNITED BANKCARD CENTER		\$ -	\$ 77.81	\$ 77.81
070108	405	UNITED BANKCARD CENTER		\$ -	\$ 1,083.14	\$ 1,083.14
070108	405	UNITED BANKCARD CENTER		\$ -	\$ 829.97	\$ 829.97
070108	405	UNITED BANKCARD CENTER		\$ -	\$ 200.00	\$ 200.00
070108	412	UNITED BANKCARD CENTER		\$ -	\$ 444.97	\$ 444.97
070108	415	UNITED BANKCARD CENTER		\$ -	\$ 74.72	\$ 74.72
070108	424	UNITED BANKCARD CENTER		\$ -	\$ 102.12	\$ 102.12
070108	424	UNITED BANKCARD CENTER		\$ -	\$ 19.88	\$ 19.88
070108	424	UNITED BANKCARD CENTER		\$ -	\$ 174.75	\$ 174.75
070108	424	UNITED BANKCARD CENTER		\$ -	\$ 66.59	\$ 66.59
070108	424	UNITED BANKCARD CENTER		\$ -	\$ 23,943.20	\$ 23,943.20
070108	425	UNITED BANKCARD CENTER		\$ -	\$ 31.24	\$ 31.24
070108	425	UNITED BANKCARD CENTER		\$ -	\$ 16.05	\$ 16.05
070108	425	UNITED BANKCARD CENTER		\$ -	\$ 7.90	\$ 7.90
070108	425	UNITED BANKCARD CENTER		\$ -	\$ 40.18	\$ 40.18
070108	425	UNITED BANKCARD CENTER		\$ -	\$ 135.37	\$ 135.37
070108	428	UNITED BANKCARD CENTER		\$ -	\$ 493.82	\$ 493.82
070108	428	UNITED BANKCARD CENTER		\$ -	\$ 20.00	\$ 20.00
070108	433	UNITED BANKCARD CENTER		\$ -	\$ 228.00	\$ 228.00
070108	433	UNITED BANKCARD CENTER		\$ -	\$ 236.90	\$ 236.90
070108	433	UNITED BANKCARD CENTER		\$ -	\$ 228.00	\$ 228.00
070108	439	UNITED BANKCARD CENTER		\$ -	\$ 79.00	\$ 79.00
070108	439	UNITED BANKCARD CENTER		\$ -	\$ 511.33	\$ 511.33
070108	439	UNITED BANKCARD CENTER		\$ -	\$ 18.00	\$ 18.00
070108	439	UNITED BANKCARD CENTER		\$ -	\$ 36.00	\$ 36.00
070108	439	UNITED BANKCARD CENTER		\$ -	\$ 195.00	\$ 195.00
070108	440	UNITED BANKCARD CENTER		\$ -	\$ 90.77	\$ 90.77
070108	451	UNITED BANKCARD CENTER		\$ -	\$ 66.87	\$ 66.87
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 23.31	\$ 23.31
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 198.70	\$ 198.70
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 158.11	\$ 158.11
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 887.97	\$ 887.97
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 1,171.52	\$ 1,171.52
070108	700	UNITED BANKCARD CENTER		\$ -	\$ 150.50	\$ 150.50
070108	711	UNITED BANKCARD CENTER		\$ -	\$ 162.88	\$ 162.88
070108	711	UNITED BANKCARD CENTER		\$ -	\$ 104.94	\$ 104.94
070108	712	UNITED BANKCARD CENTER		\$ -	\$ 3,596.68	\$ 3,596.68
070108	712	UNITED BANKCARD CENTER		\$ -	\$ 26.48	\$ 26.48

070108	712	UNITED BANKCARD CENTER		\$ -	\$ 106.80	\$ 106.80
070108	716	UNITED BANKCARD CENTER		\$ -	\$ 298.13	\$ 298.13
070108	716	UNITED BANKCARD CENTER		\$ -	\$ 95.98	\$ 95.98
070108	717	UNITED BANKCARD CENTER		\$ -	\$ 95.00	\$ 95.00
070108	986	UNITED BANKCARD CENTER		\$ -	\$ 5,217.99	\$ 5,217.99
070109	425	VALLEY HARDWARE COMPANY		\$ -	\$ 4.20	\$ 4.20
070110	424	VERIZON		\$ -	\$ 1,132.71	\$ 1,132.71
070111	717	NAPA AUTO PARTS		\$ -	\$ 273.77	\$ 273.77
070112	700	WEST VIRGINIA UNIFORM-52	51487	\$ 344.20	\$ -	\$ 344.20
070113	711	WV EMER MANAGMENT COUNCI	50008	\$ 50.00	\$ -	\$ 50.00
070114	402	XEROX CORPORATION	49705	\$ 1,168.60	\$ -	\$ 1,168.60
TOTAL						\$ 95,705.86
TOTAL				\$ 21,164.83	\$ 74,541.03	\$ 95,705.86

Motion by Ms. Tabb to approve the accounts payable for June 13, 2013 in the amount of \$95,705.86. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Ralph Lorenzetti, Prosecuting Attorney - Honored Larry Crawford on his retirement as an Assistant Prosecutor for Jefferson County for the past 23 years. Mr. Crawford was presented with a drawing of the Jefferson County Courthouse by a local artist.

David Tabb, resident – gave an update on how he believes the Commission is conducting business.

PRESENTATIONS:

1. Laura Storm, Circuit Clerk – Approve the hiring of Morgan Creamer for a part-time position in the Circuit Clerks office beginning June 25, 2013.
 - **Motion by Ms. Widmyer to approve the hiring of Morgan Creamer as a part-time Deputy/File Clerk in the Circuit Clerks office, with no benefits, at a pay rate of \$8.50 an hour, starting on June 25, 2013. Motion seconded and unanimously approved.**

2. Jeffrey Polczynski, ENP Director of Communications – In order to implement a new part-time call-taker program, Mr. Polczynski is requesting approval to employ four (4) individuals as Public Safety Dispatcher I on a part-time basis to supplement full-time staff, alleviating overtime.
 - **Motion by Ms. Noland to approve the hiring of Casey Charles, Sherry Puckett, Pamela Dorsey and Julie Lipscomb as part-time Public Safety Dispatcher I. Motion seconded and unanimously approved.**

3. Adopt Resolution by MVB Bank, Inc. to qualify as County Depository for the Fiscal Year ending June 30, 2014.
 - **Motion by Ms. Noland to adopt the Resolution by MVB Bank, Inc. to qualify as a County Depository for the Fiscal Year ending June 30, 2014, subject to review by Council. Motion seconded and unanimously approved.**
4. Stephanie Grove, Assistant Prosecuting Attorney
 - Requesting ratification of the formal order denying the Manning's Petition for Incorporation, as directed by the Commission.
 - **Motion by Ms. Tabb that the Jefferson County Commission ratify the formal order denying the Manning's Petition for Incorporation for the reasons stated therein, adding the issue, loss of Video Lottery income, as mentioned in letters from the Mayor's of Shepherdstown and Ranson. Motion seconded and unanimously approved.**
 - Presentation of First Energy Resolution for possible adoption. Ms. Patience Wait requested the County Commission adopt a resolution opposing First Energy's proposed inter-company sale of the Harrison Power Plant. The Commission referred the resolution to counsel for review. The appropriate changes were made – the resolution is coming before the Commission for possible adoption. Mr. Manuel requested unanimous consent from the Commission to allow Ms. Wait to answer any questions the Commissioners might have.
 - **Motion by Mr. Manuel to hold the resolution opposing First Energy's proposed intra-company sale of the Harrison Power Plant for two weeks allowing First Energy the opportunity to come before the Commission. Motion seconded and unanimously approved.**

As a "housekeeping" item for Ms. Grove, Mr. Pellish requested legal counsel contact the Attorney General's Office regarding the proper language which should be added to the Jefferson County Emergency Services Agency Fee Ordinance. Ms. Grove stated she is writing an opinion letter and will ask the Attorney General's Office to offer an opinion on her findings.

FINANCE DIRECTOR

Approval of Internal Budget Revision #118 – Law Enforcement to move \$4,000 from Salary and Wages, \$110,000 from Circuit Court Bailiffs, \$25,000 from Uniforms, \$5,000 from Trip Guards, \$5,000 from Materials/Supply and \$5,000 from Building/Equipment Rental to \$22,500 – DUI Grant, \$31,500 – Overtime, \$38,400 – Retirement WVDSR, \$3,000 – Training/Education, \$2,000 – Contracted Services and \$6,600 to Group Insurance.

- **Motion by Ms. Noland to approve Internal Budget Revision #118 – Law Enforcement budget as presented. Motion seconded and unanimously approved.**

Approval of Internal Budget Revision #119 – Animal Control to move \$2,500 from Dog Warden Salary and Wages to Dog Warden Overtime.

- **Motion by Ms. Noland to hold over Internal Budget Revision #119 – Animal Control until the meeting of June 27, 2013. Motion seconded and unanimously approved.**

Approval of Internal Budget Revision #120 – Courthouse to move \$500 from Water/Sewer, \$5,500 – Travel, \$4,500 – Maintenance/Repair Equipment, \$500 – Building/Equipment Repair, \$1,500 from Ads/Legal Publications, \$1,000 – Dues and Subscription, \$10,500 – Professional Services, \$7,000 – Contracted Services and \$20,000 – Materials/Supplies to

\$45,000 – Telephone, \$1,500 – Electricity, \$1,000 Fuel Oil and \$3,500 – Maintenance/Repair Building.

- **Motion by Mr. Manuel to approve Internal Budget Revision #120 – Courthouse as presented. Motion seconded and unanimously approved.**

Upon unanimous consent of the Commission, it was approved to defer Internal Budget Revisions #121 – Other Buildings and #122 – Central Garage until the June 27, 2013 County Commission meeting.

Approval of State Budget Revision # 3 – Coal Severance FY2013 moving \$31,278 from County Commission (986) to County Commission (401).

- **Motion by Ms. Widmyer to adopt the following resolution. Motion seconded and unanimously approved.**

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 16th day of June, 2013, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number # BR003 to the Coal Severance County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Widmyer and duly seconded by Mr. Manuel the vote was as follows:

Dale Manuel	Yes
Patsy Noland	Yes
Walt Pellish	Yes
Jane Tabb	Yes
Lyn Widmyer	Yes

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

Dale Manuel, President
Jefferson County Commission

Approval of State Budget Revision #11 - General Fund - moving \$53,000 from Courthouse and \$21,635 from County Commission to \$20,000 - Sheriff-Law Enforcement, \$1,635 - Visitor's Bureau, \$25,000 - Central Garage and \$28,000 - Other Buildings.

- **Motion by Mr. Manuel to adopt the following resolution. Motion seconded and unanimously approved.**

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 16th day of June, 2013, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number # BR011 to the General County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Ms. Widmyer and duly seconded by Mr. Manuel the vote was as follows:

Dale Manuel	Yes
Patsy Noland	Yes
Walt Pellish	Yes
Jane Tabb	Yes
Lyn Widmyer	Yes

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

Dale Manuel, President
Jefferson County Commission

Ms. Tabb expressed her concern that money is being taken from Capital Outlay to pay for the dog handlers. Ms. Tabb does not believe this is a Capital Outlay expenses and does not wish to this happen in the future, this is not believed to be sound budgeting. Ms. Noland and Mr. Manuel concurred.

COUNTY ADMINISTRATOR REPORT

Barbara Miller, Homeland Security and Emergency Services, found a potential grant for \$4000 with no matching money required. The timeline for this grant is very short. Ms. Keyser requested at the June 6th Commission meeting for the Commissioners to allow Ms. Miller to move forward with trying to obtain the grant with a consensus and ratifying the consensus with a vote at the next Commission meeting. It was the consensus of the Commission to allow Ms. Miller to move forward with trying to obtain the grant.

Ms. Keyser requests the Commission ratify the consensus of the Commission at the June 6, 2013 meeting.

- **Motion by Mr. Manuel to ratify the consensus of the Commission on June 6, 2013 to allow Ms.**

Miller to move forward with trying to obtain a grant for \$4,000. Motion seconded and unanimously approved.

Ms. Keyser stated the Commission had scheduled July 18th for the "Meet Your Commissioners" evening. It has come to her attention this date conflicts with a joint meeting of the Commission and the Envision 2035 Committee. Ms. Keyser requested the Commissioners check to see if July 25, 2013 would work instead.

Ms. Keyser reminded the Commissioners the offices are closed on June 20, 2013 for West Virginia Day.

Processing of Payroll – Ms. Keyser stated payroll is coming in on Sunday, June 30, 2013 to process payroll for the first payroll of the new FY 2013-2014. Due to the fact that Thursday, July 4th is not only payday, it is a federal holiday and checks cannot be dated on a federal holiday. A manager has expressed concerns about the processing of this payroll, as any employees that are on call for Friday or Saturday would have to come in fill out their timesheets on Sunday. It was recommended the employees can call in to payroll with their time and follow up with the paperwork on Monday, having their manager sign off on it.

- It was the consensus of the Commission to proceed in this manner and to use this approach in the future should the calendar fall in this manner again. Ms. Noland recommended this become a policy.

5. The Commission recessed for break at 10:33.
The Commission reconvened from break at 10:44.
6. Sheriff Pete Dougherty informed the Commission that in honor of the 150th Anniversary of West Virginia, Lt. Hansen came up with the idea to design a commemorative badge to be worn by the Sheriff's Deputies for the year. Sheriff Dougherty and Lt. Tom Hansen presented the County Commission with a Ceremonial Sesquicentennial Badge for their support of the Sheriff's Department.
7. Sheriff Peter Dougherty – Swearing in of Special Deputies. Sheriff Dougherty stated due to the approval of the Special Deputy program approved at the last Commission meeting, Special Deputies from varying jurisdictions in the County are here at the meeting today to be sworn in. Judge Sanders was present to swear in the Special Deputies.
8. The Commission recessed for break at 11:10.
The Commission reconvened from break at 11:19.

COUNTY COMMISSIONERS REPORTS

Jane Tabb:

- Attended the West Virginia Association of Counties Spring Board meeting on Monday.
- Attended a Farmland Protection Board meeting.
- Attended the Public Service District meeting.
- Reminder – Farm Day is this Saturday.

Patsy Noland:

- Attended the West Virginia Association of Counties Spring Board meeting on Sunday, Monday and Tuesday.

Lyn Widmyer:

- Attended the Board of Health Board meeting.
- Attended the West Virginia Association of Counties Spring Board meeting.

- Attended the Planning Commission meeting.
- Attended the League of Women Voters Transportation meeting.

Walt Pellish:

- Attended a Development Executive Committee meeting.
- Attended the Planning Commission meeting.

Dale Manuel:

- Attended the West Virginia Association of Counties Spring Board meeting Monday and Tuesday.
- Attended a Day Report meeting.
- Attended the League of Women Voters Transportation meeting.
- Reminder – the Mountain Heritage Festival is this weekend and the Kiwanis Club will be selling ice cream as a fundraiser.

9. Employee Performance Review – Executive Session.

- **Motion by Ms. Widmyer to enter into Executive Session pursuant to §6-9A-4(A), matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to come out of Executive Session. Motion seconded and unanimously approved.**

The Commission meeting was adjourned at 12:25p.m. on a motion by Ms. Widmyer. Motion was seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectively submitted
Cynthia C. Schott
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, June 27, 2013

A meeting of the Jefferson County Commission was held on Thursday, June 27, 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, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the June 27, 2013 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$90,337.26 to include P. O. Nos., 50366, 49830, 51708, 51709, 51711, 51628, 51720, 51581, 51376, 51578, 51591, 51637, 51493 and 51496. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070117	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,759.02	\$ 3,759.02
070118	425	COMCAST		\$ -	\$ 353.08	\$ 353.08
070119	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,924.98	\$ 1,924.98
070120	402	B-K OFFICE SUPPLY INC	51613	\$ 5,727.50	\$ -	\$ 5,727.50
070120	424	B-K OFFICE SUPPLY INC	51240	\$ 515.25	\$ -	\$ 515.25
070120	712	B-K OFFICE SUPPLY INC	51710	\$ 15.00	\$ -	\$ 15.00
070121	424	BOLAND SERVICES	51231	\$ 270.00	\$ -	\$ 270.00
070121	425	BOLAND SERVICES	51117	\$ 991.01	\$ -	\$ 991.01
070122	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
070123	PAYROLL	BUREAU F/CHILD SPPRT ENF		\$ -	\$ 212.31	\$ 212.31
070124	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
070125	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 23.08	\$ 23.08
070126	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 290.31	\$ 290.31
070127	406	CASTO & HARRIS INC	51402	\$ 47.75	\$ -	\$ 47.75
070128	PAYROLL	VA DEPT OF TAXATION		\$ -	\$ 473.48	\$ 473.48
070129	405	CIVIC RESEARCH INSTITUTE	50398	\$ 179.95	\$ -	\$ 179.95
070130	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69

070131	401	CHOICE STAFFING, INC.		\$ -	\$ 247.50	\$ 247.50
070132	PAYROLL	COLONIAL LIFE		\$ -	\$ 729.10	\$ 729.10
070133	405	KIMBERLEY CROCKETT		\$ -	\$ 138.00	\$ 138.00
070134	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
070135	717	DONALD B. RICE TIRE CO.	50202	\$ 857.22	\$ -	\$ 857.22
070136	433	D & S CONSTRUCTION	51374	\$ 405.00	\$ -	\$ 405.00
070137	440	DEL MARTIN INC.	50237	\$ 1,243.00	\$ -	\$ 1,243.00
070138	424	J.C.EHRLICH		\$ -	\$ 34.00	\$ 34.00
070138	425	J.C.EHRLICH		\$ -	\$ 606.38	\$ 606.38
070139	700	GALLS,AN ARAMARK CO	51490	\$ 104.60	\$ -	\$ 104.60
070140	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 16,202.40	\$ 16,202.40
070141	424	GRAINGER, INC	51587	\$ 183.60	\$ -	\$ 183.60
070142	433	GEOGRAPHIC INFO SERVICES	50863	\$ 7,593.42	\$ -	\$ 7,593.42
070143	440	INTERNAT'L CODE COUNCIL	50238	\$ 3,322.08	\$ -	\$ 3,322.08
070144	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 2,910.00	\$ 2,910.00
070145	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 196.36	\$ 196.36
070146	700	JEFFERSON CO HEALTH DEPT	51495	\$ 45.00	\$ -	\$ 45.00
070147	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,924.98	\$ 1,924.98
070148	402	JEFFERSON PUBLISH CO INC	51624	\$ 203.60	\$ -	\$ 203.60
070148	402	JEFFERSON PUBLISH CO INC	51626	\$ 58.34	\$ -	\$ 58.34
070148	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 138.46	\$ 138.46
070149	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 4,743.00	\$ 4,743.00
070149	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
070150	405	PAUL F.KRADEL, ED.D.	50399	\$ 1,925.00	\$ -	\$ 1,925.00
070151	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 782.56	\$ 782.56
070152	412	SHAY MCNEIL		\$ -	\$ 378.49	\$ 378.49
070153	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
070154	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 774.00	\$ 774.00
070155	712	NAEMD	51601	\$ 100.00	\$ -	\$ 100.00
070156	711	NAT'L EMERGENCY MGMT ASS	50007	\$ 200.00	\$ -	\$ 200.00
070157	ALLOC	JEFF CO PARKS &		\$ -	\$ 20,212.27	\$ 20,212.27
070158	440	PRINT-O-STAT	50235	\$ 1,956.00	\$ -	\$ 1,956.00
070159	712	FORENSIC PSYCHOLOGY CNTR	51713	\$ 800.00	\$ -	\$ 800.00
070160	700	MARK RENNER		\$ -	\$ 299.72	\$ 299.72
070161	404	SHERIFF OF JEFFERSON CO	52107	\$ 137.85	\$ -	\$ 137.85
070162	405	SPECIALTY BUS SUPPLIES	50400	\$ 1,340.01	\$ -	\$ 1,340.01
070163	700	SUPERIOR AUTO BODY	51491	\$ 933.46	\$ -	\$ 933.46
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 44,521.38	\$ 44,521.38
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.84	\$ 2.84
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 23.78	\$ 23.78
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 0.66	\$ 0.66

070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 101.66	\$ 101.66
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,412.32	\$ 10,412.32
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.89	\$ 1.89
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,224.13	\$ 43,224.13
070164	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 118.12	\$ 118.12
070165	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 30,665.39	\$ 30,665.39
070165	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 103.40	\$ 103.40
070165	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.01	\$ 1.01
070166	700	WALTER F STEPHENS, JR IN	51494	\$ 79.95	\$ -	\$ 79.95
070167	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,792.47	\$ 10,792.47
070167	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 16,506.09	\$ 16,506.09
070168	712	SEN COMMUNICATIONS	51715	\$ 25.00	\$ -	\$ 25.00
070169	700	SIGMAN TACTICAL CONCEPTS	51492	\$ 450.00	\$ -	\$ 450.00
070170	700	VINCENT TIONG		\$ -	\$ 142.00	\$ 142.00
070171	712	TELTRONIC	51716	\$ 558.75	\$ -	\$ 558.75
070171	712	TELTRONIC	51718	\$ 458.00	\$ -	\$ 458.00
070172	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 24,062.23	\$ 24,062.23
070173	712	VITAL SIGNS	51712	\$ 39.50	\$ -	\$ 39.50
070174	405	WEST PAYMENT CENTER	49635	\$ 2,043.88	\$ -	\$ 2,043.88
070175	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 468.24	\$ 468.24
070175	716	WM OF WEST VIRGINIA, INC		\$ -	\$ 95.93	\$ 95.93
070176	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3.23	\$ 3.23
070176	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1.04	\$ 1.04
070176	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 24,853.17	\$ 24,853.17
070176	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 77,320.81	\$ 77,320.81
070177	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
070178	412	WPS,INC	50026	\$ 3,154.97	\$ -	\$ 3,154.97
TOTAL						\$ 377,790.37
TOTAL				\$ 35,964.69	\$ 341,825.68	\$ 377,790.37

Motion by Ms. Tabb to approve the accounts payable for June 20, 2013 in the amount of \$377,790.37. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070180	428	ACS GOVERNMENT SYSTEMS	51625	\$ 953.66	\$ -	\$ 953.66
070181	712	AT&T/GA		\$ -	\$ 218.93	\$ 218.93
070182	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
070183	425	CITY OF CHARLES TOWN		\$ -	\$ 6,600.00	\$ 6,600.00
070184	428	CDW-GOVERNMENT INC		\$ -	\$ 713.59	\$ 713.59
070184	428	CDW-GOVERNMENT INC		\$ -	\$ 2,343.23	\$ 2,343.23
070185	401	CHOICE STAFFING, INC.		\$ -	\$ 44.00	\$ 44.00

070186	717	DEAN'S LAWNMOWER SHOP	51589	\$ 2.44	\$ -	\$ 2.44
070187	700	FEDEX		\$ -	\$ 213.34	\$ 213.34
070188	402	VIVIAN FIELDS		\$ -	\$ 14.49	\$ 14.49
070189	717	GUTTMAN OIL CO		\$ -	\$ 9,405.06	\$ 9,405.06
070190	406	THE JOURNAL	51401	\$ 684.17	\$ -	\$ 684.17
070191	712	DR ROBERT JONES		\$ -	\$ 1,000.00	\$ 1,000.00
070192	700	WILLIAM POTTER		\$ -	\$ 250.75	\$ 250.75
070193	GRANT	RCS SECURITY		\$ -	\$ 2,612.40	\$ 2,612.40
070194	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
070194	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
070194	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
070194	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
070194	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
070194	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
070194	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
070194	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
070194	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
070194	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
070195	401	STAPLES CREDIT PLAN		\$ -	\$ 285.38	\$ 285.38
070195	412	STAPLES CREDIT PLAN		\$ -	\$ 286.35	\$ 286.35
070195	433	STAPLES CREDIT PLAN		\$ -	\$ 14.39	\$ 14.39
070195	700	STAPLES CREDIT PLAN		\$ -	\$ 2,027.23	\$ 2,027.23
070195	711	STAPLES CREDIT PLAN		\$ -	\$ 527.41	\$ 527.41
070195	712	STAPLES CREDIT PLAN		\$ -	\$ 623.08	\$ 623.08
070195	716	STAPLES CREDIT PLAN		\$ -	\$ 899.33	\$ 899.33
070196	424	SOFTWARE SYSTEMS, INC.		\$ -	\$ 19,942.04	\$ 19,942.04
070197	424	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
070198	401	VITAL SIGNS		\$ -	\$ 90.00	\$ 90.00
070199	401	WV ASSOCIATION/COUNTIES		\$ -	\$ 245.00	\$ 245.00
070199	401	WV ASSOCIATION/COUNTIES		\$ -	\$ 6,500.00	\$ 6,500.00
TOTAL						\$ 79,094.18
TOTAL				\$ 1,640.27	\$ 77,453.91	\$ 79,094.18

Motion by Ms. Widmyer to approve the accounts payable for June 27, 2013 in the amount of \$79,094.18. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Patience Wait, resident – Thanked the Commission for sending out a notice about First Energy’s scheduled maintenance power outage. Ms. Wait suggested we work out a notification system with Frontier.

George Rutherford, President NAACP – Read a letter opposing the purchase of the Harrison Plant from the NAACP.

Doug Rockwell, resident – Spoke regarding the Jefferson County Emergency Service Agency Fee Ordinance proposal. Mr. Rockwell expressed concern regarding the procedure to follow.

Danny Lutz, - Echoed Mr. Rockwell's comments regarding the Jefferson County Emergency Services Agency Fee Ordinance. Mr. Lutz opposes the acquisition of the Harrison Plant.

Ms. Miller, resident – Opposes the “Intra –Company sale” of the Harrison Plant by First Energy.

Ms. Newman, resident – Opposes the “Intra-Company sale” of the Harrison Plant by First Energy.

David Tabb, resident - Gave an update on how he believes the Commission is conducting business.

John Maxey, resident – In favor of the Resolution opposing the First Energy purchasing of the Harrison Plant.

Curt Compton, resident – Expressed strong opposition of the Jefferson County Emergency Services Agency Fee Ordinance.

PRESENTATIONS:

1. Charlene Gilliam, Manager, External Affairs, First Energy and Charles H. Friddle, III, Director of External Affairs read a statement regarding the proposed intra-company sale of the Harrison Plant and requested the Commission not adopt the resolution opposing the proposed Intra-Company sale of the Harrison Plant as this is a very complicated issue before the proper authority, the Public Service Commission.
2. First Energy Resolution for possible adoption.
 - **Motion by Ms. Widmyer to approve the Resolution of the Jefferson County Commission Opposing First Energy's Proposed Intra-Company sale of the Harrison Power Plant. Motion seconded.**
 - **Subsidiary motion by Mr. Manuel to hold over until the next meeting of the County Commission to allow the Commission to amend the Resolution as the Commission deems necessary. Motion seconded and approved on a vote of 3-2 with Mr. Pellish and Ms. Noland opposing.**
3. Peter Fricke, Charles Town Race Track Chaplaincy. Mr. Fricke presented a power-point presentation regarding his request for support of a drug/substance abuse and anger management program for race track workers in the amount of \$5,500.
 - **Motion by Ms. Widmyer to approve the request from the Charles Town Race Track Chaplaincy in the amount of \$5,500. Motion fails for a lack of a second.**
4. Laura Storm, Circuit Clerk requested the approval to hire Nicole Nobrega to a full-time position as Deputy Clerk effective July 1, 2013. The hiring will be at a grade II D with a salary of \$28,617.27 with full benefits afforded to Jefferson County Commission employees. This position is an approved position and there is money within the budget.
 - **Motion by Mr. Manuel to hire the candidate starting at a level A, referring to the Compensation Committee recommendations if the salary is to be raised. Motion seconded.**
 - **Mr. Manuel withdrew his motion, 2nd is withdrawn,**
 - **Motion by Mr. Manuel to postpone action until the next meeting with a recommendation from the Compensation Committee. Motion seconded.**

- **Motion by Ms. Tabb to go into Executive Session to discuss personal issues. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.**
 - **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Point of order by Ms. Noland. Ms. Noland stated a motion by Mr. Manuel is on the floor. Mr. Manuel withdrew his motion to “postpone action until the next meeting with a recommendation from the Compensation Committee.” Second withdrawn.**
5. Jennifer Maghan, County Clerk requested the approval of Depository Funds for Jefferson Security Bank, Branch Bank and Trust and Untied Bank. Ms. Grove spoke on behalf of Ms. Maghan and explained United Bank choose to substitute securities instead of Bonds. This is permissible by code.
- **Motion by Ms. Noland to approve the United Bank submittal substituting securities. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to approve the Depository funds as presented. Motion seconded and unanimously approved.**
6. Interviews and Appointments to the Development Authority for four-three year terms ending April 5, 2016. The following candidates submitted letters of interest and resumes for consideration of appointment and were available for interviews: Lyle C. Tabb, David L. Marshall and Shelli Dronsfield. Mr. Wilkins was unavailable.
- **Motion by Mr. Pellish to approve appointing all four of the applicants, Mr. Lyle C. Tabb, David L. Marshall, Shelli Dronsfield and Mr. Harry T. Wilkins. Motion seconded and approved on the following vote:**

	Manuel	Noland	Pellish	Tabb	Widmyer
Lyle C. Tabb	Yes	Yes	Yes	Abstain	Yes
David L. Marshall	Yes	Yes	Yes	Yes	Yes
Shelli Dronsfield	Yes	Yes	Yes	Yes	Yes
Harry T. Wilkins	Yes	Yes	Yes	Yes	Yes

7. Interviews and Appointments to the Public Service District as a Customer Liaison (CL). The CL will be appointed by the Jefferson County Commission to enhance communication between the Board of the Jefferson Public Service District and its customers. A CL will be appointed to serve until the Jefferson County Commission appoints a customer of the District or a board member becomes a customer. Mr. Charles Cheezum has submitted a letter of interest and resume for consideration of appointment.
- **Motion by Ms. Tabb to approve Mr. Charles Cheezum’s appointment to the Jefferson County Public Service District as a Customer Liaison until the Jefferson County Commission appoints a customer of the District or a board member becomes a customer. Motion seconded and unanimously approved.**

8. Interviews and Appointments to the Zoning Board of Appeals for one-three year term ending January 1, 2016. Mr. Jeffrey C. Bannon has submitted a letter of interest and resume for consideration of appointment.

- **Motion by Ms. Noland to approve the appointment of Mr. Jeffrey C. Bannon on the Zoning Board of Appeals for a one-three year term ending January 1, 2016. Motion seconded and unanimously approved.**

9. Interviews and Appointments to the West Virginia Eastern Panhandle Transportation Authority for a one-four year term ending July 1, 2016. Mr. Manuel is seeking reappointment to the Eastern Panhandle Transportation Authority.

- **Motion by Ms. Tabb to appoint Mr. Manuel to one-four year term ending July 1, 2016. Motion seconded and unanimously approved.**

10. Mike Wiley, Beallair Homes, LLC requesting the County Commission's consideration of releasing Beallair Homes, LLC for the Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions Beallair Phase 2 Subdivision and also the First Amendment to Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions Beallair Phase 2 Subdivision subject to conditions noted. Beallair Homes, LLC respectfully requests the Jefferson County Commissioner's acceptance and approval of the attached request for subsequent notation of lien release within the Agreement and Amendment executed and/or recorded at the Clerk's Land Records.

- **Motion by Ms. Widmyer to approve:**

- 1. The Beallair Subdivision, Phase 2, 71 Lots Performance Bond Construction Bond Estimates form, both subject to Staff's approval of same and final execution by Developer and Surety thereafter; and**
- 2. The release of Beallair Homes, LLC from the Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions, Beallair Phase 2 Subdivision submitted by Beallair Homes, LLC, and request the lien release to be affixed to that same document recorded in the Land Records of the Clerk of the County Commission of Jefferson County, WV, in Deed Book 1096 at Page 547, upon provision of the executed aforementioned Performance Bond; and**
- 3. The release of Beallair Homes, LLC from the First Amendment to Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions Beallair Phase 2 Subdivision and request the lien release to be affixed to that same document recorded or to be recorded in the Land Records of the clerk of the County Commission of Jefferson County, WV, upon provision of the executed aforementioned Performance Bond.**

Motion seconded and unanimously approved.

11. Roger Goodwin, Chief Engineer – Requesting complete release of the Construction Bond security for Automated Merchandising Systems, Inc. – AMS Building Expansion (File #S12-05) – Cash-in-Escrow with United Bank, Charles Town, West Virginia.

- **Motion by Ms. Noland to authorize a complete release of the remaining \$51,013.00 from the construction bond for Automated Merchandising Systems, Inc. – AMS Building Expansion (File #S12-05). Motion seconded and unanimously approved.**

Roger Goodwin, Chief Engineer – Requesting complete release of Construction Bond security for John K. Taylor – Mountain Vista Farms Subdivision, Lots 1-7 & 8 Residue (File #08-06)-Letter of Credit A#1241 with United Bank of Martinsburg, West Virginia.

- **Motion by Ms. Tabb to authorize a complete release of the remaining \$38,161.00**

construction bond amount for John K. Taylor-Mountain Vista Farms Subdivision, Lots 1-7 & Residue (File #08-06). Motion seconded and unanimously approved.

Roger Goodwin, Chief Engineer – Requesting a partial release of the Construction Bond security for Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots 1-7, 16 and 25-43 (file #04-20)-Cash-in-Escrow with United Bank, Shepherdstown, West Virginia.

- **Motion by Mr. Manuel to authorize a partial release of \$111,510.00 from the construction bond Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots 1-7, 16 & 15-43 (File #04-20). Motion seconded and unanimously approved.**

Roger Goodwin, Chief Engineer – Requesting a partial release of the Construction Bond security for RAI Group 44, LLC-Burr Industrial Park, Lot 44, Buildings A & B (File #S06-06) – Letter of Credit #276 with the Bank of Charles Town, Charles Town, West Virginia.

- **Motion by Ms. Noland to authorize a partial release of the \$22,504.00 from the construction bond for RAI Group 44, LLC-Burr Industrial Park, Lot 44, Buildings A & B (File #S06-06). Motion seconded and unanimously approved.**

**12. The Commission took a break at 12:05
The Commission reconvened at 12:15**

13. John Reisenweber, Director of the Jefferson County Development Authority and Board Members met with the County Commission to discuss the Economic Outlook of the County and update the Commissioners on the achievements of the Development Authority over the past year.

**14. The commission took a break at 1:55
The Commission reconvened at 2:05**

15. Seth Rivard, Planning, on behalf of the Department of Engineering – Requesting to schedule a Public Hearing to be held by the County Commission regarding new Stormwater Management Ordinance and associated text amendments to the 2008 Subdivision and Land Development. Ms. Keyser presented the request as Mr. Rivard was called away.

- **Motion by Ms. Noland to schedule a Public Hearing on the new Stormwater Management Ordinance and associated text amendments to the 2008 Subdivision and Land Development Regulations, on September 19, 2013 during the afternoon session of the regularly scheduled County Commission meeting. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing. Ms. Widmyer would prefer to have the Public Hearing in the evening due to the Stormwater Management issue.**

16. Doug Pittinger, Director, Jefferson County Emergency Services Agency (JCESA) – Mr. Pittinger read a statement thanking the Commission for their help during the development of the JCESA Fee Ordinance. Mr. Pittinger also expressed the opinion of the JCESA, that even though Legal Council has issued a legal opinion regarding the change in the title to include Ambulance Fee, it does not change the intent of the ordinance.

It was the consensus of the Commissioners that all amendments to the document will be made at the July 11th Commission meeting. The amended document will be voted on at the third meeting, August 1, 2013. Ms. Grove stated she would like to add legislative history to the ordinance. Mr. Manuel requested the JCESA take all versions of the ordinance off the website and only have the most current version available for citizens to see what document revisions are being made.

FINANCE DIRECTOR

Budget Revision #119 – Animal Control – No action.

Budget Revision # 121 – Other Buildings – Reduction of \$10,000 from Maintenance/Equipment and \$1,000 from Equipment Rent to be added to Electricity in the amount of \$3,000 and Materials & Supplies in the amount of \$8,000.

- **Motion to approve the budget revision as presented with the reduction of \$11,000 and the addition of \$11,000 to the accounts named on the sheet. Motion seconded and unanimously approved.**

Budget Revision #122 – Central Garage – Held over till next meeting, July 11, 2013.

Budget Revision #123 – Courthouse – No action.

Budget Revision #124 – Circuit Clerk – Did not receive documents from the Circuit Clerk to make adjustments. No action.

Budget Revision #125 – Ag Agent – Reduction of \$1,125 from Budget Line number 001-412-02-216-000-GG-00 to the following budget lines, \$850 to 001-412-01-105-000-GG-00, \$175 to 001-412-01-108-001-GG-000 and \$100 to 001-412-02-211-000-GG-000.

- **Motion by Ms. Noland to approve the adjustments as presented. Motion seconded and unanimously approved.**

Budget Revision #126 – Prosecuting Attorney – Reduction of \$133.77 from budget line number 405-2-218 to budget line number 405-02-230.

- **Motion by Ms. Noland to approve the adjustments as presented. Motion seconded and unanimously approved.**

Budget Revision #127 – County Commission – Reduction of \$117,966 from County Commission Professional Services to the following budget lines; \$68,000 to County Commission Court Costs, \$17,000 to County Commission Professional Services HRA, \$3,966 to County Commission Legal Publications and \$29,000 to County Commission Briel Building Rent.

- **Motion by Ms. Widmyer to approve the adjustments as presented. Motion seconded and unanimously approved.**

Ms. Noland requested an expenditure report for each department. Please include what each department was budgeted in 2012-2013 and what they spent, compared to what they were budgeted for the 2013-2014 year. Ms. Noland would like for these to be a side by side for comparison.

NEW BUSINESS

17. Jefferson County Policies & Procedures – Ms. Keyser stated these were policies the Commission reviewed in the past and are coming before the Commission for adoption.

Employee Assistant Program –

- **Motion by Ms. Noland to adopt Jefferson County Policy number 212 – Employee Assistant Program. Motion seconded and unanimously approved.**

Media Inquiries – No action, any Commissioner wishing to make edits, please send them to the office.

18. Request for Proposal for Jefferson County Commission Website – Requesting permission to move forward and post the RFP for the Jefferson County Commission Website.

- **Motion by Mr. Manuel to post the Request for Proposal as presented in our packet. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORT

Commissioner's Top Project Listing, Ms. Keyser stated she had incorporated the Commissioner's edits in the document. If there are any further changes, please let her know.

WV Corp Language – Deferred to a future meeting.

Ms. Keyser gave an IT Update. Ms. Keyser request developing an IT team. Employees in the County who are IT knowledgeable who could help with issues that might arise. Charlotte Hernandez, Laura Kuhn, Tori Meyers, Ryan Millbourne, Jeff Polczynski, Sandy McDonald and Todd Fagan. Ms. Keyser stated the County is years behind in IT. Ms. Keyser requested someone to assist with the IT issues. It was decided to defer this item until a later meeting.

Authorization for Ms. Brockman, Director of Planning and Zoning, to sign for Zoning Administrator until the position is filled. Ms. Keyser informed the Commission Legal Council; Stephen Groh has indicated there is no conflict.

- **Motion by Ms. Tabb to allow Ms. Brockman, Director of Planning and Zoning, to sign for the Zoning Administrator until position is filled. Motion seconded and unanimously approved.**

County Commission Association of West Virginia, WV State Auditor's Office Annual In-Service Training Seminar August 4-7, 2013. Ms. Keyser requested permission to attend the training.

- **Motion by Ms. Widmyer to authorize Ms. Keyser to attend the Annual In-Service Training Seminar August 4-7, 2013. Motion seconded and unanimously approved.**

Ms. Keyser stated the Governor's Blue Ribbon Commission on Highways has scheduled nine (9) meetings around the state. The meeting in Eastern Panhandle will be held at the Holiday Inn in Martinsburg on July 11, 2013 from 4pm to 7pm.

Ms. Keyser stated we will move forward with the July 25th Meet your Commissioner at Morgan's Grove if that is acceptable with the Commissioners calendars. The Commissioners agreed to July 25, 2013.

Ms. Keyser stated we have received only 3 resumes for the Financial Director position. We will expand our advertizing.

Preliminary guesstimate of financial estimate for the end of the year is a \$500,000 shortfall.

Ms. Keyser stated the Compensation Committee has had their first meeting; the next meeting is July 9, 2013. The committee reviewed the vision and objectives.

Ms. Keyser gave a brief review of the Ethics and Fraud training.

Commission took a break at 3:35 pm

Commission reconvened at 3:44 pm

COUNTY COMMISSIONERS REPORTS

Dale Manuel:

- Attended the Mountain Heritage Craft Fair and dipped ice cream for the Kiwanis Club.
- Attended the Jefferson County Emergency Service Agency meeting.

- Attended the Council on Aging meeting.
- Attended the retirement reception for Larry Crawford.
- Attended the Parks & Recreation meeting.
- Attended the Ranson Festival and Car Show.

Patsy Noland

- Attended the Council on Aging meeting.
- Attended the Convention and Visitors Bureau meeting.
- Attended the Ranson Festival and Car Show.
- Attended a personal Committee meeting for the Convention and Visitors Bureau.
- Attended a personal Committee meeting for the Council on Aging.

Walt Pellish

- Attended a Special audit meeting for the Solid Waste Authority.
- Attended the Development Authority Executive Committee meeting.
- Attended the Planning Commission meeting/workshop on the Stormwater Management ordinance.

Jane Tabb

- Coordinated the Farm Day.

Lyn Widmyer

- Attended the Sign Dedication of the Route 9 Bike Path, Trailhead Signs and Markers.
- Attended the Region 7 Work Investment Board for Local Officials.
- Stopped and welcomed June Parker at the Ethics Training.
- Attended a luncheon at the Eastern Panhandle Free Clinic.

Laura Storm, Circuit Clerk – Returned before the Commission after consulting with her Legal Council. Ms. Storm requested not to go into Executive Session. Ms. Storm stated she would not submit a resume for review by this body. Ms. Storm stated she is requesting the ministerial approval of an employee in the Circuit Clerks office and is asking the Commission to approve or not approve that request.

- **Motion by Mr. Pellish to grant approval to hire for the position at a Grade II, Step A or B. Motion is seconded.**
- **Mr. Manuel amended the motion to hire Nicole Nobrega at a Grade II, Step B as a Deputy Clerk. Amended motion seconded and unanimously approved.**

Ms. Storm again asked if she has the approval for the hiring of Nicole Nobrega at a Grade II Step D at

\$28,617.27. Mr. Manuel stated the motion of hiring was at a Grade II, Step B. Ms. Storm clarified that her request was denied. Ms. Storm inquired as to the salary. Ms. Storm was told \$26,585.94.

Space Needs – Executive Session

- Motion by Mr. Pellish to enter into Executive Session to consider matters involving the purchase, sale or lease of real property, as permitted by §6-9A-4-9. Motion seconded and unanimously approved.
- Motion by Mr. Pellish to come out of Executive Session. Motion seconded and unanimously approved.

Motion by Mr. Pellish to adjourn at 4:18. Motion seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectively submitted
Cynthia C. Schott
Executive Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

July 11, 2013

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ASSESSOR	51403	\$ 100.00	Association of WV Assessors	Dues - 2013-2014
	51404	\$ 250.00	Global Science & Technology	WV Assess Dog Tag
CENTRAL GARAGE	51590	\$ 809.08	Donald B. Rice	Tires
	51742	\$ 345.00	Creamers Wrecker Service	Towing Charges
	51750	\$ 1,578.53	Thomassen	Replace Throttle body & ABS
CIRCUIT CLERK	51438	\$ 360.00	Records Management Solutions	On- Site- Destruction
	51439	\$ 10,304.00	Software Systems, Inc	Postage/Contract Services
COUNTY CLERK	51629	\$ 115.00	Mr. Print	Material/Supplies
COURTHOUSE	51743	\$ 1,177.40	Daycon	Cleaning Supplies
JCECC	51666	\$ 298.00	Public Safety Training Consult.	Training Classes
	51668	\$ 778.00	APCO International	Communications Training
HOMELAND SECURITY	50009	\$ 4,000.00	Florida SARC	Training
	50010	\$ 1,800.00	Software Computer Group	1 Year Subscription
OTHER BUILDINGS	51286	\$ 1,864.00	Fidelity Power Systems	Quotes for Service
	51331	\$ 115.63	Covenat Building Maintenance	Carpet Cleaning
	51743	\$ 660.88	Daycon	Cleaning Supplies
	51745	\$ 487.50	RCS Security	Wiring doors
	51746	\$ 640.00	Central Elevator Inspection Service	Annual elevator inspections
	51747	\$ 1,800.00	Fire Safety Equipment Supply	Fire extinguishers

	51751	\$ 1,010.58	Daycon	Cleaning Supplies
PLANNING COMMISSION	50339	\$ 6,000.00	Xerox Capital Services, LLC	Maintneance Equipment
	50340	\$ 361.89	Xerox Capital Services, LLC	Maintneance Equipment
PROSECUTING ATTORNEY'S OFFICE	51638	\$ 34,000.00	West Payment Center	Annual Billing
	51639	\$ 18,000.00	Specialty Business Supplies	Annual Billing
	51640	\$ 2,500.00	Staples Credit Plan	Annual Billing
SHERIFF'S DEPARTMENT	49836	\$ 10,993.68	Dell	Upgrade for VoIP
VoIP	49831	\$ 5,484.80	IT Savvy	Upgrade for VoIP
GRAND TOTAL		\$ 89,355.49		

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Angie Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: July 11, 2013

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Exonerations

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

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

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

AGENDA REQUEST FORM

Name: William Madert

Department or Entity: Solid Waste Authority

Estimation of amount of time needed for appointment: 10 min.

Date Requested – 1st Choice: July 11, 2013

Date Requested – 2nd Choice: _____

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

Subject: **Update on activities at the Solid Waste Authority**

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): None

Are documents attached? Yes

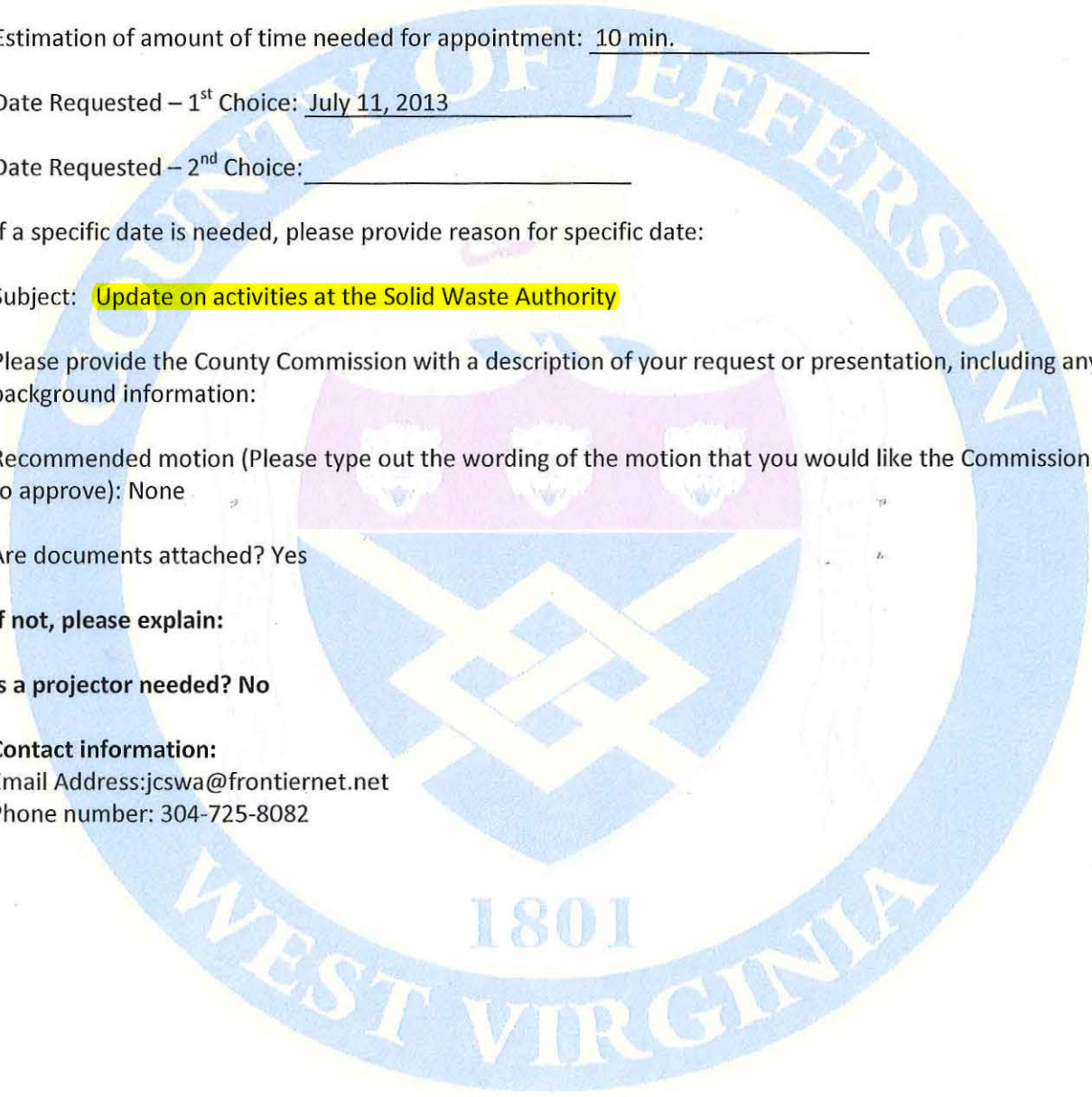
If not, please explain:

Is a projector needed? No

Contact information:

Email Address: jcswa@frontiernet.net

Phone number: 304-725-8082



Jefferson County Solid Waste Authority

Po Box 70 Ranson, WV 25438 Phone: 304-725-8082 Fax: 304-728-3811

www.jcswa.com

Jefferson County Commission
Po Box 250
Charles Town, WV 25414

Dear Commissioners,

In the fall of 2012 I came before the commission to share the concern of the Jefferson County Solid Waste Authority regarding a proposed Resource Recovery Facility seeking a certificate of need from the West Virginia Public Service Commission. I informed the County Commission of the Solid Waste Authority's position as interveners in the hearing and that the Authority was concerned about the impact the proposed facility could have on the economic viability of the Transfer Station. Since that time the hearing has concluded and Entsorga West Virginia was granted a certificate of need to proceed with the permitting and construction of the facility.

Recently, after much consideration and review of the Authority's financial position, it is clear to the Authority that the Resource Recovery Facility will have an impact on the operation of the Jefferson County Transfer Station. The opening of the facility, scheduled for the summer 2014, is estimated to reduce the amount of Municipal Solid Waste moving through the Transfer Station by approximately 10,000 tons at a cost of \$74,000.00. While the number of tons handled at the Transfer Station plays a major role in the Authority's viability, several other factors including disposal rates, operational expenses, and even the final destination of the waste have an impact on the Authority's bottom line.

In efforts to secure the future operation of the Jefferson County Transfer Station the Authority has expressed its intent to renew an operation, transportation and disposal agreement with Waste Management of West Virginia. Although the renewal of the agreement alone does not secure the financial future of the Transfer Station or related services the Authority feels the agreement is part of the solution to the loss of tonnage. The Authority is currently evaluating several scenarios in hopes to eliminate any reduction in services to the community.

We hope the County Commission will continue to be a strong supporter of the Solid Waste Authority and the Transfer Station. We will continue to keep the Commission informed of progress related to the Resource Recovery Facility and the operation of the Jefferson County Transfer Station.

Sincerely,

William Madert
Director
Jefferson County Solid Waste Authority

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Susanne Lawton or Public Service District Representative

Department or Organization: Jefferson County Public Service District

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: July 11, 2013

Date Requested - 2nd Choice: July 25, 2013

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

We prefer July 11th due to time frame for pump station improvements & associated land issues.

Subject (Wording to be placed on agenda):

Consider transfer of approximately 1/4 acre of TP 02000200010004 to Jefferson County Public Service District to be used to upgrade an existing pump station.

Please provide the County Commission with a description of your request or presentation, including any background information: JPSD owns a pump station on Industrial Blvd (Burr Ind. Park). The pump station is scheduled to be upgraded. There is no existing recorded deed giving the District ownership of the land. This ownership is requested for legal reasons.

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

Approve transfer of .25 acre of TP 02000200010004 to Jefferson County Public Service District.

Are documents attachments? Yes No

If not, explain:

They will be provided in the near future.

Is a projector needed? Yes No

Contact information:

Email address: am@jpsd.com

Phone number: 304-725-4647

JEFFERSON COUNTY DEV AUTHORITY

02000101040000

JEFFERSON COUNTY DEV AUTHORITY

02000101030000

JEFFERSON C
020

COUNTY COMMISSION OF JEFFERSON COUNTY

02000200010000

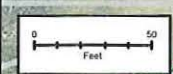
WEST VIRGINIA DIVISION OF PUBLIC SAFETY

02000200010003

COUNTY COMM OF JEFFERSON

02000200010004

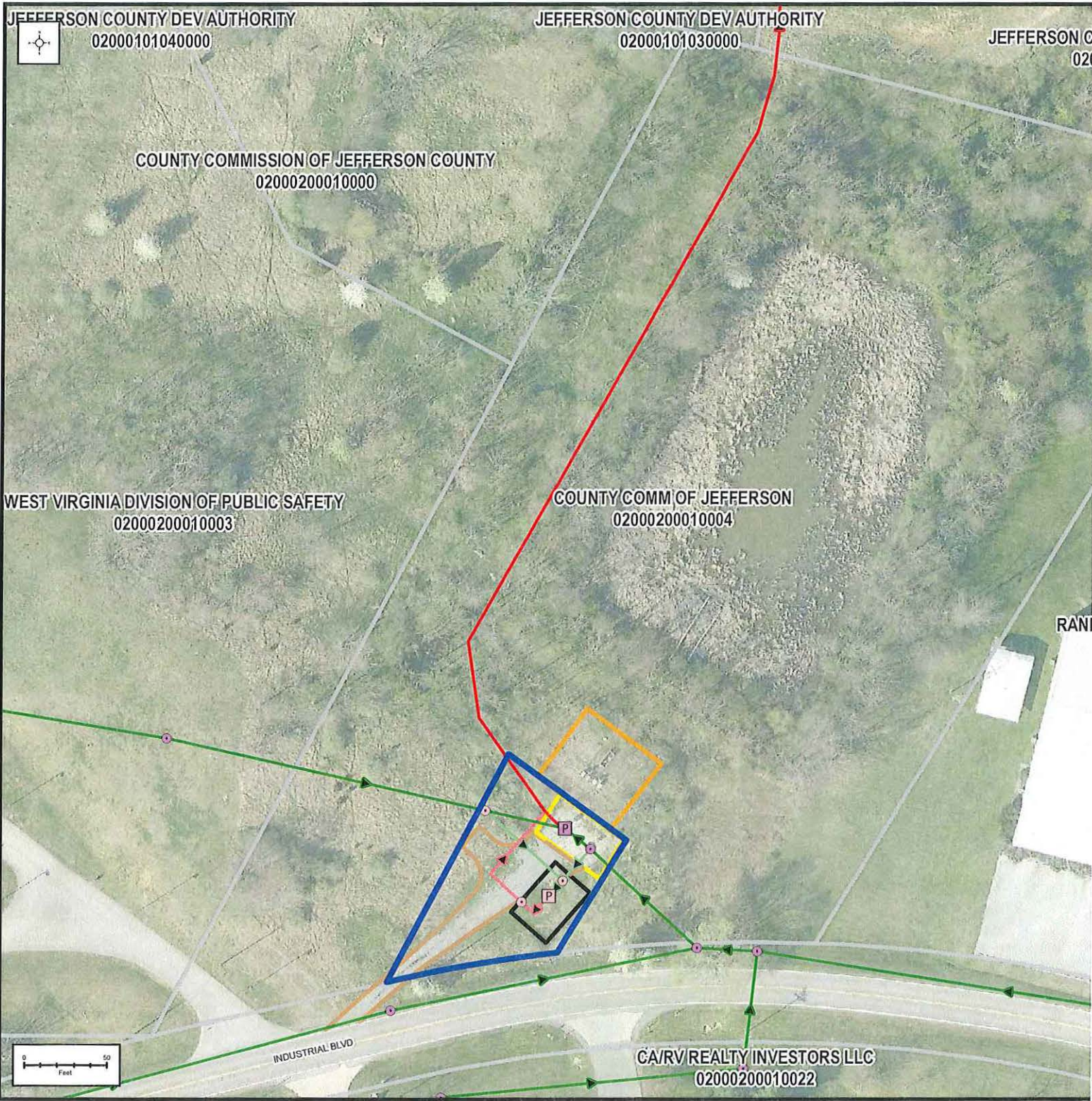
RANI



INDUSTRIAL BLVD

GA/RV/REALTY INVESTORS LLC

02000200010022



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Stephanie Grove

Department or Entity: Prosecutors Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested - 1st Choice: July 11, 2013

Date Requested - 2nd Choice: _____

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

A specific date is requested so that should the commission choose to hire a discovery commissioner they will have ample time.

Subject:

Discussion Action: October Tax Appeals

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):

No motion at this time.

Attachments:

None.

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Peter Dougherty

Department or Organization: JCSO-A/C

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: 7/11/2008

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Hire Animal Control Officer

Please provide the County Commission with a description of your request or presentation, including any background information: Hire Replacement for Joe Jacobs.

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 Elama Maze to the position of Animal Control Officer.

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 Animal Control Date 6/27/2013 Date Needed 7/15/2013

Job Title A/C officer Salary 29,286.46 Criminal History Check Yes No

Suggested Recruitment Source(s) _____

Applicants Interviewed By Colbert, Lambiotte + Sheriff Position Reports To Lambiotte

Minimum Education Required _____

Minimum Experience Required _____

Job Duties _____

Budget Information

Addition Replacement Explain or For Whom Joe Jacobs

Position Budgeted Yes No Proposed Salary 29,286.46 Date of Hire 7/15/2013

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

Safety/Security _____ Hours Per Week 40 Grade 11 Step A

Approvals

Elected Official Approval Peter H. Dwyer Date 6/27/13

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

AGENDA REQUEST FORM

Name: John Reisenweber

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 10 min.

Date Requested – 1st Choice: July 11, 2013

Date Requested – 2nd Choice: _____

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

Subject: **Possible Adoption of the Revised Commercial Impact Fee Ordinance Proposal**

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

The Jefferson County Commission held a Public Hearing on May 30, 2013 regarding the proposed revised Commercial Impact Fee Ordinance. The record was held open for two weeks to allow the public to comment. No comments have been received and the two week period has expired. We are coming before the Commission for possible adoption of the revised Commercial Impact Fee Ordinance.

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

Motion to approve/deny the revised Commercial Impact Fee Ordinance reducing Commercial Impact Fees by 99.5% beginning July 1, 2013.

Are documents attached? Yes

If not, please explain:

Is a projector needed? No

Contact information:

Email Address:

Phone number:

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 initial twenty-four (24) months 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 by ninety-nine and one half percent (99.5%) commencing on July 1, 2013 for a

period of twenty-four (24) months through the County Commission's review at the end of the twenty-four (24) month period.

- (2) At the end of the initial twenty-four (24) 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 twenty-four (24) 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.



**NOTICE OF
JEFFERSON COUNTY COMMISSION MEETING
THURSDAY, May 30, 2013
11:00 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 PURCHASE ORDERS

- May 30, 2013

APPROVAL OF ACCOUNTS PAYABLE

- May 30, 2013

PUBLIC COMMENT

PRESENTATIONS:

1. 11:00 a.m. Roger Goodwin, Chief Engineer
-Sheridan Estates Subdivision - Bonding Agreement - Discussion/Action
2. 11:30 a.m. Regional Jail Summit - Working Lunch

******* EVENING SESSION *******

3. 7:00 p.m. Public Hearing - Jefferson County Draft Revised Commercial Impact Fees Ordinance Proposal
4. **ADJOURN**

CORRESPONDENCE:

Letter from Glen B. Gainer III regarding Audits of Components Units of County Commissions.

West Virginia Lottery weekly settlement for Charles Town, May 11, 2013.

West Virginia Lottery weekly settlement for Charles Town, May 18, 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.

County Commission
Public Hearing
Draft Revised
Commercial Impact Fees
County Commission of
Jefferson County will hold a pub-
lic hearing on Thursday, May 30,
2013 at 7:00pm in the County
Commission meeting room lo-
cated at the Old Charles Town
Library. The purpose of this pub-
lic hearing is to hear public com-
ment on the Revised Commercial
Impact Fee Language Draft Ordi-
nance proposed by the Jefferson
County Development Authority.

Anyone wishing to provide
written or oral comment may do
so at this meeting or send com-
ments to info@jeffersoncounty-
wv.org.

No decisions will be made at a week for two successive weeks, in the Spirit of Jefferson
this meeting.

By Order of The County Com-
mission of Jefferson County
Dale Manuel, President
5/15/2013
r published in Charles Town, Jefferson County, West Virginia, in the issues of
May 15 & 22, 20 13,

Certificate of Publication

JEFFERSON PUBLISHING COMPANY, INC., Publisher
SPIRIT OF JEFFERSON ADVOCATE

Charles Town, W. Va. May 15 20 13

is annexed Notice

Public Hearing on the Draft Revised Commercial Impact Fees

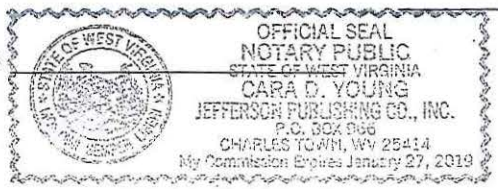
as required by law.

Robert Snyder
Editor/Manager, Spirit of Jefferson Advocate

State of West Virginia
County of Jefferson
Personally appeared before me, Robert Snyder, Editor/Manager

of the Spirit of Jefferson Advocate, and made oath that the above certificate is true and correct.

Commission expires



Cara D. Young
Notary Public

NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a public hearing on Thursday, May 30, 2013 at 7:00 p.m. in the county Commission meeting room located at the Old Charles town Library, 200 East Washington Street, Charles Town, WV 25414.

At this meeting, there will be public input on the Revised Commercial Impact Fee Language Draft Ordinance proposed by the Jefferson County Development Authority.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to info@jeffersoncountywv.org.

No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County
Dale Manuel
President

JEFFERSON COUNTY COMMISSION
PUBLIC HEARING
JEFFERSON COUNTY DEVELOPMENT AUTHORITY - DRAFT REVISED
COMMERCIAL IMPACT FEE ORDINANCE PROPOSAL
CHARLES TOWN LIBRARY
MAY 30, 2013 - 7:00 P.M.
SIGN IN SHEET

NAME	ADDRESS	EMAIL
1 Eleanor Finn	37 Butcher Ct Shep 21443	eleanor_finn yahoo.com
2 John Resnowell	Keacneysville	john@jeda.net
3 PETER ONOSZKO	13 Ambrose Court Charles Town, WV 25414	ponoszko@comcast.net
4 David Tabb		
5 Matt Knott	River Riders	
6		
7		
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SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at The Old Charles Town Library, 200 E. Washington Street, Charles Town, WV 25414 thereof on Thursday, May 30, 2013, beginning at 7:00 o'clock p.m.

PRESENT: Dale Manuel, President
Walt Pellish, Vice President,
Patsy Noland and Jane Tabb; Commissioners
Debbie Keyser, County Administrator and Cynthia Schott, Administrative Assistant

RE: **PUBLIC HEARING – On a Draft Revised Commercial Impact Fee Ordinance Proposal by the Jefferson County Development Authority**

A sign in sheet was provided for anyone wishing to address the Commission.

Commissioner Manuel called the meeting to order at 7:00 p.m.

The following citizens addressed the Commission:

1. Eleanor Finn, Shepherdstown – Read a letter on behalf of the League of Women Voters opposing the reduction in impact fees.
2. John Reisenweber – Director of the Jefferson County Development Authority spoke in favor of the two year pilot program on behalf of the Board of the Development Authority.
3. Peter Onoszko, resident – Is in favor of the ordinance as written.
4. David Tabb, resident – Spoke in favor of the proposed ordinance.
5. Matt Knott, owner of River Riders – Is in favor of the ordinance as written.

With there being no further citizens to address the Commission, Commissioner Manuel called the Public Hearing closed. Commissioner Manuel stated written comments will be accepted by mail or email for two weeks.

Upon rising, the Commission recessed at 7:30 p.m. until Thursday morning next beginning at 9:30 o'clock a.m.

DALE MANUEL, COMMISSION PRESIDENT

Respectively submitted
Cynthia C. Schott
Administrative Assistant

LWV STATEMENT TO THE COUNTY COMMISSION
PUBLIC HEARING ON RESCINDING COMMERCIAL IMPACT FEES
MAY 30, 2013

Impact fees are being discussed again in Jefferson County. The pressure is on to eliminate or greatly reduce them. Here is what the League of Women Voters of Jefferson County wants you to know:

Impact fees are funds paid by anyone who builds a new home in Jefferson County. The purpose of the fee is to cover the cost of public facilities that will be used by the homeowners that are moving in. The fees must be paid to the county before a building permit will be issued. The amount is carefully calculated using the actual county expenditures for services that the county currently provides its citizens. Those fees are then extended incrementally for one more new house or one more business to all development in the county. The impact fee is a one-time payment and not a tax.

Impact fees provide support for Jefferson County's population growth. The money goes to schools to educate new students, emergency services to enable police, fire and medical protection to serve the newcomers, and for parks. Other communities also impose fees for environmental impacts like stormwater management, municipal services like sewer and water, or public facilities like libraries or public meeting places. Jefferson County does not. Fees are charged for development only to the degree that the newcomers will use the service. For example, new homes mean that schools for children moving in will be needed, but businesses do not add to school populations, so new business development is not charged school impact fees. The fees are calculated for each type of housing or business based on the existing level of service for the new development. Without impact fees in the county, existing residents would have to be taxed to cover these capital costs.

Today, impact fees imposed on development are \$13,070 for a single family home. Fees are calculated for different housing types. They pay for schools, fire departments, emergency medical services, parks, and law enforcement. Fees collected in the last five years (2006 through 2012) total \$19,844,068. This includes \$18,669,718 for new school construction in Jefferson County. In addition, the school impact fee monies have been used to obtain state matching funds from the School Building Authority in the amount of \$40,821,361. If these funds had not been collected, there would have been an additional taxpayer obligation to upgrade the schools. The school system would have had to request a bond.

The League of Women Voters supports the continuation of impact fees because it permits growth without reduction in the quality of life for our community. Impact fees insure that development pays for itself. We hope you agree

For more information and a breakdown of costs, please visit the League of Women Voters website at www.civicwomen.org <<http://www.civicwomen.org/>>

Eleanor Finn
304-876-8489



**EASTERN PANHANDLE
HOME BUILDERS ASSOCIATION**

430 Randolph Street, Suite C • Martinsburg, West Virginia 25401 • phone: 304-267-4710
Fax: 866-709-7808 • e-mail: info@easternwvhomebuilders.org • www.easternwvhomebuilders.org



May 28, 2013

Mr. Dale Manuel, President
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Via email to cschott@jeffersoncountywv.org

Dear President Manuel:

On behalf of the Eastern Panhandle Home Builders Association and our more than 190 members, I would like to offer our comment in support of the proposed ordinance amendment to reduce the Jefferson County Impact Fee for commercial building permits.

In a highly competitive environment, companies consider every cost of doing business before making large capital investments. The significant reduction of the impact fee for commercial building permits will allow current projects under consideration as well as future projects within the two year time frame to move forward without the added cost of an impact fee. The opportunity to grow Jefferson County's economy and create additional jobs would certainly be improved by your action to approve this amendment.

Thank you for considering this comment in support of reduction of impact fees for commercial projects as outlined in the hearing notice.

Sincerely,

A handwritten signature in blue ink that reads 'Greg Janes'.

Greg Janes
2013 EPHBA President

AGENDA REQUEST FORM

Name: JEFFERSON COUNTY EMERGENCY SERVICE AGENCY PROPOSED FEE ORDINANCE

Department or Entity: Requested by the County Commission

Estimation of amount of time needed for appointment: 20 min

Date Requested – 1st Choice: June 27, 2013

Date Requested – 2nd Choice: _____

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

Please schedule for three (3) Commission Meetings:

June 27, 2013

July 11, 2013

August 1, 2013

Subject:

Reading/Review/Edits of the Jefferson County Emergency Service Agency Fee Ordinance

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

Reviews and edits are due to the Commission at this meeting

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

No Motion at this time.

Are documents attached? yes

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



REVISED ~~May 21, 2013~~ June 12, 2013

Approved by JCESA Board

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

419 Sixteenth Avenue

Ranson, WV 25438

E-mail – jcesa@jcesa.org

Telephone – 304-728-3287

JEFFERSON COUNTY SPECIAL EMERGENCY AMBULANCE SERVICE FEE ORDINANCE

SECTION 1 - LEGISLATIVE AUTHORITY

This Ordinance concerns the imposition and collection of a special emergency ambulance service fee and is adopted under the authority of Chapter 7, Article 15, Section 17, of the Code of West Virginia, as amended.

SECTION 2 - PURPOSE

This Ordinance is enacted by the Jefferson County Commission for the purpose of providing career Fire Fighter/Paramedics and Fire Fighter/EMTs to staffing and maintaining an adequate emergency ambulance system within the geographic boundaries of Jefferson County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Jefferson County and reduce property loss. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

SECTION 3 - DEFINITIONS

RESIDENTIAL UNIT – Means any place of residence, whether occupied or unoccupied, as classified by the records of the Jefferson County Assessor, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, rental units, and personal care facilities. In the case of a structure which contains multiple dwelling units, such as duplexes and apartments, each apartment unit or duplex unit shall be deemed to be a separate residential unit.

COMMERCIAL UNIT – Means any place of business including hotel/motel, industrial/warehouse, institutional, nursing homes as classified by the records of the Jefferson County Assessor.

OWNER – Means the person, firm or corporation listed in the records of the Jefferson County Assessor possessing exclusive rights and control of a property.

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY
Page 2

USER – Means any person, firm or corporation to whom emergency ambulance transport service is made available.

EMERGENCY AMBULANCE SYSTEM – Any emergency ambulance service provided pursuant to this ordinance including fire and ambulance.

SPECIAL EMERGENCY AMBULANCE SERVICE FEE – Means the fee imposed by the Jefferson County Commission through this Ordinance and collected from the users of emergency ambulance service within Jefferson County.

SECTION 4 - RATES

The Special Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Jefferson County Fiscal Year July 1 to June 30. The Special Emergency Ambulance Service Fee established by this Ordinance shall depend upon the total square footage of the building as set forth below:

	<u>Square Feet</u>	<u>Amount</u>
(a) Residential	0-1,600	\$55.00
	1,601-3,000	\$75.00
	3,001+	\$85.00
(b) Commercial	0-2,500	\$85.00
	0-2,500	\$115.00
	2,501-7,500	\$215.00
	2,501-25,000	\$500.00
	7,501-20,000	\$520.00
	20,001-35,000	\$995.00
	35,001-50,000	\$1,270.00
	25,001 & Up	\$1,000.00 with a cap of \$1,000.00
	50,001-75,000	\$1,520.00 per parcel
	75,001-100,000	\$2,220.00
Over 100,000	\$2,200.00 plus \$.0030 per sq Over 100K	

Said fee may be adjusted annually upon approval of the Jefferson County Commission. The fee shall be the responsibility of the owner of the unit.

The Fee imposed under this ordinance shall be due and payable September 30 of each year. The Fee assessed and levied under the provisions of the ordinance shall be a debt due the Jefferson County Emergency Services Agency and shall be a personal obligation of the owner of the unit. Failure to pay the fee by the due date will result in delinquent status.

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY
Page 3

Delinquent fees may be, at the discretion of JCESA recovered by the JCESA through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the JCESA is authorized to recover its court costs and attorney's fees and costs.

For accounts paid on or after October 1 through December 31 the fee shall increase by 15 percent. For accounts paid on or after January 1 through March 31, the fee shall increase again by 15 percent. A summary follows:

Unit Type	If Paid On or Before September 30	If Paid On or After October 1 to December 31	If Paid On or After January 1 to March 31
	Full Year	Full Year	Full Year
Residential	55	63	73
	75	86	99
	85	98	112
Commercial	115 85	132 98	152 112
	215 500	247 575	284 661
	520 1,000	598 1,150	688 1,323
	995	1,144	1,316
	1,270	1,464	1,680
	1,520	1,748	2,010
	2,220	2,553	2,936
	2,220+	2,553+	2,936+

If any person believes he or she is erroneously charged an emergency service fee, the JCESA shall provide, upon the person's request, an exoneration form. The form shall be completed and returned to the JCESA no later than September 30 of the Fiscal Year for which the fee applies. The JCESA shall, within a reasonable time, cause to be investigated any request for exoneration. The JCESA shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the County Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, an appeal may be filed with the Circuit Court of Jefferson County.

This ordinance shall be published once a week for two successive weeks in a qualified newspaper published in this county.

SECTION 5 - RATE INCREASES

It's About Saving Lives...

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

Page 4

The service of ambulance protection shall be continued, maintained, and improved by the Jefferson County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and collected as set forth in this Ordinance. In the event the JCESA determines an increase in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission for such an increase. Procedures set for in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

SECTION 6 - EFFECTIVE DATE

This Ordinance shall become effective June 30, 2013. The fee assessed and levied by this ordinance shall be for services rendered from July 1, 2013 to June 30, 2014, and each fiscal year thereafter.

SECTION 7 - MANAGEMENT OF PROCEEDS

The proceeds from the imposition and collection of the Special Emergency Ambulance Service Fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of Jefferson County. The proceeds may be used to pay for, in whole or in part, the establishment, maintenance and operation of the Jefferson County Emergency Services Agency including the hiring of Fire Fighter/Paramedics and Fire Fighter/EMTs, as provided for in Senate Bill 224 (passed March 8, 2008), and Article 15, Chapter 7 of the West Virginia Code. Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary.

SECTION 8 - BUDGET DEVELOPMENT

The Jefferson County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the JCESA within Jefferson County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held in conjunction with the regular January Board of Directors meeting in order to provide JCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Jefferson County Commission.

It's About Saving Lives...

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY
Page 5

In conjunction with the submission requirements of the Commission, JCESA shall prepare a regular JCESA budget for County Funds and shall prepare a supplemental budget detailing the upcoming Fiscal Year projections for the special emergency ambulance fund. The Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

SECTION 9 - DATA USED FOR ASSESSMENT OF FEES

Upon completion of the annual budget for the Fund, JCESA shall request the Assessor to provide it with a list of all residential and commercial units and commercial square footage within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following July 1. Each residential and commercial unit shall have an account established in the name of the owner of that unit and a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor will further provide monthly updates to JCESA so that the database can be maintained on a current basis.

SECTION 10 - COLLECTION OF DELINQUENT ACCOUNTS

In mid-January, letters shall be sent to all delinquent accounts as a status reminder including a notice that delinquent accounts will be submitted for collection. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

Owners of residential and commercial units will be responsible for reporting to JCESA incorrect billing information to avoid collections.

SECTION 11 - BUSINESS MANAGER FUNDS AND POSITIONS

~~JCESA will appoint a Business Manager to manage the Fund who will report to the JCESA Director and Board of Directors and manage the day-to-day operations of billing and collection of the Fee. Funds will be allocated in the annual budget to pay reasonable and necessary expenses of running a business office.~~ Funds will be allocated to hire nine (9) Fire Fighter/Paramedics and Fire Fighter/EMTs.

SECTION 12 - AMENDMENTS AND SEVERABILITY

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

It's About Saving Lives...

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable and effective.

This Ordinance shall become effective on June 30, 2013.

Approved by

AGENDA REQUEST FORM

Name: _____

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 min.

Date Requested – 1st Choice: July 11, 2013

Date Requested – 2nd Choice: _____

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

Subject: **FirstEnergy Resolution for possible adoption**

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

Patience Wait requested the County Commission adopt a resolution opposing FirstEnergy's proposed "intra-company" sale of the Harrison Power Plant. The Commission referred the resolution to counsel for review. Changes were made and brought before the Commission on June 13, 2013. The Commission requested hearing from FirstEnergy before any action. FirstEnergy appeared before the Commission on June 27, 2013. At that time, the Commission expressed interest in submitting edits to the resolution with the edited resolution coming back before the Commission for possible consideration of adoption.

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

Motion to approve/deny the edited resolution opposing FirstEnergy's proposed intra-company" sale of the Harrison Power Plant as edited and direct the President to affix his signature to the document.

Are documents attached? Yes

If not, please explain:

Is a projector needed? No

Contact information:

Email Address:

Phone number:

A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION OPPOSING FIRSTENERGY'S
PROPOSED INTRA-COMPANY SALE OF THE HARRISON POWER PLANT

WHEREAS, the Jefferson County Commission, Jefferson County, West Virginia, has been elected to serve and protect the collective interest of its residents; and

WHEREAS, upon information and belief, the proposed intra-company sale of the Harrison Power Plant by and between subsidiaries of FirstEnergy Corporation sets a price well outside competitive market norms; and

WHEREAS, the intra-company sale has been proposed without regard to determining the least expensive, most cost-effective solution for Jefferson County residents, businesses, organizations, and governments; and

WHEREAS, upon information and belief, FirstEnergy has informed other audiences the purpose of the sale is to raise cash to improve its balance sheet, rather than to maintain a reliable source of electricity for its West Virginia service area, including Jefferson County; and

WHEREAS, upon information and belief, FirstEnergy has informed other audiences that the Harrison Power Plant will continue to operate regardless of the status of the sale, thus posing no threat to either electricity supply or employment at the plant; and

WHEREAS, this proposal would jeopardize the economic welfare of all residents of Jefferson County through its locking-in of coal-fired generation for 30 years or longer, rather than diversifying fuel sources for least-cost solutions; and

WHEREAS, this proposal will result in increased electricity costs to Jefferson County, its residents, businesses, organizations, and governments, who will pay a portion of the purchase price, interest, and operation costs for 30 years or longer; and

WHEREAS, FirstEnergy has included in the proposed sale price approximately \$500 million in merger costs from its acquisition of Allegheny Energy, despite the West Virginia Public Service Commission requirement that merger costs shall not be passed on to ratepayers; and

WHEREAS, the Office of the Consumer Advocate of West Virginia strongly opposes the intra-company sale of the Harrison Power Plant on the grounds that it violates West Virginia state law;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby oppose the intra-company sale of the Harrison Power Plant; and

BE IT FURTHER RESOLVED, that the Jefferson County Commission expresses support for and agreement with other counties, businesses, organizations, and the Consumer Advocate's Division that oppose the intra-company purchase of the Harrison Power Plant.

Date:

DALE MANUEL, PRESIDENT
JEFFERSON COUNTY COMMISSION
JEFFERSON COUNTY, WEST VIRGINIA

AGENDA REQUEST FORM
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 – 1st Choice: ~~June 27, 2013~~ July 11, 2013
Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): **Approval of Internal Budget Revisions**

Please provide the County Commission with a description of your request or presentation, including any background information: **Internal Budget Revision #124 – Circuit Clerk**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Motion to approve Internal Budget Revision #124 – Circuit Clerk

Are documents attachments? Yes No
If not, explain:

Is a projector needed? Yes No

Contact information:
Email address: _____
Phone number: _____

REPORT DATE 06/26/2013
 SYSTEM DATE 06/26/2013
 FILES ID A

JEFFERSON COUNTY COMMISSION
 STATEMENT OF EXPENDITURES, ENCUMBRANCES & APPROPRIATIONS
 GENERAL FUND
 AS OF 06/2013

PAGE 1
 TIME 17:04:18
 USER COMMISSION

	APPROPRIATIONS (REVISED)	MONTH-TO-DATE EXPENDITURES	YEAR-TO-DATE EXPENDITURES	OUTSTANDING ENCUMBRANCES	UNENCUMBERED BALANCE	EXPENDED and ENCUMBERED %
001-403-01-101-000-GG-000 CIR CLK OFFICIAL SALARY	55440.00	4264.56	55440.00			100.00
001-403-01-103-000-GG-000 CIR CLK SALARY AND WAGES	354232.17	24569.14	347692.45		6539.72	98.15
001-403-01-104-000-GG-000 CIR CLK FICA EXPENSE	25771.68	1688.90	24110.31		1661.37	93.55
001-403-01-104-001-GG-000 CIR CLK MEDICARE EXPENSE	6027.25	394.97	5638.38		388.87	93.54
001-403-01-105-000-GG-000 CIR CLK GROUP INSURANCE	113521.10	9495.23	111885.29		1635.81	98.55
001-403-01-106-000-GG-000 CIR CLK RETIREMENT	57494.10	4025.51	56200.24		1293.86	97.74
001-403-01-108-001-GG-000 CIR CLK OVERTIME	1000.00	142.12	650.46		349.54	65.04
001-403-01-108-002-GG-000 CIR CLK P-TIME/EXTRA HELP	5000.00		2964.00		2036.00	59.28
001-403-02-214-000-GG-000 CIR CLK TRAVEL	1300.00		1106.71		193.29	85.13
001-403-02-216-000-GG-000 CIR CLK MAIN/REP-EQUIPMNT	3965.00		2365.17		1599.83	59.65
001-403-02-220-000-GG-000 CIR CLK ADS/LEGAL PUBS	135.00		135.00			100.00
001-403-02-221-000-GG-000 CIR CLK TRAIN/EDUCATION	500.00		199.00		301.00	39.80
001-403-02-222-000-GG-000 CIR CLK DUES/SUBSCRIPTION	300.00		100.00		200.00	33.33
001-403-02-230-000-GG-000 CIR CLK CONTRCTD SERVICES	20053.00	1265.59	22851.53	461.02	-3259.55	116.25
001-403-03-341-000-GG-000 CIR CLK MATERIALS/SUPPLY	13000.00	77.81	11652.99		1347.01	89.63
001-403-03-342-000-GG-000 CIR CLK RECORD BOOKS	447.00		446.81		.19	99.95
001-403-03-353-000-GG-000 CIR CLK COMPUTER SOFTWARE			499.00		-499.00	
TOTALS FOR CIRCUIT CLERK	658186.30	45923.83	643937.34	461.02	13787.94	97.90

IT Assignments

SSI	Misc. Vendors	Accurate Systems	Charlotte	IT Person - 6 month contract
Printers	AST & CSSI: Used by several depts to assist w/their IT issues and developed their software	VOIP	Campus Computer issues (Downtown & Bardane)	Develop request for active directory for Dept Mgrs and Pros. Attorney. Implement if approved.
Entire Payroll System - AS400	Ipswitch: Email issues	Internal switches and fiber as it relates to VOIP	Campus Printer Issues (Downtown & Bardane)	Develop procedures and monitor for internal use of ticketing system.
Entire Budget System - AS400	Barracuda: Spam filter	CAD System	Assist with computer and printer issues for contingency agencies	Review scanner/printer options for CC to search documents by word.
Internet Connection for AS400/Supreme Court	Verizon, Frontier & Comcast: Internet issues	Assist with development of telephone policy	Manage vendor communication	Assist with RFP vendor meetings for website. Assist with vendor bidding, selection and implementation.
Set up query for upcoming ACA requirements for entire state	ESRI: Arc Gis - Todd's system		Webserver: Develop code and manage website, troubleshoot	Assist Todd with Document imagine RFP vendor selection and implementation.
Compensation Study??	IBM/Eaton: Problems with AS400 UPS		Change backup tapes for AS400; Validate software is backed up	Develop a policy/procedures for when computers need to be replaced. Computer replacement scheduled cycle.
Move AS400	WVNET: issues related to WVNET internet network		Email server: add users, troubleshoot, research problems, backup registry, manage lists and services, backups, calendars	Develop a policy/procedures to determine brand of computers, software, and what can be downloaded by individuals.
Set up query for upcoming ACA requirements for entire state	Network Solutions: manages our domain registry		Raidserver: add users, drives, troubleshoot	Develop how to best manage/track IT assets working with Maintenance
	Supreme Court: contact when Magistrate Xpress goes down		Webserver: manage apache server, backups of database and software forms	Develop procedures to encrypt files for sending via email
	Insight AV Services: library microphone/audi o system		MailArchiva: manage services	Assist with setting up department calendars
			Sophos server: clean infected machines, manage services.	IT Training for Commissioners so everyone is at same level.

SSI	Misc. Vendors	Accurate Systems	Charlotte	IT Person - 6 month contract
			Develop department processes and procedures	Provide a back-up to Charlotte when she is sick or on vacation to assist with computer issues; or if there is a problem Charlotte can't resolve.
			Troubleshoot and configure iPads and iPhones	Review vendors/market?
			Backup switch, router configuration	Develop security plan and policies
			Assess security of network and respond to threats	Develop comprehensive log management, discovery and backup procedures and policies
			County Clerk server: manage users and backup system, recover data, troubleshoot	Research software license use in the county
			Prosecuting Attorney server: manage users and drives, case management, troubleshooting, VOCA	Develop patch management procedures and policies
			Manage LogMeIn accounts, installations	Understand virtualization concepts and how we can use these tools. Present ideas/improvements.
			In the future: Manage Watchguard	Develop remote control access for IT to streamline processes without being physically present.
			Webcast software: manage Windows Media Server, troubleshoot	Buy proper testing equipment so Maintenance can implement and test computer lines to avoid paying vendors.
			Ticketing server: install, develop, and manage tickets	Understand County IT structure and develop vision/strategic 5 year plan
			Cable Station: develop and manage content, connections	Validation of all servers (web; email; AS400, etc.)
			Data recovery	Patch management experience and recommendation for the County.
			New employee processing (computer, software, email, shared drives, etc)	Assist with misc. on-site user issues that Charlotte never has the time to get to.

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: July 11, 2013

Date Requested – 2nd Choice: _____

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

Subject: **Discussion and Possible Action Related to a Budget Amendment to Allow the Development of an Access Management Study and Draft Ordinance for US 340 South**

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

In December 2012, the County Commission transferred \$13,661 to the Department of Planning budget for the purpose of a focused effort on US 340 South. In light of the current staff workload with the Comprehensive Plan and various text amendments, staff brainstormed ideas related to a focused effort on this corridor with the HEPMPO staff and with WV DOH planning staff. One goal for this corridor that was discussed with them is how to minimize the access points and potential future traffic lights along this stretch of road when the widening occurs. There is a provision in state law which allows a local government to draft an access management ordinance for adoption locally that would be a tool for DOH to use during its design and permitting processes. We were also advised that the County could chose to utilize the HEPMPO consultants through a contract with the HEPMPO but that \$13,661 was not likely to be sufficient. At that point money was set aside from the Department of Planning Professional Services FY 13 budget to allow a total of \$20,000 to be dedicated to such a study; however, at the time the FY 14 budget was being prepared the plan was to encumber those funds prior to the end of the Fiscal Year and the \$20,000 was therefore not put in the FY 14 budget.

Based on the input received from HEPMPO and WV DOH, a request was made to the HEPMPO consultants to draft a scope of work that would address these access management issues and that would allow their staff to primarily manage the public input process for such an effort. Attached is a draft scope of work estimated to cost approximately \$20,000. Because these funds were not encumbered prior to the end of June, before we can proceed with any further discussion on this proposal, the Department of Planning is requesting that the County Commission reinstate the \$13,661 US 340 South funds plus \$6,339 out of the remaining budgeted amount in the Professional Services line for a total of \$20,000 additional funds in the Department of Planning FY 14 Budget dedicated solely to this project.

If the funding is approved, staff will pursue this proposed Scope of Work and bring it back to the County Commission for their approval when it is finalized.

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

I move to approve reinstating \$20,000 to the Department of Planning FY 2014 budget dedicated solely to a US 340 South Planning study to be finalized later (\$13,661 received from the Eastern Panhandle Transportation Authority and \$6,339 from the Department of Planning's FY 13 Professional Services line item).

Attachment:

Draft Scope of Work for US340 South Access Management Ordinance



Draft Scope of Work Outline US340 South Access Management Ordinance

Project Description:

Develop an access management ordinance covering US 340 south from Charles Town to the southern Jefferson county boundary with Virginia.

Scope of Work Outline:

- I. Review existing studies and ordinances
 - a. Review existing land development and subdivision ordinances in vicinity of US340 (southern portion). Identify barriers/integration issues in implementing access management strategies.
 - b. Conduct a roadway inventory to identify existing problem areas. Map and identify problem areas (show the link between existing and future land use).
 - c. Prioritize problem areas
- II. Facilitate stakeholder meeting (Meeting #1)
 - a. Assemble US340 alternative designs for limited access facility (provided by county)
 - b. Facilitate discussions of alignment alternatives of US 340, potential issues and strategy alternatives
 - c. Meeting notes and summary
- III. Define and assign a classification system to existing roadways in vicinity of US340.
 - a. Define categories based on level of importance of roadway, characteristics of roadway and land use goals and objectives
 - b. Establish the desired level of access control.
- IV. Define model access management ordinance
 - a. Assess best practices for access management ordinances
 - b. Assess integration with other zoning/subdivision/land development ordinances
 - c. Assess linkages with local comprehensive plans
 - d. Identify priorities and responsible parties for roadway improvements
 - e. Establish thresholds or conditions determining when a traffic impact study is required
 - f. Develop a model ordinance for review
- V. Review draft model ordinance with county engineer and planning staff (Conference Call / Meeting #2)
 - a. Update per comments
- VI. Finalize ordinance and supporting documentation
 - a. Prepare summary memo documenting need for ordinance
 - b. Prepare final model ordinance
- VII. Presentation of ordinance to county commissioners (Meeting #3)

Jefferson County GIS/Addressing Office

DEPARTMENTAL MEMORANDUM

TO: Jefferson County Commission
Debbie Keyser, County Administrator

FROM: Todd Fagan, GIS Director

DATE: July 11th, 2013

SUBJECT: GIS Department Quarterly Update Report- 2013, 2nd Quarter



1. PROJECTS COMPLETED

- a. Content Management System (CMS) and Digital Imaging Services (scanning)
 - i. Pre-Proposal Conference held 4/26, Bids received 5/14, Bids evaluated by committee 6/12, Monthly Grant reporting for both since Nov 2012
- b. Migrated GIS data to Local Government Information Model to support CAD and internet mapping applications with Assessor's Office
- c. Achieved 96.3% match rate between our addresses and Census Bureau's data bases. Our rate is above the national average of 86% and allows for more efficient change detection and updates in USCB's data and helps their American Community Survey and 2020 Census preparation.
- d. Attended and presented Jefferson County Addressing Methods at 2 conferences, US Census Bureau 4/18-19 and WV Assoc. of Geospatial Professionals, 5/13-14
- e. Jessica Gormont awarded GISP certification 6/16/13. Completed GIS/Addressing staff performance reviews

2. PROJECTS IN PROGRESS

- a. Address Compliance Project Status – (map attached)
 - i. project overall 77% complete in unincorporated areas (14,568 out of 18,896)
 - ii. 76% compliant on 1st field check, raised to 94% or more after letters, communication and violation notices
 - iii. 2,677 homes and businesses newly posted
 - iv. Only 36 properties have reached violation or criminal complaint stage
{29 cases dismissed, 6 active cases (1 warrant + 5 filed), and 1 fine paid}
 - v. **Overwhelming positive results, <1% of non-compliant owners make it to Magistrate Court. 99% post their address accordingly.**
 - vi. Additional project benefits include GIS address removals (188), businesses and apartments added (40), gates/obstructions mapped (33), illegal signs removed (25), new road names created (22), road signs replaced or repaired (87) and impervious surfaces documented. Field Work has also led to classification of all addressable structures reviewed to date (residential, commercial, industrial, utility, recreational, etc.)

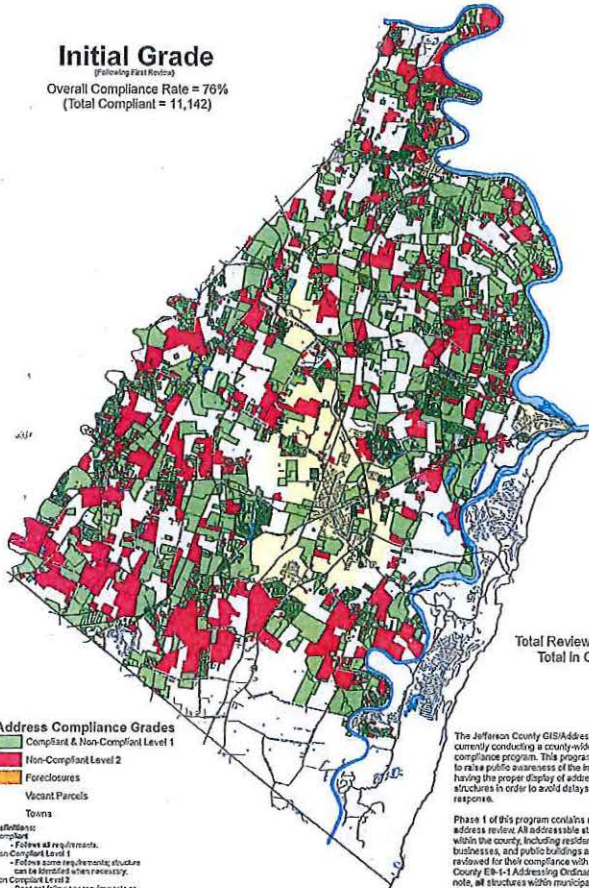
3. COMMISSION SHOULD BE AWARE OF:

- a. Capital Outlay Request for Content Management System (CMS)
 - i. 3 CMS and 4 Digital Imaging vendor demonstrations are scheduled for July 16th to July 26th. **Commissioners invited to attend.**
 - ii. Anticipate bid award by end of August 2013.
 - iii. Upcoming Commission vote necessary to move \$15,000 (or more) into Capital Fund line item upon selection of winning bidders in CMS & Scanning projects
- b. Two position reclassifications will be submitted to Compensation Review Committee

Jefferson County Address Compliance Program - Phase 1 Status

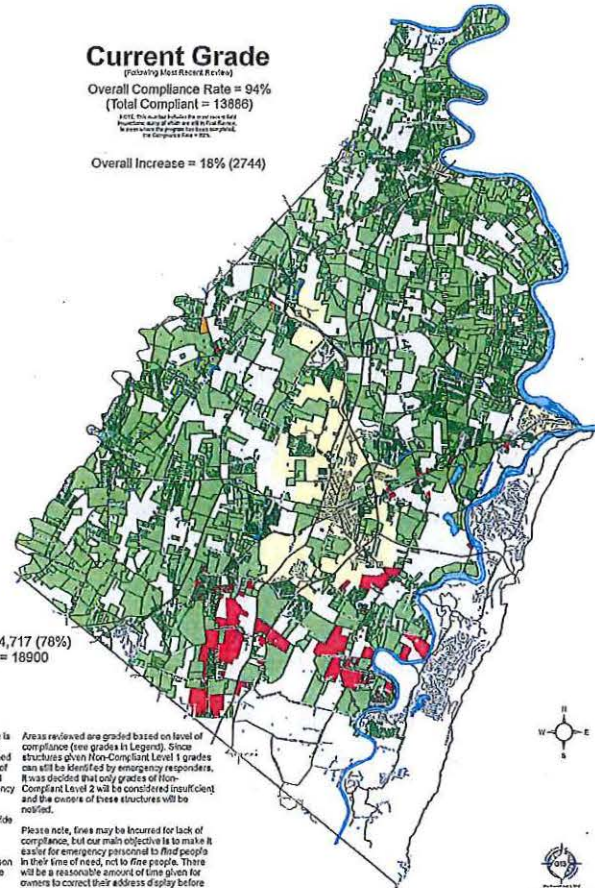
Initial Grade

(Following First Review)
 Overall Compliance Rate = 76%
 (Total Compliant = 11,142)



Current Grade

(Following Most Recent Review)
 Overall Compliance Rate = 94%
 (Total Compliant = 13886)



Overall Increase = 18% (2744)

Total Reviewed = 14,717 (78%)
 Total In County = 18900

Address Compliance Grades

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

Details:
 Compliant
 - Follows all requirements.
 Non-Compliant Level 1
 - Follows some requirements; structures can be identified when necessary.
 Non-Compliant Level 2
 - Does not follow any requirements or displays address in incorrect.

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

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

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

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





Jefferson County Homeland Security and Emergency Management
Quarterly Report to the Jefferson County Commission
April-June, 2013

Projects Completed:

The Director successfully wrote a grant application to WVMAPS for DHS grant, requesting \$4,000 to hold the Small Animals Awareness Sheltering Training. This grant application was approved.

Coordinated with local responders and EOC participants, and participated in the WV Homeland Security Region III EPA Table Top Exercise, SAT DOWN at the James Rumsey Technical Center in Berkeley County on June 26.

Coordinated and participated in the VA Center's Full Scale Exercise on April 4.

Coordinated and participated in the Jefferson County LEPC's "Winds of Change" Table Top Exercise on April 26

Held C.E.R.T. Course April-May.

Director attended WV Emergency Manager's Council Conference in June in Wheeling.

Director attended the WV Floodplain Manager's Workshop at Canaan Valley Institute.

Participated in Eastern Panhandle Emergency Management Agency Meetings in April and June, 2013.

Deputy Director attended the Emergency Management Institute's Community Rating System Training in May.

PIO attended the Emergency Management Institute's Advanced Public Information Officer's Course in June.

Participated in the Resilient Neighbors Network Conference Calls, April, May and June.

Participated in Roberts Rules of Order meeting in April.

Participated in Department Head Meetings in April, May and June.

Attended the Ethics Workshop in June.

Took CPR and First Aid Training on May 15 and 16th.

All JCHSEM staff participated in the Blood Drive at the Library on May 22

Completed all staff Performance Reviews in June.

Mentoring visit with Kevin Taylor, City of Beckley, regarding resources on April 9th. Mentoring visit with Geremey Engle, Student at APU, on April 13th.

Mentoring visit with Jennifer Kerr in May.

Director spoke at the Envision Jefferson County Lunch N Learn, April 17

Participated in a Stakeholder meeting with WV Division of Homeland Security and Emergency Management on the State's Hazard Mitigation Plan at Cacapon State Park on April 8, 2013.

Risk Assessment and Mitigation Plan (Update for 2013)-Approved by WVDHSEM and FEMA. Approved locally by the County Commission and all localities.

Partnership Meeting held at The Anvil, Stephen Story from the Salvation Army was the speaker on April 24

Monthly meetings held: Public Awareness, Training, and Education Committee; Jefferson County LEPC; Steering Committee; Counter Terrorism Committee.

Amateur Radio Operators tested equipment in our building on the first Thursday of the month.

Coordinated and participated in the Mobilizing Faith Based Organizations During Disaster Course held at The Clarion in Shepherdstown on April 25

Coordinated a familiarization tour to the Millville Dam for the JCHSEM staff and LEPC.

Final Jennings Randolph Dam Lake exercise meeting and tour of the dam, May 22nd. Attended by the Director and Deputy Director.

Deputy Director's achievement of "Advanced Professional Series", April 3rd.

Participated in Bark in the Park event with information about preparing pets for disasters on June 1 at Jefferson Memorial Park.

Director participated in the Building Safety and Security Meeting in June.

Completed the LEPC's Emergency Plan/Hazardous Materials Annex

Reviewed the Jefferson County Department of Health's Mass Fatalities Plan Draft

Sent out 361 Letters to residents who live in or near a floodplain suggesting that they purchase flood insurance and simple mitigation techniques. This is a Community Rating System of the National Flood Insurance Program annual project.

Tested all JCHSEM equipment and online/web based programs in June.

Sent emergency public weather watches/warnings by text, email, twitter, facebook, and nixle for all weather watches and warnings involving Jefferson County.

Reviewed FEMA's 2013 National Preparedness Report

Reviewed West Virginia's After Action Report for Hurricane Sandy.

Projects Working on Now:

Disaster Ready Kids Program from June-September.

Emergency Operations Plan and Resource Manual 2013 Update

FEMA IPAWS integration with Jefferson County through WVDHSEM's ETEAM Program. IPAWS is Integrated Public Alert and Warning System.

Identification, nomination, and training of PIV-I trusted agents to operate the credentialing kiosk in conjunction with WVDHSEM's credentialing program in WV Homeland Security Region III.

Jefferson County Fair Booth

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:

Arrangements are being made for the next Quarterly Partnership Luncheon .

The WV Homeland Security Region III Functional Exercise will be held on August 9th, with the Full Scale Exercise on Saturday, September 14th. The EOC will be activated for the Full Scale Exercise.

JCHSEM is hosting the Small Animals Disaster Sheltering Course on July 15/16th in the Maintenance Department Conference Room and the Sheriff's Building garage area. This is a state training, funded through the grant that you recently approved.

JCHSEM/LEPC will have a booth at the Jefferson County Fair. Our booth and the tickets for the volunteers to work the booth will be paid for by the LEPC. Fair dates are August 18-24, 2013.

The WV SERC/LEPC Conference will be held in Charleston on August 25-28th.

Our office is working with the WV Dam Safety Office to arrange a training for Dam Owners and Emergency Managers to be held in Jefferson County this summer or early fall.

We are working with the WV Department of Military Affairs and Public Safety to bring the TEEX Course, Emergency Operations Center/Incident Command Center Training to Jefferson County in October for local EOC participants and emergency responders.



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

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

To: Jefferson County Commission
Deborah Keyser, County Administrator

From: Douglas M. Pittinger, Director

A handwritten signature in blue ink, appearing to read "DMP", is written over the name "Douglas M. Pittinger".

Date: July 01, 2013

Re: JCESA Quarterly Update Report

1. Projects Undertaken:

- a. Continue to work towards the implementation of the Jefferson County Fire & EMS Emergency Services Fee Ordinance with County Commission.
- b. Standardize County wide Fire & EMS operational guidelines
- c. JCESA sponsored numerous training classes and participate in others:
 - 1) Eastern Panhandle Training Week-End in April
 - 2) AHA Basic CPR & First Aid County programs monthly
 - 3) Quarterly Squad Medical Director Training programs
 - 4) WVOEMS 124 Hour EMT Program Jan thru June
 - 5) West Virginia EMS / TSN Conference in April
 - 6) West Virginia State EMS Conference in April
 - 7) AHA Basic Provider Courses for fire departments
- d. Created EMS Protocol Committee to review the inconsistencies in the existing and newly created state EMS protocols.

2. Projects Completed:

- a. Developed Emergency Service Fee chart showing several options for funding amounts for County Commission review.
- b. Continue to increased JCESA emergency medical service instructor base in several fields.
- c. Completed a controlled substance registration certificate for the Drug Enforcement Administration on behalf of JCESA to purchase, inventory and disburse Schedule II & III narcotics as an EMS provider.
- d. Renewed the State of West Virginia Board of Pharmacy Controlled Substance Permit on behalf of JCESA to purchase, inventory and disburse Schedule II, III, IV & V as an EMS provider.

3. Projects Proposed / Underway:

- a. Develop and fund a training program for JCESA employees.
- b. Create a MOU with County fire departments/companies.
- c. Continue to work with Jefferson County Administrator on Loudoun County issues with Jefferson County receiving mutual aid responses.
- d. Impact fee generator acquisition for two units for Blue Ridge Mt Fire (Main Station & Sub Station).
- e. Prepare FEMA AFG Grant for County wide Fire & EMS replacement of LifePak 12 to LikePak 15 Defibrillator / Heart Monitors at a total request to exceed \$650,000.
- f. Prepared and submitted five (5) grant request for EMS equipment that totaled \$55,340.00.
- g. Directors continue to regularly attend numerous meeting:
 - 1) County Leadership
 - 2) EMS Chiefs monthly meetings
 - 3) Fire Chiefs monthly meetings
 - 4) Fire & Rescue Association meetings quarterly
 - 5) County Commission meeting
 - 6) Stephanie Grove, Esq
 - 7) Jefferson Memorial Hospital ED Management
 - 8) US Custom & Border EMS Management
 - 9) VFIS Insurance / Jeffrey Molinda, Esq.
 - 10) Brian Peterson, Esq.

4. Projects Requiring Commission Attention:

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

Quarterly Report
Jefferson County Historic Landmarks Commission
April 1, 2013 through June 30, 2013
July 5, 2013

1. Projects Undertaken

- a. Cement Mill Property transfer to NPS
- b. Peter Burr Farm
 - i. Bread Baking and Interpretive activities
- c. Snow Hill/Poor House Improvements
 - i. Contract for Historic Resources Report
- d. WV GeoExplorer project – sponsor and coordinate
- e. JCHLC Archives transfer to SU Library
- f. Hosting Shepherd University summer intern, 400 hours
- g. Site Reviews

2. Projects Completed

- a. Cement Mill National Register Nomination submitted to WVSHPO
- b. Pack Horse Ford National Register Nomination submitted to MD SHPO
- c. Transfer JCHLC archives to Shepherd University Library for storage
- d. Submitted grant application(s) for funding WV GeoExplorer project
- e. Site Reviews
 - i. GSA building at Burr Industrial Park

3. Projects Proposed

- a. Designation of six additional JC Landmarks by fall 2013
- b. PVAS Summer day camp at Peter Burr Farm
- c. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools
- d. Countywide survey of significant barns and farmsteads

4. Items Requiring Jefferson County Commission Attention

- a. None at this time

Submitted by
Martin Burke
Chairman, JCHLC





Meet and Converse with your

Jefferson County

Commissioners

Where: Morgan's Grove Park
4198 Kearneysville Pike
Shepherdstown, WV 25443

When: Thursday, July 25, 2013

Time: 5:00 p.m.—7:00 p.m.

*Questions regarding the event should be directed to
the Jefferson County Commission: 304-728-3284*

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Energy Forward Blog

[FirstEnergy's Proposed Deal on Harrison Plant: A Good Deal for Its Shareholders, and a Really Bad Deal for Mon Power Ratepayers](#)

James Van Nostrand
May 5, 2013

Charleston Gazette
March 30, 2013

[Sales of Coal Power Plants Raise Concerns](#)
Ken Ward

As reported by Ken Ward in the Charleston Gazette, a number of questions are being raised about FirstEnergy's proposal to transfer ownership of 80% of the Harrison coal plant to Mon Power. The Harrison coal plant is a huge, 1984-megawatt (MW) facility built in the early 1970s in Haywood, West Virginia. Mon Power currently owns 20% of the plant, and the remaining 80% is owned by an unregulated FirstEnergy affiliate, Allegheny Energy Supply Company. Due

to coal plant closings, Mon Power is purportedly 938 MW short of capacity, and is proposing to acquire the 1576 MW installed capacity in Harrison that it does not already own. (As part of the deal, Mon Power is proposing to sell 100 MW of capacity in its Pleasants Power Station to AE Supply, for a net capacity addition of 1476 MW.) Approval of the proposed deal is currently pending before the West Virginia Public Service Commission (PSC).

From this author's analysis of the application to the PSC, the proposed deal is a bad one for Mon Power ratepayers (and the author is one such ratepayer), and should be rejected by the PSC. Perhaps the terms of the deal can be rehabilitated through conditions that the PSC could attach to its approval. As currently proposed, however, the application is sorely deficient, and fails to meet the "public interest" standard necessary for its approval. The deficiencies include the following:

The Proposed transaction would give Mon Power more capacity than it needs, thereby precluding any role for energy efficiency, natural gas-fired generation, or wholesale market purchases. As noted above, Mon Power claims to be 938 MW short of capacity in 2013, and the transaction would add 1476 MW of new capacity (1576 MW from Harrison, less 100 MW of Pleasant being sold). Thus, Mon Power's capacity needs will be much more than filled by additional coal plant capacity. Given the excess capacity situation that would be created, there will be a strong disincentive for FirstEnergy to promote energy efficiency (which would simply exacerbate the excess capacity position). Moreover, there will be no room in Mon Power's resource strategy for the possibility of including some natural gas-fired generation in its portfolio of resources. Finally, there will be no room in Mon Power's resource strategy for wholesale market purchases, which are substantially cheaper than the Harrison plant acquisition. PJM wholesale prices are down 29% over the past year, due largely to cheap natural gas-fired generation, and wholesale prices are likely to remain relatively low for the foreseeable future. By filling its entire capacity needs (and then some) with the Harrison plant purchase, Mon Power will be precluded from pursuing other, cheaper options, such as energy efficiency, natural gas-fired generation, and purchases from the wholesale market. The Center for Energy and Sustainable Development has prepared a [Discussion Paper on Integrated Resource Planning](#) that highlights the reasons for a diversified portfolio mix, including natural gas-fired generation, renewable energy resources, and energy efficiency.

FirstEnergy completely ignores energy efficiency as an alternative, even for a portion of the needed capacity. FirstEnergy's "Resource Plan" states that "demand side resource options are not a viable solution capable of meeting Mon Power's obligations . . . [as they] do not address energy shortfalls as significant as the shortfall faced by Mon Power." [Resource Plan, p. 56] Admittedly, energy efficiency programs cannot be ramped up quickly enough to make up a [claimed] capacity deficit of 938 MW. But energy efficiency, at 3-4¢/kWh, is substantially less than the 7.4¢/kWh that FirstEnergy is proposing to charge Mon Power customers for Harrison's output. FirstEnergy needs to start treating energy efficiency as a resource, alongside supply-side options; this is a good proceeding to illustrate the comparative advantages of investments in energy efficiency versus buying an over-priced 40+ year-old coal plant. FirstEnergy has virtually no energy efficiency program offerings for its West Virginia customers, to help them manage their energy costs. First Energy's energy efficiency programs in West Virginia were established to save 0.5% in 5 years, which is lower than the level being achieved in 40 other states. As far as actual results, FirstEnergy didn't even reach 0.1% savings in the first year. The Center for

Energy and Sustainable Development has prepared a [Discussion Paper on Energy Efficiency](#) that makes the case for increased investments in energy efficiency in West Virginia, and by FirstEnergy in particular.

The price for the Harrison plant acquisition is inflated far above what utility regulators ever would allow, by reference to generally accepted ratemaking principles. The net book value of the plant, based on “original cost depreciated” (the basis for ratemaking under the FERC Uniform System of Accounts, and followed by virtually every PUC in the country), is \$574 million [\$1.24 billion less \$667.3 million in accumulated depreciation]. FirstEnergy is proposing to include an “acquisition adjustment” of \$589.6 million that would more than double the acquisition cost of the plant for West Virginia ratepayers, to \$1.163 billion. This “acquisition adjustment” is purportedly based upon “a purchase accounting fair value measurement component . . . related to the completion of the FirstEnergy/Allegheny merger in February 2011.” [Wise Testimony, p. 7] FirstEnergy claims that without PSC approval to include the unamortized portion of the acquisition adjustment in rate based until it is fully amortized, “Mon Power will not proceed with the transaction.” [Wise Testimony, p. 7] As a regulatory attorney for 22 years in the Pacific Northwest who has handled the regulatory approvals for 7 different merger deals in front of 6 different PUCs in the West, this author can represent that these “fair value adjustments,” also known as “goodwill” adjustments, are NEVER recovered from utility ratepayers. Regulatory ratemaking principles simply do not allow it; rates are based on *original cost depreciated of rate base assets*, not some “fair market value adjustment” based on some utility deciding to overpay to acquire another utility. There is no basis for ratepayers being burdened with FirstEnergy’s foolish decision to overpay to acquire Allegheny. Most regulatory approvals of mergers, and all 7 of the deals in which this author was involved, impose conditions precluding the utility from ever seeking to recover such acquisition adjustments in rates. While this author has not personally reviewed the order approving the FirstEnergy/Allegheny merger, it is my understanding that FirstEnergy agreed to such a condition in connection with receiving regulatory approval of the merger.

The numbers for the transaction defy common sense, apart from what generally accepted ratemaking principles or the Uniform System of Accounts require. The value of the 20% of the Harrison plant already owned by Mon Power on its books is \$319/kW, while the proposed purchase price for the remaining 80% is \$767/kW. This price disparity is inexplicable, given that there is nothing physically different in the four-fifths of the plant not owned by Mon Power versus the one fifth of the plant that Mon Power already owns. Are the electrons coming from the Allegheny Energy Supply side of the plant really worth 2½ times the value of the electrons from the Mon Power side of the plant? Try explaining that to the average FirstEnergy ratepayer in West Virginia.

The price for the Harrison plant acquisition is substantially overstated and does not reflect the current value of the plant. Recent, comparable coal plant transactions provide some guidance on what used coal plants are selling for these days. It is interesting that FirstEnergy claims an upward \$589.6 million adjustment to the price of Harrison based on “accounting fair value” at the time of the FirstEnergy/Allegheny merger, yet does not want to consider what the Harrison plant’s fair market value might be today. Such an “accounting fair value” adjustment would go in the other direction, as Harrison is currently worth far less than the price being sought

by FirstEnergy from Mon Power ratepayers. Based on recent transactions, even the original cost depreciated figure of \$574 million is substantially higher than market value, and a bad deal for Mon Power customers.

- In a transaction announced in March 2013, Dynegy is acquiring 4561 MW of super-critical coal capacity from Ameren for \$825 million, or a cost per kW of \$180.88
- In a transaction announced in March 2013, Energy Capital Partners is acquiring 2868 MW of super-critical coal capacity and 1424 of natural gas-fired capacity from Dominion for \$650 million, or a cost per kW of \$130
- In a transaction announced in August 2012, Riverstone Holdings is acquiring 2265 MW of super-critical coal capacity from Exelon for \$400 million, or a cost per kW of \$176.60

Under FirstEnergy's proposed transaction price of \$1.163 billion, the cost per kW is \$785.91, or almost 5 times higher than the average per kW price from recent transactions. Even using original cost depreciated for Harrison of \$574 million, the cost per kW would be \$388, or almost 2½ times higher than the average per kW price from recent transactions. The market value of Harrison, based on the average price from the above recent transactions (\$171.45 per kW) is \$253 million.

FirstEnergy's "resource plan" fails to consider and properly evaluate the various alternatives. FirstEnergy included a "resource plan" in its filing, which attempted to justify the purchase of the Harrison plant as an outcome preferred to other "alternatives" purportedly analyzed in the document. Market purchases, or relying on power purchases from the wholesale market, was the primary alternative identified in the "resource plan." But the wholesale price projections used in FirstEnergy's "resource plan," and upon which FirstEnergy rejected market purchases as an alternative, are based upon outdated, inaccurately high—about 30% too high—projections of Henry Hub natural gas market prices. On this point, compare [Figure 16 on page 21 of the "resource plan" with recent natural gas price forecasts from the Energy Information Administration](#) and the difference is obvious. The effect? The "analysis" substantially overstates the cost of the "alternative," which makes the Harrison plant transaction look relatively cheaper by comparison.

Moreover, the "analysis" in the "resource plan" fails utterly to evaluate the risks associated with exclusive reliance on coal-fired generation. If the Harrison plant transaction is approved, it would preclude any diversification in Mon Power's energy supply portfolio, which would be virtually 100% coal-fired. Mon Power would be dependent on two 40-plus year old coal plants (Harrison and Ft. Martin) for 90% of its internal generation. That lack of diversification very likely puts the ratepayers at risk for significant cost increases when replacement capacity is needed for those plants. The "resource plan" also does not analyze the risk to ratepayers from coal price volatility, even though they will be extremely exposed if this transfer goes through.

The transaction appears to be an integral part of FirstEnergy's financial restructuring. Why should West Virginia ratepayers be expected to bail out FirstEnergy's management for bad resource acquisition decisions? FirstEnergy's baseload capacity factor was 64% in 2012, down

from 84% in 2008. Low natural gas prices are clearly hurting FirstEnergy's competitive generation segment. FirstEnergy is also targeting substantial debt paydown this year in its competitive generation segment (\$1.4 billion), which appears to be a major driver of the Harrison plant transaction. In addition to selling off Harrison, it has announced plans to sell off some pumped hydro units and possibly additional assets.

The transaction, if approved, should reflect terms that are fair to West Virginia ratepayers, and that accommodate some resource diversity for Mon Power. The transaction, as currently proposed, is a bad deal for Mon Power customers. Mon Power would be substantially overpaying for a 40-year old coal plant that is in excess of its capacity needs, and the acquisition would preclude Mon Power from pursuing cheaper alternatives, such as natural gas-fired generation, wholesale market purchases, and energy efficiency. There is some sentiment, of course, for Mon Power "stepping up" to acquire this plant, given that most of the coal burned at the plant is from the nearby Robinson Run #95 mine, owned by Consol Energy. The argument is that failure to "do this deal" would jeopardize the plant's future operation, and the mining jobs that are directly associated with the plant's fuel supply.

These arguments miss the point, however, with respect to the impact on Mon Power ratepayers. The transaction, as currently proposed, is nothing but a financial bail-out for FirstEnergy's shareholders. The plant will not cease operating if Mon Power does not do this deal. No coal miners will lose their jobs if Mon Power does not do this deal. Rather, FirstEnergy will be subject to the wholesale power marketplace, and will be forced to sell the output at competitively determined prices rather than the inflated price – 7.4 cents/kWh – FirstEnergy is proposing in this transaction. The transaction as currently proposed puts the consequences of FirstEnergy's imprudent resource acquisition decisions on the backs of the Mon Power ratepayers, and that is an unjust and unreasonable outcome. FirstEnergy's shareholders, not Mon Power ratepayers, should bear the consequences if the Harrison Plant output must be sold into the wholesale power markets at prices that fail to capture the profit margin that FirstEnergy's unregulated affiliate deems necessary. The Public Service Commission needs to step up on this one and make a decision that is in the best long-term interests of Mon Power customers, and that properly places the impact of the Harrison Plant's apparent uneconomic competitiveness on the backs of the FirstEnergy shareholders, where the risk belongs.

If the Commission decides that Mon Power should expand its ownership of the Harrison Plant beyond its current 20% share, that acquisition should be (1) scaled down in price to reflect no more than the current market value of the plant, and (2) scaled down in size to correspond with Mon Power's current capacity needs, while leaving some room for cheaper alternatives such as natural gas-fired generation, wholesale market purchases, and energy efficiency. The best solution would be to require Mon Power to issue a Request for Proposals, to really test the market for the alternatives that currently exist to meet Mon Power's existing capacity needs. The RFP process would allow FirstEnergy to offer a portion of the Harrison Plant on terms that need to be competitive with other market-based alternatives, and FirstEnergy's shareholders would bear the consequences of any shortfall between covering the Harrison plant costs and the competitively derived price. And by scaling down the magnitude of the acquisition to something more closely corresponding to Mon Power's claimed capacity needs – about 900 MW – rather than the 1476 MW proposed in the transaction, Mon Power would have the flexibility to pursue

cheaper alternatives that are in the best long-term interests of its customers, such as natural gas-fired generation, wholesale market purchases, and energy efficiency.

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Center for Energy and Sustainable Development
West Virginia University College of Law
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June/July, 2013

Jefferson County Commissioners:

Dale Manuel, President

Walt Pellish, V. President

Patsy Noiland

Jane Tabb

Lyn Widmyer

Jefferson County Homeland Security and Emergency Management Steering Committee:

John Sherwood, Chair

Ed Smith, Vice Chair Fire and Rescue Representative

Jeff Jeffries, Health Representative

Katherine Dunbar, Good Shepherd Inter-Faith Caregivers

Mason Carter, Jefferson County Department of Engineering

Jeffrey Polczynski, ENR, Jefferson County Emergency Communications Center

Jane Tabb, County Commission Representative

Kelly Parsons, Nichols, DeHaven & Associates

Pete Dougherty, Jefferson County Sheriff

Chuck Ellison, Frontier Communications, Utility Representative.

John Reisenwebber, Jefferson County Development Authority

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

Holly Morgan-Frye, Shepherd University Service Learning Program

Staff:

Barbara Miller, CEM, CFM Director

Terri Mehling, Planner/Program Manager/Deputy Director

Jessica Owens, Administrative Assistant, Public Information Officer and Volunteer Coordinator

Quarterly Partnership Meeting July 24 Sheriff, Pete Dougherty to speak

The first Quarterly Partnership Luncheon of Fiscal Year 2014 will be held at The Bavarian Inn in Shepherdstown on Wednesday, July 24 at Noon in the Hunt Room. The Speaker for the event will be Jefferson County Sheriff, Pete Dougherty. He will be giving an update on the Sheriff's Department since he came onboard earlier this year.

There will also be an update from JCHSEM on upcoming events, exercises, and trainings.

The cost for the luncheon is \$15.00, inclusive of tip and tax, and is payable to The Bavarian Inn at the door.

This will be a buffet luncheon with Field Green Salad with marinated mushroom, tomato Rhineland vinaigrette; Chicken Marsala with sliced mushrooms and marsala wine sauce, pasta primavera, fresh pasta tossed with garden vegetables with a sun dried tomato sauce, whipped potatoes, vegetable medley, assorted warm bread, assorted brownies, cookies, and petit fours, coffee/tea/soda.

Reservations are required and can be made by contacting Terri Mehling at 304-728-3329 or emailing to tmehling@jeffersoncountywv.org as soon as possible, but no later than July 18th.



2013 Hurricane Season Kicks off with Tropical Storm Andrea

2013 Hurricane Names

Below you will find the listing of hurricane names for the Atlantic Ocean for the year 2013. For every year, there is a pre-approved list of tropical storm and hurricane names. These lists have been generated by the National Hurricane Center since 1953. At first, the lists consisted of only female names; however, since 1979, the lists alternate between male and female. Hurricanes are named alphabetically from the list in chronological order.

- Andrea
- Barry
- Chantal
- Dorian
- Erin
- Fernand
- Gabrielle
- Humberto
- Ingrid
- Jerry
- Karen
- Lorenzo
- Melissa
- Nestor
- Olga
- Pablo
- Rebekah
- Sebastien
- Tanya
- Van
- Wendy



Hurricane Sandy
Oct. 29, 2012

Weather forecasters are predicting an extremely active 2013 Hurricane Season as the U.S. East Coast is bracing for what could be a damaging and deadly hurricane season triggered by unusual climate conditions, according to officials at the National Oceanic and Atmospheric Administration.

Meteorologists say the confluence of warm tropical waters and the slim chance of a cyclone-suppressing El Niño event may fuel three to six major hurricanes over the course of the summer. Major hurricanes are defined as Category 3 or above.

Five days into the 2013 Hurricane Season, Tropical Storm Andrea formed in the Gulf of Mexico and storm warnings went into effect on both of Florida's coasts and continued up the East Coast with expectations of heavy rains, possible high winds, and a chance of tornados in some locations.

Before a Hurricane—Yes, this far inland!

To prepare for a hurricane that could affect your property this far inland, you should take the following measures:

To begin preparing, you should build an emergency kit and make a family communications plan. Remember to also plan for your pets and/or livestock.

Know your surroundings.

Determine where you would go and how you would get there if you needed to evacuate your home for any reason.

Make plans to secure your property.

Be sure trees and shrubs around your home are well trimmed so they are more wind resistant.

Clear loose and clogged rain gutters and downspouts.

Reinforce your garage doors; if wind enters a garage it can cause dangerous and expensive structural damage.

Plan to bring in all outdoor furniture, decorations, garbage cans and anything else that is not tied down.

Install a generator for emergencies.

Stay Informed! Sign up for NIXLE Alerts to receive weather information and alerts from JCHSEM during emergencies. Text your Jefferson County zip code to 88877, when it replies, text again JCHSEM to begin receiving our alerts.

Hurricanes sometimes stall out over West Virginia often and can cause heavy rains that can cause extensive flood damage in floodplain and floodway areas. Everyone who is at risk and should consider flood insurance protection. Flood insurance is the only way to financially protect your property or business from flood damage. You must purchase flood insurance at least 30 days prior to any storm for it to be in effect. To learn more about your flooding risk and how to protect yourself and your business, visit the Federal Insurance and Mitigation Administration (NFIP) Web site, www.floodsmart.gov or call 1-800-427-2419.

Basic Disaster Supplies Kit

A disaster supplies kit is simply a collection of basic items your household may need in the event of an emergency.

Try to assemble your kit well in advance of an emergency. You may have to evacuate at a moment's notice and take essentials with you. You will probably not have time to search for the supplies you need or shop for them.

You may need to survive on your own after an emergency. This means having your own food, water and other supplies in sufficient quantity to last for at least 72 hours. Local officials and relief workers will be on the scene after a disaster but they cannot reach everyone immediately. You could get help in hours or it might take days.

Additionally, basic services such as electricity, gas, water, sewage treatment and telephones may be cut off for days or even a week, or longer. Your supplies kit should contain items to help you manage during these outages.

A basic emergency supply kit could include the following recommended items:

- Water, one gallon of water per person per day for at least two weeks, for drinking and sanitation
- Food, at least a two-week supply of non-perishable food
- Battery-powered or hand crank radio and a NOAA Weather Radio with tone alert and extra batteries for both
- Flashlight and extra batteries
- First aid kit
- Whistle to signal for help
- Dust mask to help filter contaminated air and plastic sheeting and duct tape to shelter-in-place
- Moist towelettes, garbage bags and plastic ties for personal sanitation
- Wrench or pliers to turn off utilities.
- Manual can opener for food
- Local /Regional maps
- Cell phone with chargers, inverter or solar charger
- First Aid Kit—Also everyone in the family who is old enough should be trained in First Aid
- Clothing for all members of the family
- STURDY shoes for all family members
- Supplies for your pets and/or farm animals
- Supplies for elderly or members of the family with special needs
- Supplies for the babies in your household



VOLUNTEER OPPORTUNITIES

Awareness Level Small Animal Emergency Sheltering Class

This course is a ONE DAY course. It will be held on Monday, July 15 from 0800-1700 at the Jefferson County Maintenance Building at 128 Industrial Blvd., Kearneysville, WV. There is a limit of 40 persons. If we exceed 40 people, we will have a second class on Tuesday, July 16th. Lunch is on your own.

Justification: Each year thousands of animals are affected by disasters in our country. West Virginia may be affected by tornados, floods, fire, hurricanes and more. When disaster strikes, we want to be there for the WHOLE family, including pets.

Course Topics: Personal Preparedness, Overview of the Incident Command System, Deployment Preparedness, Assisting in Shelter Set Up, Daily Care and Feeding, Proper Cage Cleaning and disinfection, Animal Behavior, Stress Management, Zoonotic Disease, Personal Safety, and more. This class will be taught by members of the Florida State Animal Coalition (FL-SARC). The course is certified by the Florida Department of Emergency Management, course code FL-003-RESP.

Prerequisites:

IS-100.b Introduction to Command System
IS-700.a NIMS, an Introduction
IS-200.b ICS for Single Resources and Initial Action Incidents

Recommended:

IS-10.a Animals in Disaster
IS-11.a Livestock in Disaster
IS-111.a Livestock in Disaster
IS-5a Introduction to Hazardous Materials
IS-288 The Role of Voluntary Agencies in Emergency Management

You must be over the age of 18 to take this class!

To register, please send the following information to bmiller@jeffersoncountywv.org

Name

Address

Email

Mobile Phone number

Are you Over the Age of 18?

This course is free, due to a grant received from the State Administrative Agency. It is open to all West Virginia counties.

Questions should be directed to bmiller@jeffersoncountywv.org or to 304-728-3290.





Jefferson LEPC to host Mass Fatalities Conference October 29-30, 2013

The Jefferson County Local Emergency Planning Committee will host the 2013 Mass Fatalities Conference in beautiful and historic Harpers Ferry, WV on October 29-30, 2013. This conference will bring together various disciplines from across West Virginia and our partners in Virginia, Maryland, and Washington, D.C. to explore past incidents, discuss lessons learned and define best practices to enhance future response and decision-making in these complex disasters. The presentations given during this conference will be led by speakers with extensive disaster response background to include United Flight 93 on 9/11, Pentagon 9/11, Hurricane Katrina, the Sago Mine disaster, the Haiti Earthquake, and the Cameron mine explosion. Registration is \$169 per person. You can get the Early Bird Discount rate of \$145 if you register prior to June 30th. Registration, hotel information, speakers bios and opportunities for both vendors and sponsors can be found on the L.E.P.C.'s conference website at : <http://www.jeffersonlepc.org/>

West Virginia State Emergency Response Commission to host WV LEPC/SERC Conference in August

The 19th annual West Virginia LEPC/SERC Conference will be held August 26-28, 2013 at The Charleston Marriott, Charleston, WV. Watch for additional information on the WV Division of Homeland Security and Emergency Management's website or contact Melissa Buckley at 304-558-5380 or [Melis-sa.d.Buckley@wv.gov](mailto:sa.d.Buckley@wv.gov)

Jefferson County Fair-Need Volunteers for our Booth!

The Jefferson County Local Emergency Planning Committee will be paying for our booth space again this year and will also be working the booth, along with JCHSEM Staff and Volunteers. If you would like to work a shift in our booth, please go to CERVIS, our web-based volunteer management system and log in using your username and password. Go to Events on your dashboard, then click on 2013 Jefferson County Fair. You will be able to see what shifts are available and be able to choose the shift you would like to work. If you have forgotten your username or password or need assistance signing up, please contact Terri Mehling at 304-728-3329 or email to tmehling@jeffersoncountywv.org. The event will be available on CERVIS beginning July 8th.



2013 Exercises

February 27-Concept and Operations Meeting for the 2013 WV Homeland Security Region 3 Exercises-Ponderosa in Moorefield.

March 25-Tabletop Exercise, Operation Newton, AT the Veteran's Administration in Martinsburg

April 4-Full Scale Exercise, Operation Newton, Veteran's Administration, Martinsburg

April 8-Mini Exercises at the Jefferson County Health Department with School Nurses

April 26-Jefferson County Local Emergency Planning Committee's Tabletop Exercise

June 26 WV Homeland Security Region 3 Tabletop Exercise at James Rumsey in Berkeley County.

August 9-Place To Be Announced-WV Homeland Security Region 3 Functional Exercise

September 14-WV Homeland Security Region 3 Full Scale Exercise

WV Homeland Security Region III SAT DOWN Tabletop Exercise

Martinsburg-Representatives from the WV Homeland Security Region III participated in a tabletop exercise on Wednesday, June 26th in Martinsburg. The tabletop was attended by more than 25 organizations from Jefferson County, and more than 50 overall.

The scenario involved a Satellite crash that deposited debris, that could contain hazardous and radioactive materials across eastern West Virginia and southern Pennsylvania.

Each County worked through various modules that included advanced notification of a pending satellite crash, a pending crash warning for West Virginia, and eventually a satellite crash response.

Agencies represented from Jefferson County include: Jefferson County Homeland Security and Emergency Management, Jefferson County Emergency Communications Center, Jefferson County Commission, Jefferson County Local Emergency Planning Committee, Jefferson County Emergency Services Agency, Jefferson County Department of Health, Jefferson County Maintenance Department, Jefferson County GIS Department, City of Ranson, Citizens Fire Company; WVU Healthcare, Jefferson Medical Center, Shepherd University Police Department, WV State Police, Shepherdstown Police Department, Harpers Ferry Police Department, Charles Town Police Department, U.S. Customs and Border Protection, American Red Cross, National Weather Service/Sterling. Members of the 167th Air Guard and the VA Hospital checked in on the Jefferson County table often, as they might be providing people and/or resources to Jefferson in an actual event.

The Environmental Protection Agency sponsored, developed, and conducted the exercise. This scenario will continue to the Functional Exercise, scheduled for August 9th and the Full Scale Exercise on Saturday, September 14th. The Point of Contact for information on the SAT DOWN series of exercises is Don McLaughlin, Federal On-scene Coordinator, USEPA Region III, Philadelphia, PA. He can be reached at 215-814-5323 or mclaughlin.don@epa.gov

Jefferson County Homeland Security and Emergency Management-Committees

Steering Committee, John Sherwood, Chair

The Steering Committee works with the JCHSEM Director to guide the activities of JCHSEM. A fourteen-member Steering Committee is made up of public and private representation. JCHSEM is a Department within the Jefferson County Commission, who has overall responsibility for the department and its employees. The Jefferson County Commission appoints all members to the steering committee. This committee meets on the 4th Tuesday of February, March, May, June, August, September and holds a Nov/Dec meeting at 9:00 a.m. in the JCHSEM EOC at 28 Industrial Blvd., Kearneysville, unless otherwise announced. The Quarterly Partnership meetings held in January, April, July, and October also serve as the Steering Committee meetings for those months.

Public Awareness, Education and Training Committee, Kelly Parsons, Chair

Any interested person can serve on this committee. The Public Awareness, Education and Training Committee is responsible to communicate the organization's activities to the public and to build support for JCHSEM's programs. They work with the Director and other staff to keep the entire community focused on the objectives of JCHSEM, the opportunities for additional involvement and support by updating citizens and businesses about what the partners are doing and how the community will and is benefiting from these efforts. Additionally, they are responsible to assist the program manager in setting up speaking engagements and public awareness events. This committee meets on the 2nd Wednesday of each month except December at 9:00 a.m. in the EOC at 28 Industrial Blvd., Kearneysville unless otherwise announced.

Partnership and Volunteer Development Committee, Holly Morgan-Frye, Chair

Any interested person can serve on this committee. The Partnership Development committee assists the staff in identification and recruitment of potential partners and what they have to offer in community preparedness. This committee will be responsible for activities to promote partnership or membership development and recruitment of volunteers. This committee meets quarterly in the EOC at 28 Industrial Blvd., Kearneysville, unless otherwise announced. at 8:30 a.m. on the last Monday of January, April, July and October.

Risk Assessment and Mitigation Planning Committee, Jeff Jefferies, Chair

Any interested person may serve on this committee. The Risk Assessment/Mitigation Planning Committee will examine the community's risks and vulnerability to all hazards and assess the community's vulnerability to those risks. Additionally, they will look at specific buildings, infrastructure, etc. to determine which are most susceptible to risks. A Risk Assessment and Mitigation Plan was completed and adopted by the Jefferson County Commission, all Jefferson County municipalities, WVHSEM, and Federal Emergency Management Agency in July, 2003. The plan was updated in 2008. The 2013 Plan was approved by WVDHSEM and FEMA in June, 2013. This committee meets on an "as needed basis". Please call the office at 728-3329 for exact dates and times.

Counter Terrorism Committee, Barbara Miller, Director, Chair

Membership to this sub-committee of the Risk Assessment and Mitigation Planning Committee is limited to members of law enforcement, emergency management, homeland security, emergency communications, Red Cross, schools, health care, fire companies, ambulance authority/EMS, and government, due to sensitive homeland security issues. The committee works on issues of planning and training for counter terrorism or human-caused disasters. Meetings are held on the 2nd Tuesday of the month at the EOC at 28 Industrial Blvd., Kearneysville, unless otherwise announced.

If you are interested in joining any of our committees, contact either bmiller@jeffersoncountywv.org or tmehling@jeffersoncountywv.org

**Jefferson County Homeland
Security and Emergency
Management**

28 Industrial Blvd., Suite 101
Kearneysville, WV 25430

Barbara Miller, Director
Phone: 304-728-3290
E-mail: bmiller@jeffersoncountywv.org

Terri Mehling, Dep. Director, Planner and
Program Manager
Phone 304-728-3329
Email: tmehling@jeffersoncountywv.org

Jessica Owens, Administrative Assistant,
Public Information Officer and Volunteer
Coordinator
Phone 304-724-8914
Email:

Fax: 304-728-3320

PUBLIC SAFETY; PUBLIC TRUST

The Jefferson County Commission's Homeland Security and Emergency Management Department is responsible for the coordination of preparedness, planning, response, recovery and mitigation of disasters and large emergencies in Jefferson County, West Virginia. Volunteer and community participation is encouraged and welcome. We currently have committees on Risk Assessment and Mitigation Planning; Public Awareness, Education and Training; Counter Terrorism; Partnership Development and Retention; and a Steering Committee that acts as an advisory group. We are responsible for the Citizen Corps/CERT, StormReady, Community Rating System, Resilient Neighbor Network and Project Impact programs. JCHSEM is also responsible for the Jefferson County R.A.C.E.S group.



Meetings & Events

July 2013

4th Independence Day Holiday.....Offices are closed

15 & 16-Awareness Level Animal Sheltering Class 8 a.m.—5 p.m.

24-Quarterly Partnership Meeting at the Bavarian Inn at Noon. Reservations to 304-728-3329 or to tmehling@jeffersoncountywv.org no later than July 18th.

29-Partnership Development Committee, 8:30 a.m. at Jefferson County EOC Conference Room

August

9 EPA, WV Region III SAT DOWN Functional Exercise, Place TBA

18-24 Jefferson County Fair, JCHSEM Booth in Building #2

September

14 EPA, WV Region III SAT DOWN Full Scale Exercise, Place TBA



2211 Washington Street East
Charleston, WV 25311-2118
Phone: (304) 346.0591
Fax: (304) 346.0592

Patricia L. Hamilton
Executive Director

To: County Commission Presidents & County Clerks

From: West Virginia Association of Counties

Re: Information on Affordable Care Act

Date: June 19, 2013

The Affordable Care Act (ACA) affects all counties as *employers*. Much of what employers need to know will be provided by the federal government.

Enclosed please find some information that should be helpful to you in preparing to implement ACA as employers. The first part of this memo is information pertinent for all counties/employers and the second part is specific to PELA participants.

Please note Notice 2011-36. The Notice is not yet final but is almost final. In it you will find information about the employer mandate, how employer is defined, and how employee is defined. For purposes of ACA, generally a full-time employee is one who works an average of at least 30 hours per week; 130 hours of work in a calendar month would be treated as the equivalent of at least 30 hours per week.

The ACA generally applies to large employers, defined as having 50 or more full-time equivalent employees. While there are reporting requirements and other requirements for all employers, generally those with fewer than 50 employees are exempt. Employers with fewer than 50 employees are not subject to penalties. Generally, the question for employers is "Am I offering everybody coverage that I should be offering it to?"

The affordability calculation is based on the *policy holder* only, not family coverage. The percentage of health care premium paid by the employee should be less than 9.5% of their annual income.

ACA Milestones:

Current: Evaluating full-time employees, evaluating affordability

Summer 2013: Planning mandatory communication with employees; employee education and awareness

October 2013: State exchange notifications

Also included in this packet is an example of a consultation agreement with Commercial Insurance (this was sent out earlier to all County Commission Presidents & County Clerks). WVACo has received special pricing for counties if you choose to hire a consultant to assist with ACA implementation. There are also other firms offering consultation to employers and it is up to individual employers to decide if they need additional expertise.

FOR PEIA PARTICIPANTS:

PEIA meets the minimum value for a plan so that "test" has been completed for PEIA participants. PEIA can provide that minimum value test for participants.

PEIA'S ELIGIBILITY RULES ALREADY DEFINE A FULL-TIME EMPLOYEE AS 20 HOURS PER WEEK. Therefore, PEIA is already below the ACA 30-hour threshold for full-time employee. **IS YOUR COUNTY COMPLIANT WITH PEIA'S ELIGIBILITY RULES?** They can be found on PEIA's web site, www.peia.wv.gov

Note: PEIA is not in a position to individually advise their participating non-state employers about implementing the various tests and conducting individual affordability tests. Assistance and information from PEIA will be general.

PEIA can provide an example of an affordability calculation for your employees. PEIA will provide example language to employers about what they need to tell employees in preparation for the October 2013 exchange notification milestone.

FOR ASSISTANCE FOR PEIA PARTICIPANTS, CONTACT:

Jason A. Haught, CPA
Chief Financial Officer, PEIA
304-558-7850, ext. 52462
jason.a.haught@wv.gov

Health Care Reform Consulting Agreement

Designed For:

West Virginia Association of Counties

Presented By:

COMMERCIAL INSURANCE

**340 MacCorkle Avenue, S.E. – Suite 200
Charleston, WV 25314**

Paul S. White, MBA, CWCC

Partner; Executive Vice President, Benefits Division

E-Mail: paul@ciswv.com Phone: 304-345-8000 Fax: 304-345-3321

April 29, 2013



EMPLOYEE BENEFITS CONSULTING

The range of services offered by Commercial Insurance (CI) includes delivering custom solutions for all of the group employee medical benefits needs such as: Health Care Reform Impact Study, Self Funded Feasibility Study, Fully Insured Renewal Evaluation, Captive Feasibility Study.

Member's business will not be taken for granted. CI will provide all parties with expert recommendations and solutions to minimize group employee medical benefits expenditures. CI has many tools and resources available to help achieve the pricing and modeling goals. Included in this contract are E-Based Resources to assure initiatives are administered efficiently and accurately. Your specific needs will be our focus. The color coded GSB indicates the various services available to you. Additionally, the services description and pricing are color coded as well.

SERVICES SUMMARY CHART

<u>DESCRIPTION OF SERVICES</u>	<u>BRONZE</u>	<u>SILVER</u>	<u>GOLD</u>
Employer Analysis	X	X	X
Employee Analysis	X	X	X
Employee Exchange Meeting			X
Employee Benefit Analysis		X	X
Penalty Evaluation		X	X
Mitigation Planning		X	X
Continued Program Support			X
Health Care Reform Tool Kit		X	X
Customized Employee Communications			X
Weekly Email Alert	X	X	X

Services Descriptions:

1. **EMPLOYER ANALYSIS (GSB):** CI will work with designated team members at your organization to help determine which parts of the Patient Protection and Affordable Care Act (PPACA) will potentially apply to your organization or commonly owned organizations. This analysis will help further develop a risk assessment for decision makers on an ownership level consideration.

2. **EMPLOYEE ANALYSIS (GSB):** Working with Member, we will identify current at-risk employee group. This will include:
 - a. Full Time – Part Time Test based on PPACA rulings
 - b. Part-Time Benefits Status
 - c. Employee Means Test
 - d. Potential Mitigation Options for a Compliant Program

3. **CONDUCT MANDATORY EMPLOYEE EXCHANGE EDUCATION MEETINGS (G):** Identify possible coverage solution and guidance for employee group. This will include a mandatory employee education meeting on the State Exchange. The consulting price is based on 1 employee meeting per 50 employees at a single location not to exceed 4 employee meetings.

4. **EMPLOYEE BENEFITS ANALYSIS(GS):** Complete review of current employee benefits offerings including the potential addition of voluntary coverage to help assist with any potential gaps that may exist.

5. **POTENTIAL PENALTY EVALUATION(GSB):**

This will include:

 - a. Calculate the potential penalty impact if you choose to discontinue your health insurance program.
 - b. Means test failure penalty.

- c. Report will include offering additional pay to your employees or simply terminating the plan.
6. **MITIGATION PLANNING(GS)**: Commercial Insurance will present you with several different mitigation options. These options will outline various factors to help reduce the total amount of penalties, as well as calculating the potential cost impact.
 7. **CONTINUED PROGRAM SUPPORT(G)**: Provide ongoing program development and consulting to aid in reducing the overall expense of the group benefits coverage.
 8. **Health Care Reform Tool Kit(GS)**: CI will provide a comprehensive Health Care Reform Tool Kit which includes checklists that outline important date and data delivery indicators.
 9. **Customized Employee Communications(G)**: CI will provide customized employee communications tailored to your organization including logo, coloring, and corporate-appropriate phraseology.
 10. **Weekly Email Alert (GSB)**: CI will provide a weekly email alert including an easy-to-read summary document on that week's subject.

CI Can Provide the Following Options for an Additional Fee:*

1. **Customized Employee Video / Scripted Power Point:** CI can produce a customized video or scripted PowerPoint for future employee education on Health Care Reform.
2. **Actuarially Supported PPACA Impact Study:** This impact study will include projection of 2014 as well as 2021. The report will also allow a forward view of new taxes or surcharges that will go into effect and the overall impact on your plan through 2018. Additionally, it will include a 10-Year Cost Projection, Potential Scenarios for State Exchange Enrollment, and the overall impact if you should choose to terminate your plan with and without additional employee compensation considerations. Finally, it will include a comparison of your current plan design against the State Exchange plan designs.
3. **Self Funded Consulting:** Evaluate current claims trends, plan design, and pricing point to determine if self-funding or partial self-funding is a feasible option for Member.
4. **Renewal Evaluation Consulting:** CI can evaluate the current renewal quote based on claims experience to help determine if the warranted increase is justifiable. If not appropriate, we can give an estimation as to what the renewal pricing model for fully insured should be. CI will utilize its actuarial partner to aid in this evaluation. Collaboration with current agent regarding any quotes received is available.
5. **Captive Feasibility:** Evaluate the potential for Member to participate in a group benefits captive including loss expectancy, pricing modeling, and potential risk sharing. In addition, we will outline potential conditions of acceptance into a group captive, wellness participation, cost transparency, network design, and third party administrator review.

* Each report is priced separately, based on your individual needs.

Payment:

Contract payment can be paid in full; monthly; or quarterly upon acceptance.

Service Charge:

A service charge of 1½% will be assessed for late payments in excess of thirty (30) days.

CI reserves the right to suspend service until each payment is received. Should either party prior to completion terminate the contract, CI will charge Member only for the work actually performed, up to a maximum fee. CI will return any unearned balance to Member within sixty (60) days of termination. Member can terminate this contract at any time with sixty (60) days' notice in writing to the Employee Benefits Division of Commercial Insurance.

Disclaimer, Limitations & Agreement

The Benefits Division of Commercial Insurance (CI) will make every effort to deliver a high quality service to Member as detailed in this contract. In order to effectively accomplish the objectives and targeted activities in this contract, the CI consultant must be given the freedom to consult with Member on issues as they arise from time to time. This will include, but is not limited to, such issues as responsibility, accountability, and deliverability. In addition, Member must agree that an administrative liaison (contact) person is available to assure all scheduling and communication with CI Benefits Division is properly maintained.

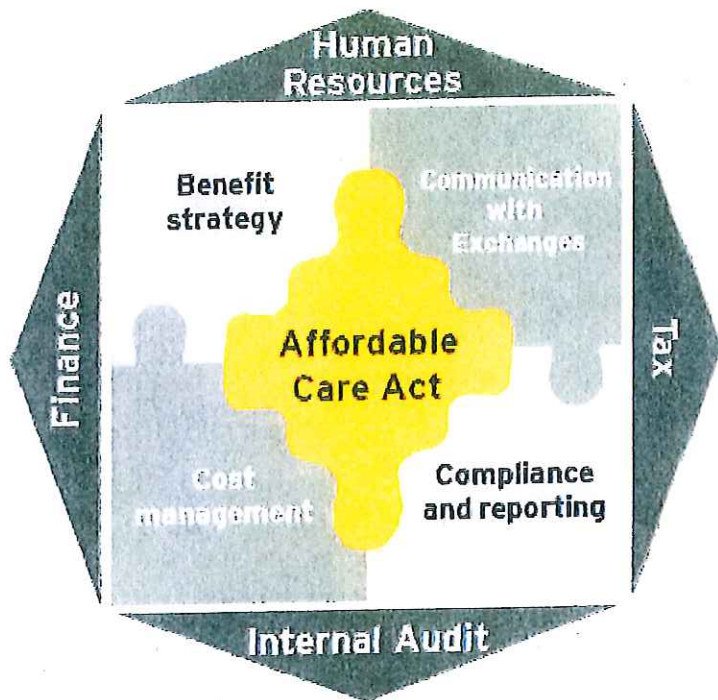
This contract is subject to the following limitations, both during and following completion of this service contract. Responsibility for regulatory and industry compliance including continued program, practice, and system maintenance rests solely with Member. CI shall not provide any legal, tax, or accounting service, advice, or opinion, and the services shall not be interpreted as representing any such service, advice or opinion. Member shall consult its own attorney on all legal issues and its own tax and accounting experts on all tax, accounting, and financial matters relating to its operations including, without limitation, the establishment, implementation, and operation of the Plans. This is necessary because CI is the named Agent with the Carrier and has their own Contract, including overrides and direct communication while, at the same time, CI works only as a paid Consultant under this contract.

CI does not grant other insurance agencies, carriers, or third-party administrators access to any e-based tools and resources outlined in this contract or allow Member to grant such access without the express written consent of CI. CI recommends that Member consult with their attorney with regard to legal issues which may arise during the normal course of business or in developing future action plans or strategic initiatives.

Notwithstanding anything to the contrary in this Agreement, in no event shall either party be liable for any punitive damages, fines, penalties, taxes, or any indirect, incidental, or consequential damages incurred by the other party, its officers, employees, agents, contractors, or consultants, whether or not foreseeable and whether or not based in contract or tort claims or otherwise, arising out of or in connection with this Agreement even if advised of the possibility of such damage. The limit of liability for this consulting agreement will be limited to two times the amount of the consulting agreement.

The Affordable Care Act (ACA)

Employer considerations



Market insights

- It is viewed as a tax law, not just a health care law.
- Focus is shifting from being solely managed by HR to a collaborative effort between HR, Tax, Finance and IT.
- Financial modeling is needed to understand the cost implications of offering affordable coverage versus paying the excise tax.
- Significant systems, processes and internal controls are needed to manage reporting and compliance requirements.

Key effective dates for employers

- Reporting value of health care benefits on Form W-2 (first due by January 1, 2013)
- Patient-Centered Outcomes Research Institute Fee (PCORI) fee (first due July 31 of calendar year following plan year ending on or after October 1, 2012)
- State-based health insurance exchanges
- Individual mandate
- Premium tax credits
- Employer mandate
- Medicaid expansion
- Additional insurance market reforms
- Health insurers' fee
- Employer reporting to the IRS and employees (first due by January 1, 2015)
- Reinsurance fee
- 40% excise tax on high-cost health plans
- Immediate health insurance individual market reforms
- Medicare Part D "donut hole" relief begins



- Branded Prescription Drug fee
- Limitation on over-the-counter drugs for flexible spending accounts (FSAs), health saving accounts (HSAs) and health reimbursement accounts (HRAs)
- Increased tax on non-medical withdrawals from HSAs
- Increase Medicare payroll tax by 0.9% on earned income
- 3.8% tax on unearned income
- Eliminate deduction for retiree drug costs covered by Medicare Part D subsidy
- Excise tax on medical device manufacturers
- Fair Labor Standards Act notices to employees (pending issuance of Department of Labor regulations)
- \$500,000 compensation deduction limitation for health insurance issuers
- States may open exchanges to large group market
- Medicare Part D donut hole closed



Legislative Alert

Treasury, IRS Release Notice of
Proposed Rulemaking on Health Care
Law's Employer Requirements

The Department of the Treasury and the IRS on Friday, December 28, 2012, released a notice of proposed rulemaking on the Affordable Care Act's employer requirements under Internal Revenue Code §4980H, which takes effect on January 1, 2014. The proposed regulations are intended to provide a comprehensive set of rules upon which employers can rely as they work to comply with the law and mitigate tax liabilities. The proposed regulations may be relied upon and will remain in effect until final regulations are issued. The Administration stressed that any changes to the regulations would be applied prospectively after sufficient time for employers to come into compliance. The proposed regulations build upon information provided in four previous notices (Notices 2011-36, 2011-73, 2012-17 and 2012-58) and public comments received in response to those notices.

The ACA's employer requirements are centered on the key definitions and concepts listed below.

- **Large employer.** Employers with 50 or more full-time equivalent employees are considered applicable large employers under IRC §4980H (referred to herein as "large employers") and are subject to the ACA's employer requirements. Only large employers may be liable for an assessable payment under IRC §4980H.
- **Full-time employee.** The ACA defines full-time employee status as working on average 30 hours of service per week per month. This standard is lower than the standard many employers currently use to determine full-time status.
- **Tax penalties under IRC §4980H.** Large employers may be subject to a nondeductible excise tax if at least one full-time employee receives a premium tax credit to purchase health insurance through an Exchange. Under IRC §4980H(a), large employers who fail to offer coverage to full-time employees and their dependents will face an annual penalty of \$2,000 times the total number of full-time employees. Under IRC §4980H(b), large employers who offer coverage to full-time employees that does not meet the law's affordability or minimum value standards will face an annual penalty of \$3,000 times the number of full-time employees who receive tax credits for Exchange coverage. (The amount of the IRC §4980H excise tax penalties is determined on a monthly basis, but likely will be assessed annually.)

The proposed regulations are organized as follows:

- Definitions
- Rules for determining status as a large employer and large employer member
- Rules for determining full-time employees
- Rules for determining the assessment of a nondeductible excise tax under IRC §4980H(a) for not offering coverage to full-time employees and their dependents
- Rules for determining the assessment of a nondeductible excise tax under IRC §4980H(b) for offering coverage to full-time employees that does not meet the ACA's standards for affordability and minimum value
- Rules relating to the administration and assessment of nondeductible excise taxes under IRC §4980H

Key highlights from the proposed regulations

Importantly, the proposed regulations provide rules for transition relief in certain circumstances, notably for large employers who maintain a non-calendar year plan. Generally, a large employer who currently offers a non-calendar year plan will not be liable for tax penalties under IRC §4980H for months prior to the first day of their plan year beginning in 2014. This transition relief means that a large employer would not have to make mid-year changes to a non-calendar year plan in order to meet the law's coverage requirements. The proposed regulations also provide relief for large employers with calendar year plans that opt to apply a look-back measurement period to determine who is a full-time employee.

For smaller employers, the proposed regulations provide some transition relief for how they determine their large employer status in 2013 ahead of the January 1, 2014, compliance deadline.

The proposed regulations reiterate that the determination of large employer status is calculated based on the Internal Revenue Code's controlled group rules. Importantly, however, the proposed regulations provide that in determining the liability for and assessment of any tax penalties under IRC §4980H, standards generally are applied separately to each entity that is a member of the controlled group (referred to herein as a "large employer member"). Consequently, if a large employer is a single entity, the IRC §4980H standards apply to the

single entity large employer. If the large employer is made up of a controlled group of more than one entity, the IRC §4980H standards are applied separately to each entity of the controlled group. The proposed regulations confirm that an applicable large employer member does not include an entity that is not an employer or only an employer of employees with no hours of service for the calendar year.

In addition, the proposed regulations confirm that to avoid the IRC §4980H(a) tax penalty, an offer of coverage must be made to full-time employees and their dependents. "Dependents," for purposes of IRC §4980H, is defined as children under age 26. Large employers will not face tax penalties for not offering coverage to spouses, who will be able to seek a federal premium tax credit to purchase health insurance in an Exchange if other minimum essential coverage is not available.

The excise tax under IRC §4980H(a) should not apply in the case of a large employer that is a single entity or a large employer member who intends to offer coverage to all its full-time employees, but fails to offer coverage to a few full-time employees. The proposed regulations state that a large employer will be treated as offering coverage to full-time employees if they offer coverage to 95% of their full-time employees.

The proposed regulations provide additional safe harbors for large employers to use to determine whether employer-sponsored coverage meets the law's affordability standard (i.e., that an employee's premium share for self-only coverage does not exceed 9.5% of household income). In addition to a previously proposed safe harbor based on W-2 wages, the proposed regulations add safe harbors based on the rate of pay and the federal poverty line.

Outstanding issues

The proposed regulations highlight a number of issues that Treasury and the IRS plan to address in subsequent guidance, including:

- » Definition of minimum essential coverage under IRC §5000A(f) and eligible employer-sponsored plans
- » The law's minimum value standard (IRC §96B(2)(C)(i) and ACA 51302(d)(2)), i.e., determination of whether a plan's share of the total allowed costs of benefits provided under the plan is at least 60% of those costs
- » Information reporting requirements by large employers to the IRS under IRC §6056

The proposed regulations also state that the Department of Health and Human Services (HHS) is expected to issue regulations that will establish a process for informing large employers that an employee was certified (consistent with methods adopted by the IRS) to be eligible for a premium tax credit to purchase health insurance in an Exchange. HHS will also provide for an additional process to notify large employers that an employee is seeking coverage on an Exchange with the benefit of a premium tax credit.

The Departments of Labor, HHS and Treasury are also expected to issue regulations under section 2708 of the Public Health Service Act addressing the 90-day coverage waiting period limitation. Large employers will need to design their plans to offer coverage that satisfies both the IRC §4980H rules and the 90-day waiting period rules.

Comment period, public hearing

The notice of proposed rulemaking is scheduled for publication in the January 2, 2013, Federal Register, and comments are due by March 18, 2013. In addition, the IRS announced a public hearing on the notice of proposed rulemaking for April 23, 2013.

A summary of key provisions of the proposed regulations is provided below.

Determination of large employer status

The proposed regulations restate from the statute and previous guidance that to determine large employer status for each calendar month of the preceding calendar year, employers must:

1. Count the number of full-time employees (including seasonal employees) who work on average 30 hours per week per month.
2. Calculate the number of full-time equivalent employees by aggregating the number of hours worked by non-full-time employees (including seasonal employees) and dividing by 120.
3. Add the number of full-time employees and full-time equivalents calculated in steps (1) and (2) for each of the 12 months in the preceding calendar year.
4. Add the monthly totals and divide by 12. If the average exceeds 50 full-time equivalents, determine whether the seasonal employee exception applies.

The law creates special rules for employers whose workforce exceeds 50 full-time employees for no more than 120 days or four calendar months during a calendar year if the employees in excess of 50 who were employed during that period were seasonal employees (the seasonal employee exception). The proposed regulations add the criterion of four calendar months and clarify that the 120 days or four calendar months are not required to be consecutive. If the seasonal employee exception does not apply, the employer is a large employer for the current calendar year and is subject to the employer mandate.

After consultation with the Department of Labor, Treasury and the IRS have determined that the term "seasonal worker" as incorporated in IRC §4980H, is not limited to agricultural or retail workers. For purposes of determining large employer status until further guidance is issued, employers may apply a reasonable, good faith interpretation of the statutory definition of seasonal worker, including a reasonable, good faith interpretation of the standard set forth under the DOL regulations at 29 CFR 500.20(s)(1).

IRC §4980H applies to all common law employers, including governmental entities, churches, tax-exempt organizations and foreign companies with at least 50 full-time equivalent employees performing work in the US with US-source compensation.

Application of aggregation rules

The determination of large employer status is made based on the Internal Revenue Code's controlled group rules under IRC §§414(b), (c), (m) or (o).

Significantly, the proposed regulations make an important clarification that in determining the liability for and assessment of any tax penalties under IRC §4980H, the standards generally are applied separately to each large employer member of the controlled group that makes up the large employer.

The proposed regulations provide the example of a large employer composed of a parent corporation and 10 wholly owned subsidiary corporations that, on a controlled group basis, have 50 or more full-time equivalent employees and, therefore, each corporation, regardless of the number of its employees, is treated as a large employer subject to IRC §4980H. However, for purposes of assessing liability, the IRC §4980H tax penalties are applied separately to each corporation. Each large employer member is liable for its own tax penalties under IRC §4980H and is not liable for the IRC §4980H tax penalties of any other large employer member in the controlled group that makes up the large employer. (See discussion of compliance with IRC §4980H(a) and §4980H(b) below.)

Identifying full-time employees for purposes of IRC §4980H

IRC §4980H provides that a full-time employee is an employee who was employed on average at least 30 hours of service per week per month.

The proposed regulations generally incorporate the guidance provided in previous Treasury and IRS Notices for determining which employees are considered full time. In particular, for variable-hour employees of unknown status, the proposed regulations permit large employers to utilize an optional look-back measurement period with a corresponding stability period to determine full-time status.

The proposed regulations made some modifications to the prior Notice guidance in response to comments and also addressed some additional issues. Some of these modifications and additions are described below.

Hours of service

The proposed regulations confirm that an employee's "hours of service" include (1) each hour for which an employee is paid for performance of services or entitled to payment even when no work is performed and (2) each hour for which an employee is paid or entitled to payment by the employer on account of a period of time during which no duties are performed due to vacation, holiday, illness, incapacity, layoff, jury duty or leave of absence. There is no limit on the number of hours counted for a paid leave of absence.

Of particular importance for US and foreign employers with employees working outside of the US, the proposed regulations provide that hours of service do not include hours to the extent the compensation for those hours is foreign-source income. Therefore, employees working outside of the US generally will not qualify as full-time employees either for purposes of determining whether an employer is a large employer or for purposes of determining and calculating potential IRC §4980H liability.

Look-back measurement period

The proposed regulations generally incorporate the prior guidance in Notice 2012-58 but made some modifications providing some additional flexibility for employers using the optional look-back period.

In response to comments, the proposed regulations permit large employers to adjust the starting and ending dates of their three- to 12-month look-back measurement period in order to avoid splitting employees' regular payroll period. Large employers may make certain adjustments at the beginning and end of the measurement period; for example, excluding the entire payroll period at the beginning of the year and including the entire payroll period at the end of the year.

The look-back measurement period rules continue to apply for newly hired employees who are reasonably expected to work on average 30 hours of service per week and for newly hired variable-hour and seasonal employees. Similarly, the proposed regulations reserve the definition of "seasonal employee" and confirm that through 2014 large employers are permitted to use a reasonable, good-faith interpretation of the term for purposes of determining full-time status.

Change in employment status

The proposed regulations address the treatment of new variable-hour or seasonal employees who have a change in employment status during the initial measurement period. A change in employment status is defined as a "material change in the position of employment or other employment status that, had the employee begun employment in the new position or status, would have resulted in the employee being reasonably expected to be employed on average at least 30 hours of service per week." A new variable-hour or seasonal employee who has a change in status during an initial measurement period is treated as a full-time employee as of the first day of the fourth month following the change in status, or an earlier date if certain conditions are satisfied.

Rehired and resuming service employees

The preamble to the proposed regulations recognizes that an employee may work for the same employer on and off during a period. In addition, an employee without having terminated employment may have an unpaid leave of absence or a continuous period during which the employee is not credited with any hours of service and is not

paid for some other reason. These circumstances raise two important questions for determining the rehired employee's or resuming-service employee's full-time status:

1. When is the employee treated as a new employee and prior service is disregarded?
2. If the employee is treated as a continuing employee, how does the employer count the period during which no hours of service were performed?

The proposed regulations establish a break-in-service rule to determine when a rehired or resuming service employee may be treated as a new employee. Under the proposed regulations, if the period of service for which no hours of service are credited is at least 26 weeks, an employer may treat the rehired or resuming service employee as a new employee. (An employer may also choose to apply a rule of parity for breaks in service of less than 26 weeks.)

For a continuing employee who has not had a break-in-service, the proposed regulations propose a method for averaging hours during a look-back measurement period in which a special unpaid leave of absence occurs. Special unpaid leaves of absence include periods of leave under the Family and Medical Leave Act of 1993 (FMLA), unpaid leave subject to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), and unpaid leave on account of jury duty. Under the proposed averaging method for these special unpaid leaves of absence, the employer determines the average hours of service per week for the employee during the measurement period excluding the special unpaid leave period and uses that average as the average for the entire measurement period. Treasury and IRS are considering whether final regulations should extend this averaging rule beyond the special unpaid leaves of absence.

Special rules

The proposed regulations provide special rules for educational and multiemployer organizations. No special rules or presumptions are provided for temporary staffing agencies. However, comments are requested on whether special rules should be provided for in the final regulations.

Compliance with IRC §4980H(a) - employer does not offer coverage to full-time employees and their dependents

The proposed regulations state that in general, a large employer that is a single entity or a large employer member will not be subject to the penalty under IRC §4980H(a) so long as the employer offers minimum essential coverage under an eligible employer-sponsored plan to its full-time employees and their dependents. Such minimum essential coverage (to be defined in a future regulation) does not have to meet the law's affordability and minimum value standards to avoid penalties under IRC §4980H(g). The proposed regulations also state that a large employer that is a single entity or large employer member cannot be liable for tax penalties under both IRC §4980H(a) and (b) for the same month.

Definition of dependent

The proposed regulations define "dependents" for purposes of IRC §4980H as an employee's child (as defined in IRC §152(f)(1)) under age 26. Employers will not face tax penalties for not offering coverage to spouses, who will be able to seek a federal premium tax credit to purchase health insurance in an Exchange if other minimum essential coverage is not available. This definition of dependents does not apply for purposes of any other section of the Code.

Offer of coverage

The proposed regulations do not propose any new specific rules for demonstrating that an offer of coverage was made. The normal rules for substantiation and recordkeeping requirements would apply. However, the proposed regulations require that employees be given an effective opportunity to accept coverage, as well as an opportunity to decline an offer of coverage that does not meet the law's standards of affordability or minimum value.

Offer of coverage in the case of nonpayment or late payment of premiums

The proposed regulations provide that a large employer will not be treated as failing to offer a full-time employee (and his or her dependents) the opportunity to enroll in coverage if the coverage is terminated solely due to the employee's failure to pay the employee's share of premium on a timely basis. Employers would not have to provide coverage for the period for which the premium is not timely paid. The proposed regulations adopt the COBRA rule providing a 30-day grace period for payment of premiums. (This nonpayment of premiums is of particular concern in instances in which the employee's share of premium is not collected through withholding from the employee's salary or wages. Examples of cases when this would apply include tipped employees and employees who were full time during a measurement period but work few hours during the corresponding stability period.)

Relief for failure to offer coverage to a limited number of full-time employees

In the proposed regulations, the Administration states that the penalties under IRC §4980H(a) should not apply in the case of a large employer that is a single entity or a large employer member that intends to offer coverage to all its full-time employees but fails to offer coverage to a few full-time employees. The preamble to the proposed regulations provides that Treasury and the IRS "should exercise their administrative authority to allow recognition of a margin of error consistent with an intent to recognize the possibility of inadvertent errors."

The proposed regulations state that a large employer that is a single entity or a large employer member will be treated as offering coverage to full-time employees if they offer coverage to 95% of their full-time employees. For cases of a relatively small large employer, the proposed regulations provide that a large employer that is a single entity or a large employer member will be treated as offering coverage if it offers coverage to all but 5% or (if greater) five of its full-time employees (provided that an employee is treated as having been offered coverage only if the employer also offered coverage to that employee's dependents).

Application of the 30-employee reduction

IRC §4980H(c)(2)(D)(i) states that an employer may reduce its total number of full-time employees during any month by 30 for purposes of calculating tax penalties under IRC §4980H(a) for not offering coverage and for purposes of calculating the overall limit on tax penalties under IRC §4980H(b) for offering coverage that does not meet the law's affordability and minimum value standards. Recognizing that large employer status is determined on a controlled group basis, the proposed regulation states that only one 30-employee reduction is allowed per controlled group and that the reduction is allocated among the large employer members that make up the controlled group on the basis of the number of employees employed by each.

Application of the IRC §4980H(a) excise tax

The following example is a basic illustration of the application of the IRC §4980H(a) excise tax that tracks an example provided in the proposed regulations.

Facts: Corporation A owns 100% of Corporation B. Corporation A employs 40 full-time employees in each calendar month of 2015. Corporation B employs 35 full-time employees in each calendar month of 2015. For 2015, the IRC §4980H(a) excise tax for a calendar month is \$2,000 divided by 12. Corporation A does not sponsor an employer-sponsored plan for any calendar month of 2015 and receives a certification that at least one of its full-time employees has acquired health care coverage on an Exchange with the benefit of a premium tax credit. Corporation B sponsors an eligible employer-sponsored plan under which all full-time employees are eligible for minimum essential coverage that is affordable and meets the minimum value standard.

Conclusion: Corporation A and Corporation B are members of a controlled group that employs 50 or more full-time employees and, therefore, are large employers subject to IRC §4980H; however, the excise tax liability is applied separately. Under these facts, Corporation A is subject to an assessable excise tax under IRC §4980H for 2015 equal to \$48,000, which is equal to $24 \times \$2,000$ (40 full-time employees reduced by 16 (its allocable share of the 30-employee offset ($(40/75 \times 30 = 16)$) and then multiplied by \$2,000. Corporation B is not subject to any assessable excise tax under IRC §4980H for 2015.

Example 2 (Rate of pay safe harbor)

Facts: Employer X is a member of a large employer controlled group XYZ. Employee B is employed by Employer X consistently from January 1, 2015, through December 31, 2015. Employer X offers Employee B and his dependents minimum essential coverage during that period that meets the minimum value requirements. The employee contribution for self-only coverage is \$85 per calendar month. Employee B is paid at a rate of \$7.25 per hour (the minimum wage in Employer X's jurisdiction) for the entire year 2015. For purpose of the affordability safe harbor, Employer X assumes that Employee B earned \$942.50 per calendar month (130 hours of service multiplied by \$7.25 per hour). Accordingly, affordability is determined by comparing the assumed income per month (\$942.50) with the employee contribution per month (\$85).

Conclusion: Employee B's contribution for self-only coverage to Employer X's plan is less than 9.5% of Employee B's assumed income Form W-2 wages for 2015 (\$85 is 9.01% of \$942.40). Consequently, the coverage is treated as affordable with respect to Employee B for 2015. Employer X would not be subject to an excise tax under IRC §4980H(b) with respect to Employee B because Employer X's plan meets the minimum value requirements and is affordable to Employee B.

Assessment and payment of IRC §4980H liability

The proposed regulations state that each large employer member is liable for its tax penalties under IRC §4980H and is not liable for the IRC §4980H tax penalties of any other large employer member in the controlled group that makes up the large employer.

The proposed regulations also state that any assessable payment under IRC §4980H is assessed and collected in the same manner as an assessable penalty under subchapter B of chapter 68 of the Internal Revenue Code. The proposed regulations restate that the tax penalty is nondeductible.

In addition, the proposed regulations state that pursuant to regulations to be issued by HHS, the IRS will follow procedures that ensure employers receive certification if one or more employees have received premium tax credits and are provided an opportunity to respond before the issuance of any notice and demand for payment of a tax penalty.

Transition rules

Employers with non-calendar year plans

The proposed regulations provide transition relief for a large employer that is a single entity or a large employer member that maintains a non-calendar year plan as of December 27, 2012. The proposed regulations state that such employers ~~will not be liable~~ for tax penalties under IRC §4980H for employees who would be eligible for coverage under the plan (whenever hired) ~~as of the first day of the plan year that begins in 2014 under the eligibility terms of the plan as in effect on December 27, 2012.~~ If the employee is offered coverage that meets the law's affordability and minimum value standards no later than the first day of the 2014 plan year, then no IRC §4980H penalty will be assessed with respect to that employee for the period prior to the first day of the 2014 plan year. In effect, this transition relief means that an employer would not have to make mid-year changes to a non-calendar year plan in order to meet the law's coverage requirements. For example, if an employer maintained a plan with a July 1 through June 30 plan year as of December 27, 2012, that employer would need to ensure that the eligible employees are offered coverage that meets the law's affordability and minimum value standards by June 30, 2014 (the beginning of the 2014 plan year).

Further relief is provided for employees not eligible for coverage under a non-calendar year plan if a significant percentage of employees are enrolled in or eligible for a non-calendar year plan. Specifically, relief is provided for these with respect to employees who would not have been eligible to participate in the non-calendar year plan if 1) as of December 27, 2012, at least one quarter of the employees are covered under fiscal year plans that have the same plan year or 2) one-third of the employees are offered coverage under those plans during the most recent open enrollment before December 27, 2012. Such employers would not face penalties under IRC §4980H

prior to the first day of the first year of that plan that begins in 2014, provided these employees are offered coverage that meets the law's affordability and minimum value standards as of the first day of the employer's plan year in 2014.

Employers who use this transition relief still will be subject to the reporting requirements under IRC §6056 for the entire 2014 calendar year.

Cafeteria plans

The proposed regulations give large employers the option of amending one or more of its written cafeteria plans to permit either or both of the following changes:

1. An employee who has elected salary reductions through the cafeteria plan for accident and health plan coverage with a fiscal plan year beginning in 2013 would be permitted to prospectively revoke or change elections with respect to the accident and health plan once during that plan year without regard for whether the employee experienced a change in status
2. An employee who did not make a salary reduction election through a large employer's cafeteria plan for accident and health plan coverage with a fiscal plan year beginning in 2013 before the deadline for making such elections would be permitted to make a prospective salary reduction election for accident and health plan coverage on or after the first day of the 2013 plan year without regard for whether the employee experienced a change in status

The proposed regulations state that large employers could retroactively implement the necessary cafeteria plan amendments to implement these transition rules. The retroactive amendment must be made by December 31, 2014, and be effective retroactively to the first day of the 2013 plan year of the cafeteria plan.

Measurement periods for stability periods starting in 2014

Large employers that intend to utilize the look-back measurement method for determining full-time status for 2014 will need to begin their measurement periods in 2013 to have corresponding stability periods for 2014. Solely for purposes of stability periods beginning in 2014, the proposed regulation states that large employers may adopt a transition measurement period that:

- ✦ Is shorter than 12 months but that is no less than six months long
- ✦ Begins no later than July 1, 2013, and ends no earlier than 90 days before the first day of the plan year beginning on or after January 1, 2014

The transition relief is particularly beneficial to calendar year plans. It is intended to address the time constraints faced by large employers that maintain calendar year plans and intended to adopt a 12-month measurement period and corresponding 12-month stability period.

Multi-employer plans

An employer that is a single entity or a large employer member will not be subject to IRC § 4980H tax penalties if (i) the employer is required to make a contribution to a multiemployer plan with respect to a full-time employee pursuant to a collective bargaining agreement or appropriate related participation agreement, (ii) coverage under the multiemployer plan is offered to the full-time employee (and the employee's dependents), and (iii) the coverage offered to the full-time employee is affordable and provides minimum value.

Notwithstanding this transition relief, any waiting period for coverage under the plan must separately comply with the 90-day limitation on waiting periods in section 2708 of the Public Health Service Act.

Determination of large employer status for smaller employers

The proposed regulations provide some transition relief for the determination of large employer status in 2014 that is aimed primarily at employers near the 50 full-time equivalent employee threshold. The transition relief allows employers to determine whether they are large employers based on a period of six consecutive calendar months as chosen by the employer in the 2013 calendar year, rather than based on the entire 2013 calendar year. However, the transition relief does not delay the January 1, 2014, compliance deadline for smaller employers if it is determined that they are large employers based on the six-month calculation.

Coverage for dependents

Recognizing the challenges that many employers who offer coverage only to their employees (and not to their dependents) will face, the proposed regulations state that employers will not face tax penalties under IRC §4980H relating to the offering of coverage to dependents provided that employers take steps during plan years that begin in 2014 toward satisfying the law's requirements for offering dependent coverage.

Definition of "variable-hour employee"

Citing the interpretation by some plan sponsors of guidance provided in Notice 2012-58, the proposed regulations clarify that beginning on January 1, 2015, although an employee's hours of service might be expected to vary, employers will be required to assume that an employee (except for seasonal employees) will continue to be employed by the employer for the entire initial measurement period. The proposed regulations state that "accordingly, the employer will not be permitted to take into account the likelihood that the employee's employment will terminate before the end of the initial measurement period."

Effective dates and reliance

IRC §4980H is effective for months after December 31, 2013.

Employers may rely on these proposed regulations for guidance pending the issuance of final regulations or other guidance. Final regulations will be effective as of a date not earlier than the date the final regulations are published in the Federal Register. To the extent future guidance is more restrictive than the guidance in these proposed regulations, the future guidance will be applied without retroactive effect and employers will be provided with sufficient time to come into compliance with the final regulations.

Part III – Administrative, Procedural, and Miscellaneous

Request for Comments on Shared Responsibility for Employers Regarding Health Coverage (Section 4980H)

Notice 2011-36 --

Many provisions of the Patient Protection and Affordable Care Act (Affordable Care Act) that are designed to promote expanded, affordable health coverage become effective beginning in 2014. These include provisions for shared responsibility for employers regarding health coverage, coverage to be offered by State Exchanges, premium tax credits to assist individuals in purchasing coverage through State Exchanges, and related provisions. As part of the process of planning for implementation of these provisions, the Department of the Treasury (Treasury), the Department of Labor (DOL) and the Department of Health and Human Services (HHS) (collectively, the three Departments) are working in concert to develop regulations and other administrative guidance that will respond to questions and assist stakeholders with implementation.

I. PURPOSE

This request for comments is intended to initiate and inform the process of developing regulatory guidance regarding the shared employer responsibility provisions in § 4980H of the Internal Revenue Code (Code). Those provisions, which apply for months beginning after December 31, 2013, refer to certain standards relating to the offering of health coverage by employers to their full-time employees. Under § 4980H, an “applicable large employer” that does not meet those standards may be liable for an

“assessable payment” if at least one of its full-time employees is certified as having enrolled in health insurance through a State Exchange with respect to which a premium tax credit under § 36B of the Code, a cost-sharing reduction under § 1402 of the Affordable Care Act, or an advance payment of such credit or reduction under § 1412 of the Affordable Care Act is allowed or paid.

This notice does not constitute guidance. Instead, it describes potential approaches, which could be incorporated in future proposed regulations, to certain discrete issues under § 4980H, particularly the issue of who is a full-time employee, and invites comments on these approaches. Treasury and the Internal Revenue Service (IRS) intend to publish such proposed regulations both on the § 4980H issues addressed in this notice and on a broader set of issues under § 4980H. This notice also invites comments on the interpretation of the 90-day limitation on waiting periods for group health plans and health insurance issuers offering group health insurance coverage under § 2708 of the Public Health Service (PHS) Act, and on how the interpretations of that section and of § 4980H should be coordinated. The three Departments are coordinating their efforts in developing the regulations and other guidance on the shared employer responsibility provisions (Treasury/IRS guidance), the 90-day limitation on waiting periods (three Department guidance), automatic enrollment for employees of large employers (DOL guidance),¹ and other Affordable Care Act provisions.

¹ Section 18A of the Fair Labor Standards Act (FLSA), as added by § 1511 of the Affordable Care Act, requires employers subject to the FLSA that have more than 200 full-time employees and that offer enrollment in one or more health benefit plans to automatically enroll new full-time employees in one of the plans offered (subject to any waiting period authorized by law), and to continue the enrollment of current employees in the employer’s plan. Under FLSA § 18A, which is enforced by the DOL, any automatic enrollment program must include adequate notice and the opportunity to opt out of any

II. BACKGROUND

Section 4980H was added to the Code by § 1513 of the Affordable Care Act enacted March 23, 2010, Pub. L. No. 111-148, and amended by § 1003 of the Health Care and Education Reconciliation Act of 2010, enacted March 30, 2010, Pub. L. No. 111-152. Section 4980H is effective for months beginning after December 31, 2013.

Generally, § 4980H provides that an applicable large employer is liable for an assessable payment if any full-time employee is certified to receive an applicable premium tax credit or cost-sharing reduction and either (1) the employer fails to offer to its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage (MEC) under an eligible employer-sponsored plan (§ 4980H(a) liability)²; or (2) the employer offers its full-time employees (and their dependents) the opportunity to enroll in MEC under an eligible employer-sponsored plan that, with respect to a full-time employee who has been certified for the advance payment of an applicable premium tax credit or cost-sharing reduction, either is unaffordable within the meaning of § 36(B)(c)(2)(C)(i) or does not provide minimum value within the meaning of § 36(B)(c)(2)(C)(ii) (§ 4980H(b) liability). The definition of full-time employee is key in determining whether and, if so, to what extent, an employer may incur § 4980H(a) liability or § 4980H(b) liability. The annual assessable payment under § 4980H(a) is based on all (excluding the first 30) full-time employees, while the annual assessable payment under § 4980H(b) is based on the number of full-time employees who are

coverage in which the individual was automatically enrolled. Treasury/IRS and the DOL are coordinating the development of their respective guidance on the definitions of full-time employee for purposes of § 4980H and FLSA § 18A.

² MEC is defined in § 5000A(f) of the Code. The definition of "eligible employer-sponsored plan" in § 5000A(f)(2) applies for purposes of § 4980H.

certified to receive an advance payment of an applicable premium tax credit or cost-sharing reduction.

Section 4980H(c)(4) provides that a full-time employee with respect to any month is an employee who is employed on average at least 30 hours of service per week. An applicable large employer with respect to a calendar year is defined in section 4980H(c)(2) as an employer who employed an average of at least 50 full-time employees on business days during the preceding calendar year.³ For purposes of determining whether an employer is an applicable large employer, full-time equivalent employees (FTEs), which are determined based on the hours of service of employees who are not full-time, are taken into account.

This notice invites comments on a number of possible rules, definitions and approaches for interpreting and applying § 4980H. Section III of the notice addresses potential definitions of employer, employee and hours of service. Section IV describes a possible method for determining whether an employer is an applicable large employer for a calendar year, and thereby subject to § 4980H. Section V outlines possible rules that could be used to determine an employee's full-time status for purposes of calculating an employer's assessable payment under § 4980H. Section VI contains a more general request for comments, including comments on the interaction of the rules under § 4980H with certain other provisions of the Affordable Care Act.

III. DEFINITION OF EMPLOYER, EMPLOYEE, HOURS OF SERVICE

In the interests of simplicity and consistency, it is contemplated that the definitions of employer, employee and hours of service and the rules for calculating

³ Section 4980H is effective for months beginning after December 31, 2013. For 2014, the first calendar year in which an employer could be an applicable large employer, the preceding calendar year is 2013.

hours of service (as outlined below) would generally conform, to the extent consistent with the provisions and purposes of § 4980H, to well-established regulatory definitions and rules applicable to employer-provided health and pension benefits. Comments are invited on the following possible approaches to defining those terms.

A. How "Employer" Would Be Defined

For purposes of § 4980H, as under Code provisions generally, "employer" would mean the entity that is the employer of an employee under the common-law test. In addition, § 4980H provides that all entities treated as a single employer under § 414(b), (c), (m), or (o) are treated as a single employer for purposes of § 4980H. Section 4980H(c)(2)(C)(i). Thus, all employees of a controlled group under § 414(b) or (c), or an affiliated service group under § 414(m), are to be taken into account in determining whether any member of the controlled group or affiliated service group is an applicable large employer. Section 4980H also provides that an employer includes a predecessor employer (§ 4980H(c)(2)(C)(iii)) and that an employer not in existence during an entire preceding calendar year will be an applicable large employer for the current calendar year if it is reasonably expected to employ an average of at least 50 full-time employees (taking into account FTEs) on business days during the current calendar year. Section 4980H(c)(2)(C)(ii). (Section IV.C describes how FTEs are calculated for purposes of determining whether an employer is an applicable large employer.)

B. How "Employee" Would Be Defined

For purposes of § 4980H, as under Code provisions generally, "employee" would mean a worker who is an employee under the common-law test. (See Section IV.D for a special rule regarding seasonal employees described in § 4980H(c)(2)(B).) Section

414(n), which treats "leased employees", as defined in § 414(n)(2), as employees of the service recipient for various purposes, does not cross-reference § 4980H and accordingly would not apply to § 4980H.

C. Definition of "Hours of Service"

In general, § 4980H treats, with respect to a month, an employee who has an average of at least 30 hours of service per week as a full-time employee. It is contemplated that, for this purpose, proposed regulations would provide that 130 hours of service in a calendar month would be treated as the monthly equivalent of at least 30 hours of service per week.⁴ As under existing Labor Regulations, an employee's hours of service would include the following: (1) each hour for which an employee is paid, or entitled to payment, for the performance of duties for the employer; and (2) each hour for which an employee is paid, or entitled to payment by the employer on account of a period of time during which no duties are performed due to vacation, holiday, illness, incapacity (including disability), layoff, jury duty, military duty or leave of absence (29 C.F.R. § 2530.200b-2(a)) (except that it is contemplated that no more than 160 hours of service would be counted for an employee on account of any single continuous period during which the employee was paid or entitled to payment but performed no duties). The potential rules for determining hours of service in this Section III.C and section III.D, which are based on prior guidance under other provisions of the Affordable Care Act, would apply in determining an employee's status as full-time or not full-time and in calculating an employer's FTEs.

D. How Hours of Service Would Be Calculated

⁴ This possible proposed standard of 130 hours of service per calendar month would take into account that the average month consists of more than four weeks ($52 \times 30 / 12 = 130$).

1. Calculation of hours for service for hourly employees

For employees paid on an hourly basis (hourly employees), the employer would be required to calculate actual hours of service from records of hours worked and hours for which payment is made or due (payment is made or due for vacation, holiday, illness, incapacity, etc., as described above).

2. Calculation of hours for service for non-hourly employees

For employees not paid on an hourly basis (non-hourly employees), the employer would be permitted to calculate the number of hours of service under any of the following three methods: (1) counting actual hours of service from records of hours worked and hours for which payment is made or due for vacation, holiday, illness, incapacity, etc., as described above; (2) using a days-worked equivalency method whereby the employee is credited with eight hours of service for each day for which the employee would be required to be credited with at least one hour of service under the rule in Section III.C above; or (3) using a weeks-worked equivalency of 40 hours of service per week for each week for which the employee would be required to be credited with at least one hour of service under the rule in Section III.C above. These equivalents are based on Labor regulations at 29 C.F.R. § 2530.200b-2(a), modified as under prior guidance under other provisions of the Affordable Care Act.

Although an employer would be required to use one of these three methods for counting hours of service for all non-hourly employees, an employer need not use the same method for all non-hourly employees, but may apply different methods for different classifications of non-hourly employees, if the classifications are reasonable and consistently applied. In addition, an employer may change the method of

calculating non-hourly employees' hours of service for each calendar year. For example, for all non-hourly employees, an employer may use the actual hours worked method for the calendar year 2014, but may use the days-worked equivalency method for counting hours of service for the calendar year 2015.

The number of hours of service calculated using the days-worked or weeks-worked equivalency method would be required to reflect generally the hours actually worked and the hours for which payment is made or due. An employer would not be permitted to use the days-worked or weeks-worked equivalency method if the result would be to substantially understate an employee's hours of service in a manner that would cause that employee not to be treated as full-time.

IV. DETERMINATION OF WHETHER AN EMPLOYER IS AN APPLICABLE LARGE EMPLOYER

This section of the notice describes the process for determining whether an employer is an applicable large employer in accordance with § 4980H. Comments are welcome.

A. Applicable Large Employer Status Determined Based upon Sum of Full-Time Employees and FTEs

Under § 4980H, an employer would not be subject to an assessable payment unless the employer is an applicable large employer. As noted above, § 4980H defines an applicable large employer, with respect to a calendar year, as an employer that employed an average of at least 50 FT employees on business days during the preceding calendar year. For purposes of this Section IV, the term "FT employees" means the sum of the employer's full-time employees and FTEs.

B. Full-Time Employees for Determining Applicable Large Employer Status

Section 4980H provides that full-time employee status is determined on a monthly basis. Under § 4980H, a full-time employee with respect to any month is an employee (including a seasonal employee) who is employed, on average, at least 30 hours of service per week (or, under the rules contemplated to be included in proposed regulations, at least 130 hours of service in the calendar month). An employee who is not a full-time employee under this standard (including a seasonal employee) for a given month is taken into account in the FTE calculation. Section 4980H(c)(2)(E).

C. Full-Time Equivalents for Determining Applicable Large Employer Status

In determining whether an employer is an applicable large employer for the current calendar year, § 4980H provides that the employer is required to calculate the number of FTEs it employed during the preceding calendar year and count each such FTE as one FT employee for that year. All employees (including seasonal employees) who were not full-time employees for any month in the preceding calendar year are included in calculating the employer's FTEs for that month. The number of FTEs for each calendar month in the preceding calendar year would be determined using the following steps:

(1) Calculate the aggregate number of hours of service (but not more than 120 hours of service for any employee) for all employees who were not full-time employees for that month.

(2) Divide the total hours of service in step (1) by 120. This is the number of FTEs for the calendar month.

In determining the number of FTEs for each calendar month, fractions would be taken into account. For example, if in a calendar month employees who are not full-time employees work 1,260 hours, there would be 10.5 FTEs for that month. However, after adding the 12 monthly full-time employee and FTE totals, and dividing by 12 (the amount in Section IV.E, step (4) below), all fractions would be disregarded. For example, 49.9 FT employees for the preceding calendar year would be rounded down to 49 FT employees (and thus the employer would not be an applicable large employer in the current calendar year).

D. Seasonal Employees

Section 4980H provides that seasonal employees are employees who perform labor or services on a seasonal basis as defined by the Secretary of Labor, including seasonal workers covered by 29 C.F.R. § 500.20(s)(1) and retail workers employed exclusively during holiday seasons. Section 4980H(c)(2)(B)(ii). If an employer's workforce exceeds 50 FT employees for 120 days or fewer during a calendar year, and the employees in excess of 50 who were employed during that period of no more than 120 days were seasonal employees, the employer would not be an applicable large employer. It is contemplated that, for this purpose only, four calendar months would be treated as the equivalent of 120 days.

E. Calculating the Number of FT Employees

The steps in calculating the number of FT employees in the preceding calendar year, and thus whether the employer is an applicable large employer for the current calendar year, would be as follows:

(1) Calculate the number of full-time employees (including seasonal employees) for each calendar month in the preceding calendar year.

(2) Calculate the number of FTEs (including seasonal employees) for each calendar month in the preceding calendar year (as described in Section IV.C above).

(3) Add the number of full-time employees and FTEs calculated in steps (1) and (2) for each of the 12 months in the preceding calendar year.

(4) Add up the 12 monthly numbers in step (3) and divide the sum by 12. This is the average number of the employer's FT employees for the preceding calendar year. See Section IV.C above for rule regarding fractions and rounding.

(5) If the number of FT employees in step (4) is less than 50, the employer is not an applicable large employer for the current calendar year.

(6) If the number of FT employees in step (4) is 50 or more, determine whether the seasonal employee exception, as described in Section IV.D above, applies. If the seasonal employee exception applies, the employer is not an applicable large employer for the current calendar year. If the seasonal exception does not apply, the employer is an applicable large employer for the current calendar year.

Examples. In all of the examples in this notice, employees are common law employees of the employer, and hours of service are computed following the rules in Section III.D above.

Example 1 - Hourly-paid employees. (i) Employer K's taxable year is the calendar year. Employer K's payroll records indicate that Employee A was an hourly employee who worked 173 hours per month for January through November of 2014, worked 93 hours in December of 2014 and was paid for 80 hours of annual leave in December of 2014 (for a total of 173 hours for December of 2014).

(ii) Employee A had more than 130 hours of service in each month in calendar year 2014.

(iii) Employee A was a full-time employee of Employer K for each month during calendar year 2014.

Example 2 - Non-hourly employee: days-worked equivalency. (i) Same facts as Example 1, except that in calendar year 2014, Employee B is a non-hourly employee who worked for Employer K five days per week for 50 weeks, and was paid 80 hours of vacation leave for two weeks (40 hours per week). Employer K applies the days-worked equivalency for Employee B.

(ii) Employee B is credited with 40 hours of service for each week in the 2014 calendar year (50 weeks worked and 2 weeks for which payment was made).

(iii) Employee B averaged at least 30 hours of service per week during each month in calendar year 2014.

(iv) Employee B is a full-time employee of Employer K in each month in calendar year 2014.

Example 3 - Applicable large employer. (i) In each month in calendar year 2014, Employer L has 20 full-time employees, 30 FTEs, and no seasonal employees.

(ii) Because Employer L has 50 FT employees (20 full-time employees + 30 FTEs) during each month of 2014 and the seasonal employee exception is not applicable, Employer L is an applicable large employer for calendar year 2015.

Example 4 – Seasonal employees. (i) In calendar year 2014, Employer N has 40 full-time employees for January through December none of whom are seasonal employees. In addition, Employer N also has 80 seasonal full-time employees that work for Employer N from September through December. Employer N has no FTEs.

(ii) Before applying the seasonal employee exemption, Employer N has 40 full-time employees during each of eight calendar months of 2014, and 120 full-time employees during each of four calendar months of 2014, resulting in an average of 66.5 employees for the year (rounded down to 66 full-time employees), an average greater than the average of at least 50 full-time employees required for applicable large employer status. However, in this example, Employer N's workforce exceeded 50 full-time employees (counting seasonal employees) for no more than four calendar months (treated as the equivalent of 120 days) in calendar year 2014, and the employees in excess of 50 during those months were seasonal workers.

(iii) Accordingly, because of the seasonal employee exemption, Employer N is not an applicable large employer for calendar year 2015.

Example 5 – Seasonal and other FTEs. (i) Same facts as in Example 4, except that Employer N has 20 FTEs in August, some of whom are seasonal employees.

(ii) The seasonal employee exemption is not available if the number of an employer's FT employees (including seasonal employees) exceeds 50 employees for more than 120 days during the calendar year. Employer N has at least 50 FT employees for a period greater than four calendar months (treated as the equivalent of 120 days) in calendar year 2014. Therefore, Employer N is not eligible for the seasonal employee exception. As a result, Employer N averages 68 FT employees in 2014: $[(40 \times 7) + (60 \times 1) + (120 \times 4)] \div 12 = 68.33$, rounded down to 68.

(iii) Accordingly, Employer N is an applicable large employer for calendar year 2015.

V. POTENTIAL METHODS FOR DETERMINING FULL-TIME EMPLOYEES UNDER § 4980H

An applicable large employer's potential § 4980H(a) liability is determined by reference to the number of full-time employees employed for a given month, and an applicable large employer's potential § 4980H(b) liability is determined by reference to the number of full-time employees with respect to whom an applicable premium tax credit or cost-sharing reduction is allowed or paid for a given month. Under a month-to-month method for determining an applicable large employer's potential § 4980H liability, each employee's full-time status would be determined on a monthly basis (i.e., an employee would be considered full-time for a month if the employee averaged at least 30 hours of service per week for the month (or, under the rules contemplated to be included in proposed regulations, had at least 130 hours of service for the month)).

A determination of full-time employee status on a monthly basis for purposes of calculating an employer's potential § 4980H liability may cause practical difficulties for employers, employees, and the State Exchanges. These difficulties include uncertainty and inability to predictably identify which employees are considered full-time and, consequently, inability to forecast or avoid potential § 4980H liability. This issue is

particularly acute in circumstances in which employees have varying hours or employment schedules (e.g., employees whose hours vary from month to month or who are employed for a limited period). If employer-sponsored coverage were limited to employees who satisfied the definition of full-time employee during a month, employees might move in and out of employer coverage as frequently as monthly, which would be undesirable from both the employee's and the employer's perspective, and could also create administrative challenges for the State Exchanges.

In order to address these concerns for employees and employers, and to give plan sponsors flexible and workable options as well as greater predictability, Treasury and the IRS are considering proposing possible alternatives to a month-by-month determination of full-time employee status for purposes of calculating an applicable large employer's potential assessable payment. One possible alternative would permit applicable large employers, at their option, to use a look-back/stability period safe harbor that would provide certainty as to which employees would be considered full-time for a particular coverage period. Such an approach also would be designed to give effect to the statutory provisions while accommodating a wide variety of current eligibility and enrollment practices in group health plans. Accordingly, this notice requests comments on the look-back/stability period safe harbor method described below, which Treasury and the IRS believe represents a reasonable interpretation of the statute.

Under the possible look-back/stability period safe harbor method, an employer would determine each employee's full-time status by looking back at a defined period of not less than three but not more than twelve consecutive calendar months, as chosen by the employer (the measurement period), to determine whether the employee

averaged at least 30 hours of service per week (or, under the rules contemplated to be included in proposed regulations, at least 130 hours of service per calendar month) during the measurement period. If the employee were determined to be a full-time employee during the measurement period, then the employee would be treated as a full-time employee during a subsequent "stability period", regardless of the number of the employee's hours of service during the stability period, so long as he or she remained an employee. For an employee who was determined to be a full-time employee during the measurement period, the stability period would be a period of at least six consecutive calendar months that follows the measurement period and is no shorter in duration than the measurement period. If the employee was determined not to be a full-time employee during the measurement period, the employer would be permitted to treat the employee as not a full-time employee during a stability period that followed the measurement period, but the stability period could not exceed the measurement period.

Example 6 – Measurement period/stability period. (i) Employer M, an applicable large employer, did not hire any new employees in calendar year 2014. Employer M elects to use a 6-month measurement period and a 6-month stability period for purposes of determining its full-time employees. The first measurement period runs from January 1, 2014 through June 30, 2014 and the associated stability period runs from July 1, 2014 through December 31, 2014.

(ii) Employer M determines each employee's full-time status by looking back to determine whether the employee averaged at least 30 hours of service per week from January 1, 2014 through June 30, 2014 by totaling each employee's hours of service during that measurement period and dividing that total by the number of weeks in that measurement period.

(iii) The employees determined to be full-time based on their hours of service during the first measurement period are considered to be full-time for each month in the stability period from July 1, 2014 through December 31, 2014 for purposes of calculating Employer M's potential assessable payment under § 4980H for those months.

Treasury and IRS also request comments on other possible alternative methods of determining full-time employee status for purposes of calculating an applicable large employer's potential assessable payment.

For new employees who might not have been employed by the employer during the entire measurement period, or employees who move into full-time status during the year, it is currently anticipated that this safe harbor may apply only in a limited form. Comments are requested on potential rules for determining the full-time status of such employees. See also Section VI, below, which requests comments regarding the 90-day waiting period and its application to newly eligible employees.

In addition, comments are invited on the following possible provisions:

- To allow reasonable administrative time to perform the look-back calculation, notify employees of their eligibility, and enroll them in coverage, the stability period might not be required to commence immediately following the end of the measurement period. Instead, plans might be given the option of taking an administrative interval (for example, up to one month) between the end of the measurement period and the beginning of the stability period.
- Employers who select a measurement period of less than a year but select a stability period that is designed to provide coverage to employees on a plan year basis might be permitted to provide different stability periods for different groups of employees depending on the point during the plan year in which the employee is determined to be full-time. For example, employers using a three-month measurement period might be

permitted to use a stability period of at least six consecutive months or, if greater, the number of calendar months remaining in the plan year.

- Employers might be given the option of starting the first measurement period for an employee on the employee's date of hire rather than on the first day of a calendar month, provided that the duration of the measurement period was uniform for all employees.
- To minimize opportunities for manipulation, employers might be limited in the frequency with which they could change their measurement and stability period.

If employers could use different measurement and stability periods for different portions of their work force, the potential for manipulation could be greater, and the resources required for the IRS to review and confirm employer compliance would be materially increased. The use of a single measurement period and a single stability period for all of an employer's employees would minimize these concerns. Accordingly, commenters are requested to take these issues into account in commenting on whether applicable large employers should generally be required to use the same measurement and stability periods for all employees. Comments are requested on whether there are circumstances (such as corporate transactions bringing new entities into the applicable large employer's controlled group or the use of different payroll systems for different groups of employees) in which it may be appropriate for the employer to apply different measurement and stability periods for different classifications of employees or for different entities within its controlled group.

VI. REQUEST FOR COMMENTS

A. General Request for Comments

As noted, the IRS and Treasury intend to issue proposed regulations on the employer shared responsibility provisions under § 4980H. To help inform those proposed regulations, comments are invited on the issues addressed in this notice. In addition, employers and other stakeholders have requested clarification of how the § 4980H(a) assessable payment provisions will be interpreted and applied, and how they should work together with the § 4980H(b) assessable payment provisions. As noted earlier, § 4980H(a) provides that the assessable payment under § 4980H(a) may apply to an employer that “fails to offer its full-time employees (and their dependents) the opportunity to enroll in minimum essential coverage under an employer-sponsored plan.” It is contemplated that the proposed regulations would make clear that an employer offering coverage to all, or substantially all, of its full-time employees would not be subject to the § 4980H(a) assessable payment provisions. Comments are requested on the challenges employers may face in being able to offer coverage to certain categories of employees even after implementation of the changes made by the Affordable Care Act to the group insurance market, and on other situations where application of the § 4980H(a) assessable payment may not be appropriate. Comments are requested on whether there are appropriate exceptions that should be provided for under the employer responsibility provisions (for example, an exception to permit employers not to offer coverage to nonresident alien employees, who not are required to have coverage under the Affordable Care Act, or not to offer coverage to certain seasonal employees) and how any proposed exceptions would be consistent with the structure and purpose of the § 4980H(a) assessable payment provisions.

B. Request for Comments on the 90-Day Waiting Period Limitation

Section 1201 of the Affordable Care Act added a new § 2708 of the PHS Act, which provides that a group health plan and health insurance issuer offering group health insurance coverage shall not apply any waiting period that exceeds 90 days.⁵ PHS Act § 2708 (29 U.S.C. § 300gg-7) is incorporated by reference into the Employee Retirement Income Security Act of 1974 (ERISA) under § 715 and into the Code under § 9815, enacted by § 1563 of the Affordable Care Act. Accordingly, the interpretation and application of § 2708 of the PHS Act is subject to the shared jurisdiction of the three Departments. Violations by group health plans are subject to the excise tax under § 4980D of the Code, as well as other civil enforcement remedies under ERISA and the PHS Act.

For purposes of § 2708 of the PHS Act, “waiting period” is defined under § 2704(b)(4) of the PHS Act to mean “with respect to a group health plan and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan.” Identical definitions of “waiting period” appear in the Code and ERISA. See Code § 9801(b)(4); ERISA § 701(b)(4).⁶ Joint final regulations under these three identical statutory provisions (which were added by HIPAA) define the term “waiting period” as “the period that must pass before coverage

⁵ PHS Act § 2708 is effective for plan years beginning on or after January 1, 2014 and applies to both grandfathered and non-grandfathered plans.

⁶ The Health Insurance Portability and Accountability Act of 1996 (HIPAA) added the definition of waiting period to the PHS Act, ERISA and the Code as part of the portability provisions. Under the HIPAA portability provisions, a waiting period is not taken into account in determining whether an individual has had a significant break in coverage (i.e., a break of 63 or more days) that would nullify prior creditable coverage that would otherwise reduce the length of an allowed preexisting condition exclusion period.

for an employee or dependent who is otherwise eligible to enroll under the terms of a group health plan can become effective [emphasis added]." See Treas. Reg. § 54.9801-3(a)(3)(iii); DOL Reg. 29 CFR 701-3(a)(3)(iii); HHS Reg. 45 CFR 146.111(a)(3)(iii).

The Departments request comments on the 90-day limitation on any waiting period under PHS Act § 2708, including comments on which employees are subject to the limitation, when a waiting period may apply consistent with the limitation, and how the 90-day limitation should be calculated. Comments are also requested on the application of the 90-day waiting period under PHS Act § 2708 to common employer eligibility and enrollment practices and the interaction between the interpretation of the Code § 4980H employer responsibility provisions and the calculation of the maximum permissible waiting period under PHS Act § 2708, including the following:

1. On April 8, 2011, the DOL held an open forum on issues relating to implementation of the automatic enrollment provisions of § 18A of the Fair Labor Standards Act. At that open forum and in other contexts, stakeholders have described arrangements or practices currently used by some group health plans to determine when an employee is eligible to enroll in the plan and when enrollment occurs. Comments are requested on how the 90-day waiting period under PHS Act § 2708 should be applied in the following situations (including appropriate modifications, if any, that should be made to an employer group health plan's eligibility and enrollment practices):
 - a. Employees become eligible to enroll in the employer's group health plan when they are determined to have worked an average of a specified number of hours (e.g., 30 hours per week) during a look-back measurement period (e.g., a quarterly look-back measurement period) and are therefore considered to satisfy the plan's eligibility requirements. Once an employee is determined to be eligible to enroll in the group health plan, he or she is enrolled at the end of a 90-day waiting period during which the employer and the plan or issuer, as applicable, complete the enrollment process.
 - b. Employees who are hired to work a full-time schedule become eligible to enroll in the employer's group health plan, subject to a 90-day service

requirement, calculated from the date of hire. The plan or issuer does not permit mid-month enrollment but permits employees to enroll on the first day of the month (or the first day of a quarter) after completing 90 days of service.

- c. Employees covered by a collective bargaining agreement become eligible for coverage under a multiemployer health plan for a period (such as a calendar quarter) if they completed a specified number of hours during an earlier period (such as the previous calendar quarter, or the calendar quarter that began six months before the coverage quarter). The multiemployer health plan collects such an employee's hours worked from different employers that contribute to the plan. Under the terms of the multiemployer plan, excess hours may or may not be "banked" and available to maintain coverage for future quarters in which the employee does not meet the hours requirement.
 - d. Employees become eligible to enroll in the employer's group health plan after completing a service-based "probationary" period of, for example, three to six months. The plan enrolls employees 90 days after the completion of the probationary period.
 - e. Employees hired as seasonal workers or into certain other temporary or variable-hour categories of employment are not eligible to enroll in the employer's group health plan, even if such an employee works a sufficient number of hours to satisfy the plan's eligibility requirement for non-seasonal employees. To the extent that the status of this employee changes to one that is eligible to enroll in the plan, the employee is permitted to enroll 90 days after the change in status. In some instances, the same seasonal or temporary employees may be rehired annually.
 - f. Part-time employees are offered coverage, but only after having worked for longer than a 90-day period.
2. What, if any, other service-based eligibility conditions do employers, plans, or issuers currently impose that could raise compliance issues under PHS Act § 2708? Are there any clarifications or interpretations that would be helpful to facilitate compliance? Should the 90-day waiting period provision be interpreted to require aggregation of discrete periods of service or should plans be permitted to require continuous service to satisfy the waiting period?
3. How should § 4980H be coordinated with the 90-day waiting period provision?

Comments must be submitted by June 17, 2011. Comments should include a reference to Notice 2011-36. Send submissions to CC:PA:LPD:PR (Notice 2011-36),

Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station,
Washington, DC 20044. Submissions may be hand delivered **Monday through Friday**
between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (Notice 2011-36), Courier's
Desk, Internal Revenue Service, 1111 Constitution Avenue, NW, Washington, DC
20044, or sent electronically, via the following e-mail address:

Notice.comments@irscounsel.treas.gov. Please include "Notice 2011-36" in the subject
line of any electronic communication. All material submitted will be available for public
inspection and copying.

NO INFERENCE

No inference should be drawn from any provision of this notice concerning any
other provision of § 4980H or any other section of the Affordable Care Act.

DRAFTING INFORMATION

The principal author of this notice is Mireille Khoury of the Office of Division
Counsel/Associate Chief Counsel (Tax Exempt and Government Entities). For further
information regarding this notice contact Ms. Khoury at (202) 622-6080 (not a toll-free
call).

Landscapes



News from the Land Trust of the Eastern Panhandle

Summer 2013

Two Easements in Jefferson County with Civil War History

The two conservation easements completed by the Land Trust of the Eastern Panhandle in 2012 together protect 412 acres of historic Jefferson County farmland, part of it around the Claymont mansion outside Charles Town and part of it along the Shenandoah in the southern part of the county.

Both properties featured in civil war clashes.

The Claymont easement protects the 264 acres around the 34-room Claymont Mansion, built by George Washington's grand-nephew, Bushrod Corbin Washington, in 1811. In August 1864 Confederate forces attacked Union positions around Claymont at the beginning of General Sheridan's Shenandoah Valley campaign.

Under the easement, the Claymont Society retains ownership of the land but cannot place any permanent structures on the 264 acres other than a limited number of small buildings to support agricultural activities. In return for doing this, the Society received payment from the National Park Service's American Battlefield Protection Program (ABPP) for half the value of the easement, i.e., the difference in the value of the land when it can be developed and when it cannot. The Society donated the other half of the value of the easement.

The Claymont Society owns a total of 343 acres. Exempted from the conservation easement are a small area immediately around the Claymont Mansion and a larger area in the southwest corner of the property containing a barn/dormitory building and houses built in the 20th century. Nothing will be built to obstruct the view of the Claymont Mansion from Huyett Road.

Founded in 1974, the Claymont Society for Continuous Education is a non-profit educational organization with a mission of providing education and a place of learning and promoting a way of life responsible towards nature. It leases a section of farmland to a farmer who is producing organic vegetables for sale at farmers' markets, and it plans to lease additional areas for such operations.

The second property, from the estate of Hugh Hoover, has two-thirds of a mile of frontage on the Shenandoah downstream from Ann Lewis Road, in an area where Confederate Col. John



The organizations and individuals instrumental in the conservation easement around Claymont Mansion are from left to right: Grant Smith, President, Land Trust of the Eastern Panhandle; Amy Silver, President, Claymont Society; Elizabeth Ries, Grants Manager, American Battlefield Protection Program; Kit McGinnis, Claymont Society; Peter Fricke, Member, Jefferson County Farmland Protection Board; and Elizabeth Wheeler, Board Administrator, Jefferson County Farmland Protection Board.

Mosby ranged and clashed with Federal troops in 1864. While mostly open farmland, it also includes a significant wooded section in the center, just above the flood plain.

Hugh Hoover had begun work on the easement with the Jefferson County Farmland Protection Board before his death. His heirs, Dianna Gray and Steven Helms completed it even before probate of the estate was complete, using provisions of the West Virginia easement post mortem legislation.

The 148 acres of the Hoover easement adjoin an earlier Land Trust easement, donated by Jim Rogers and Pat Rissler in 2009 that protects 154 acres of historic farmland.

As of the end of 2012, the Land Trust of the Eastern Panhandle held 45 easements, protecting 4627 acres. Both of the easements added in 2012 are co-held with the Jefferson County Farmland Protection Board.

Insurance Program

Under a new program, the Land Trust of the Eastern Panhandle has obtained insurance to pay legal fees of up to \$500,000 to defend any of its 45 conservation easements.

While there have been no court challenges to its easements, legal costs for easement defense around the country often exceed \$250,000. That is more than the reserves of most small land trusts, including the Land Trust of the Eastern Panhandle.

Conservation easement defense insurance is not available from commercial or non-profit insurance carriers. The national Land Trust Alliance, therefore, created the Terrafirma Risk Retention Group LLC for this purpose, which 420 land trusts have joined to insure over 20,000 easements protecting six million acres of conserved land.

The insurance should serve as a major deterrent to individuals seeking to overturn or violate the terms of a conservation easement.

Landscapes

News from the Land Trust
of the Eastern Panhandle

Your Partner in Rural Conservation

Our mission is to encourage people to preserve open space and rural landscapes in West Virginia's Eastern Panhandle. We use private, voluntary initiative and education to:

- Preserve the scenic beauty and historic character that have long made our region attractive to people;
- Promote a healthy, balanced local economy by preserving productive farmland and encouraging appropriate development;
- Encourage wise stewardship of the region's natural resources.

We are a private, non-profit, tax-exempt charitable organization incorporated in West Virginia in 1995. Our board is composed of men and women from a variety of backgrounds from Morgan, Berkeley, and Jefferson counties.

We meet monthly at the Martinsburg law firm of Hammer, Ferretti & Schiavoni, and we thank them for opening their office to us.

Board Members

Terry Rieman Camilletti
Albert Stephen Cox
Barbara Humes
Edward Moore
Gavin Perry
Grant Smith
Bonnie Stubblefield

Land Trust of the Eastern Panhandle

P.O. Box 2240
Martinsburg, WV 25402
304-876-2583 (Grant Smith)
www.landtrustepwv.org

LTEP News

Birds to Benefit from Conservation Easements



The Claymont Society with its Conservation Easement (page 1) is interested in participating in the new Grassland Bird Initiative of the Potomac Valley Audubon Society.

The Land Trust of the Eastern Panhandle is cooperating with the Potomac Valley Audubon Society as it launches a new Grassland Birds Initiative to help the dwindling population of grassland nesting birds in the Eastern Panhandle. Many species are declining so rapidly that only 20 % of their 1966 population remains today. Beleaguered species familiar to many of us include meadowlarks, bobwhites, bobolinks and red wing blackbirds. Habitat loss and changes in land management are the main factors leading to the population decline.

Land management practices that can help restore suitable grassland habitat include mowing higher and later, not mowing at all for several years, or even converting some fields to warm season grasses, which grow later in the season. The idea is to allow the grass clumping structure to remain intact, with bare soil between the plants where grassland nesting birds can build their nests and use to forage for food and flee from predators. The normal practice of cutting hay in mid-June and again in the summer robs the birds of the chance to produce young in such a location.

A pilot program of cooperation between a LTEP easement donor, The Claymont Society, and PVAS is about to begin. The Claymont Society plans to enroll a key portion of its 264 acres under conservation easement in the new Grassland Bird Initiative of the PVAS, under which it will choose from a range of conservation practices that preserve nesting areas for such birds.

Other easement donors, or landowners with some acreage, may wish to enroll a portion or all of their property in this program, choosing those practices that best fit with their farming operations. More information is available at www.potomacaudubon.org/GBI or by email at Grasslandbirdsinitiative@gmail.com.

Tax Opportunity Extended

Buried in the “tax extenders” portion of the fiscal cliff legislation at the beginning of this year was a provision that can help protect the farms and forests so important for the economy and quality of life in the Eastern Panhandle.

Specifically, during 2013 placement of a conservation easement that permanently protects land from development will entitle the landowner to a federal tax deduction of the value of the easement against up to 50 per cent of income. Any unused deduction can be carried forward for up to 15 years.

The value of an easement is the difference in the value of the property when it can be developed and when it can only be used for purposes such as farming or forestry. In Jefferson County, which has zoning, this difference now generally runs between \$3800 and \$6000 per acre; in Berkeley County, recent easement values have averaged \$6800 per acre.

This enhanced deduction should be of particular interest to landowners who do not need funding for an easement from one of the county Farmland Protection Boards or who own forest land rather than farmland. Just before the enhanced deduction lapsed the first time, three Panhandle landowners took advantage of it by donating easements protecting 274 acres to the Land Trust of the Eastern Panhandle.

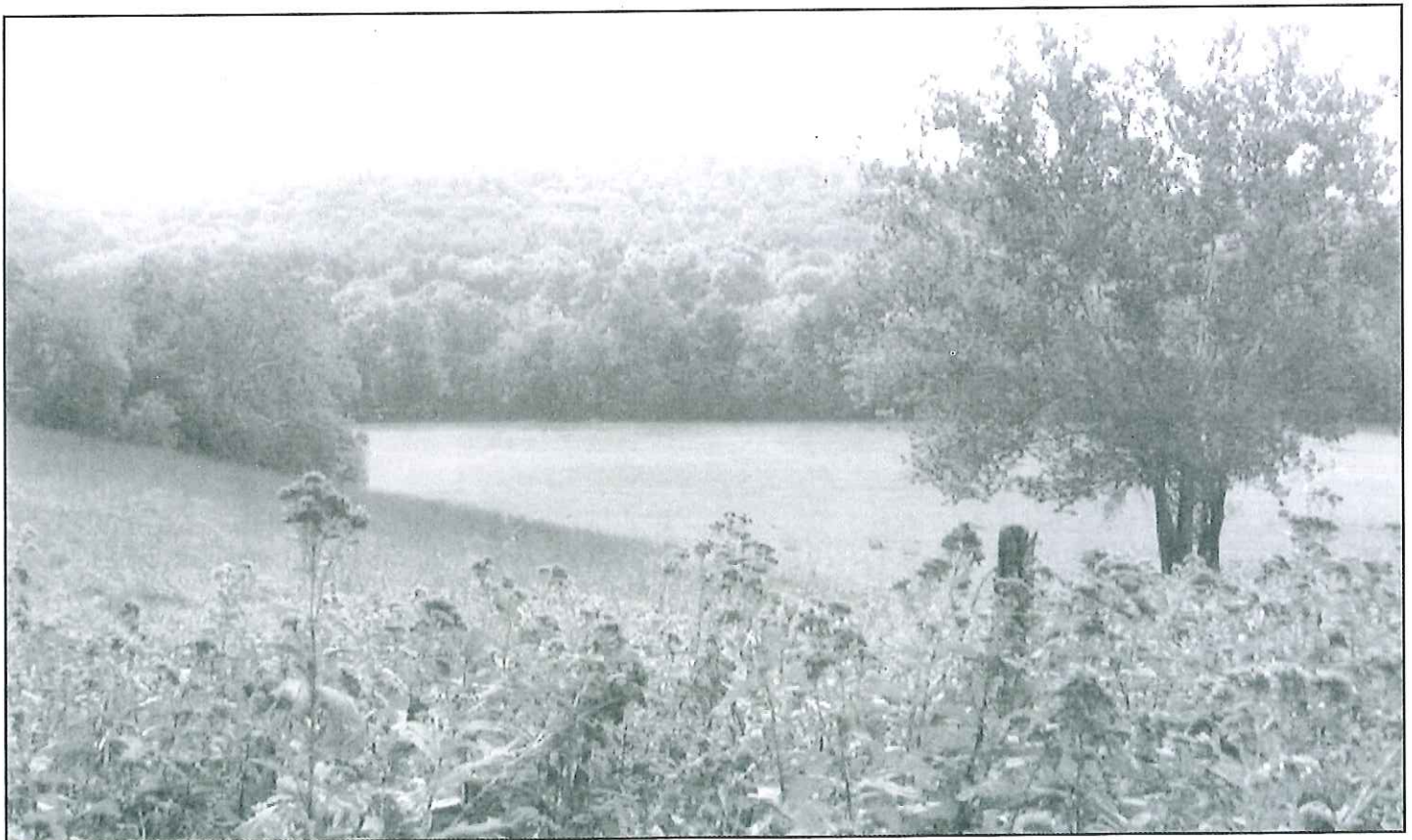
Even farmers who need Farmland Protection Board funding may want to get paid for most of the value of an easement but donate the balance, thereby improving their chances of getting access to the limited FPB funds. Many have done just this in the past, effectively stretching the FPB money to protect more acres than would otherwise be possible.

Potentially important for landowners in Jefferson County is the possibility of combining the enhanced federal tax deduction with funding from the National Park Service’s American Battlefield

Protection Program for easements in the four Congressionally-recognized Civil War battlefields in the county: Harpers Ferry, Shepherdstown, Summit Point and Smithfield Crossing (Middleway). The Land Trust of the Eastern Panhandle has helped obtain over \$2 million in ABPP funding for eight easements in Jefferson County protecting 857 acres.

A conservation easement permanently restricts the use of land to non-development purposes and is recorded with the county clerk, just like a sale or mortgage. The landowner continues to own the property, and public access is not required. Details can be worked out to accommodate the specifics of the property and the desires of the owner.

The organization holding an easement photographs and otherwise documents the state of the land at the time the easement is placed. It uses that documentation to monitor the property annually so that it can enforce the terms of the easement.



The 148 acre easement from the estate of Hugh Hoover has frontage along the Shenandoah River as well as farmland and a wooded section



Please Distribute To All County Commissioners....

Volume 16, Issue 11

June 12, 2013

2013 Legislative Bill Summary... *Compiled by Vivian Parsons*

Enclosed please find the bills summaries for the 2013 regular and 1st special session that pertain to county government. I have marked those especially important with (**) and bold print. We've also included the bill's effective date. There are 25 Senate bills and 25 House bills plus two bills from the 1st special session for a total of 52 summarized bills.

Also enclosed is the list of topics selected by the Legislature to study in the coming months of 2013. Of particular importance to county government is "***State and Local Financing Issues Generally***", to be studied by the Joint Finance Committee and "***SCR 72 Methods to increase salaries of elected officials***," to be studied by the Joint Government Organization Committee. Please note all those topics marked with (*) on the list.

Here is a quick update on a few bills CCAWV was following that did not survive the session:

SB 529 / HB 3024- Granting county commissions **advice and consent** authority in discharging certain county employees—CCAWV agreed to eliminate consent and require only advising the county commission. Bill was still opposed by the other county officials and died in Senate Gov Org. HB 3024 (house version) passed out of Political Subdivision and died in House Judiciary.

SB 530 / HB 3070- Authorizing circuit and magistrate courts place **surcharge on bail bonds** to offset regional jail costs .
Died in Senate Judiciary / HB 3070 —died in House Judiciary

SB 531 / HB 3023 - Providing elected county officials receive **raise based on Consumer Price Index / or 3%—**
CCAWV's Ongoing Salary Mechanism Bill . **Died in Sen. Government Organization. House version HB 3023—**
died in House Finance.

Com Sub for SB 522—Relating to collection and processing of certain court fees and providing for a fee of an additional **\$40 on all municipal offenses (not just moving violations) to be paid to the Regional Jail and Correctional Facility Authority Fund used for bond indebtedness.** **Died in Senate Finance.**

HB 2887 —is **the "Salary Bump-up" bill** supported by CCAWV and WVACo. Never moved. Died in House Finance

HB 3124 - Floodplain permit fee cap. Even though we'd worked with the industry to come up with some language we thought would work, their lobbyist and I decided to request the bill be pulled and give us time to get together after session with some folks from each organization to work on the issue together. We will meet on the issue soon.

Increasing Homestead Exemption—HJR 11 Supported by Assessors. Opposed by CCAWV. **Died in House Finance**

Introduced Version - Originating in Committee

SENATE CONCURRENT RESOLUTION NO. 72

(By Senators Snyder and Miller)

[Originating in the Committee on Government Organization]

Requesting the Joint Committee on Government and Finance study methods to consistently increase the salaries of elected county officials.

Whereas, Every year county officials look to the Legislature to enhance their compensation; and

Whereas, Senate Bi11 367 was introduced during the 2013 regular session, which proposed creating the Citizens Elected County Officials Compensation Commission; and

Whereas, Having a consistent method to increase county officials' salaries would be beneficial to both the counties and the Legislature; therefore, be it

Resolved by the Legislature of West Virginia:

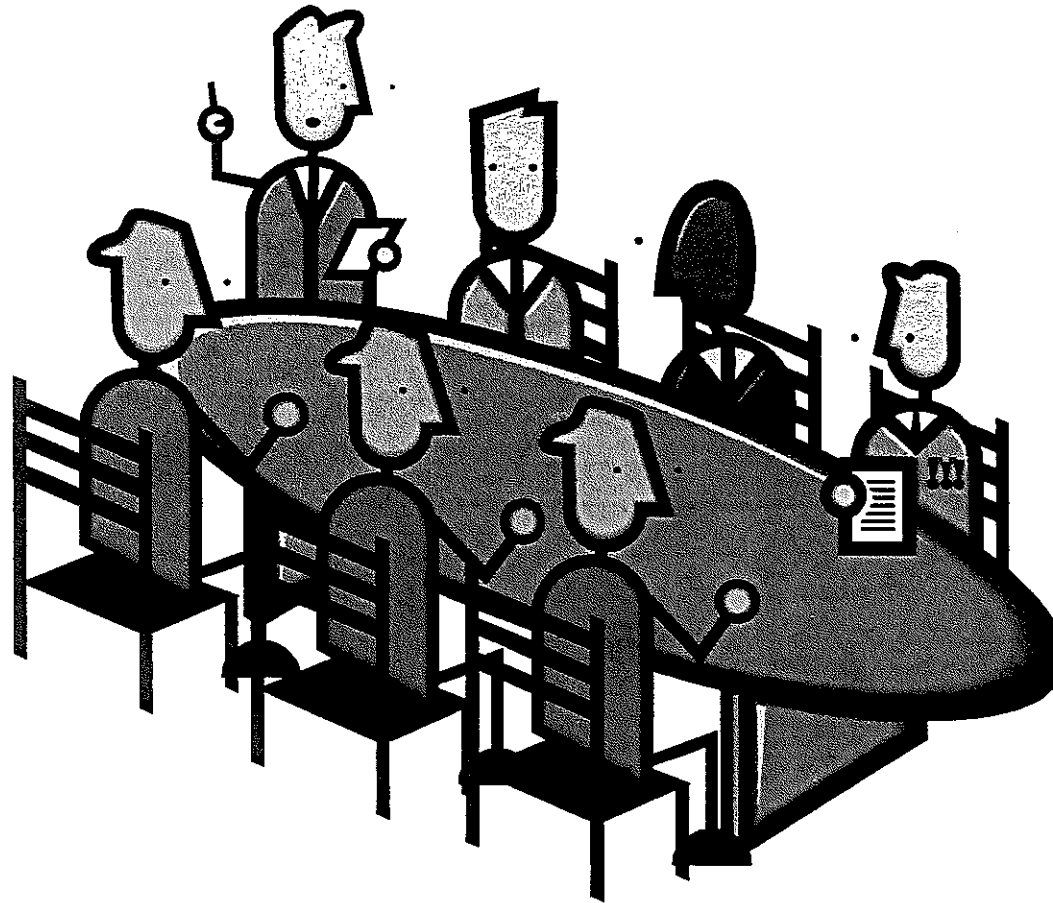
That the Joint Committee on Government and Finance is hereby requested to study methods to consistently increase the salaries of elected county officials; and, be it

Further Resolved, That the Joint Committee on Government and Finance report to the regular session of the Legislature, 2014, on its findings, conclusions and recommendations, together with drafts of any legislation necessary to effectuate its recommendations; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and to draft necessary legislation be paid from legislative appropriations to the Joint Committee on Government and Finance.

2013 Interim Committee Study

Topics and Assignments



2013 Interim Committee Study Topics and Assignments		
		Comm. Assign.
SCR35	Aging Watershed Dams and Channels	Agriculture
SCR46	Distribution of power to rural communities	Agriculture
SCR47	Cultivation of meat processing industry	Agriculture
	Update Fencing Laws	Agriculture
	Development of a "West Virginia-homegrown" brand for local foods	Agriculture
	Discussing Hybrid Cooperative Association laws	Agriculture
	Feed to Achieve and senior vouchers for locally-grown foods	Agriculture
	Nontraditional Agriculture and Agri-tourism development	Agriculture
HCR156	Est. comprehensive educator career development continuum	Education
SCR75	Privately owned licensed residential facilities for certain school-aged children	Education
HCR159	Higher education governance and capital projects	Education
HCR161	The full cost of an education at state higher ed institutions	Education
HCR162	Administrative level of the state institutions of higher education	Education
HCR155	Better connecting the education system to workforce and career futures	Education
HCR157	Restoring authority, flexibility, and capacity of schools and school systems	Education
HCR158	How the governance of RESAs can be best aligned	Education
	Project 24 and technology issues	Education
	Funding for probation officers to address truancy	Education
	All funding for scholarships (subjects of HB2738)	Education
	Strengthening school leadership by investing in principals	Education
HCR71	Impact of Neighborhood Investment Program Tax	Finance
HCR149	Exec Dept. disposition of general revenue surplus	Finance
* HCR173	Financial Status and needs of local health department	Finance
* SCR45	Financial solvency of volunteer and part-volunteer fire department	Finance
SCR57	Study how to maintain State Park System	Finance
* SCR74	Study local funding of public libraries	Finance

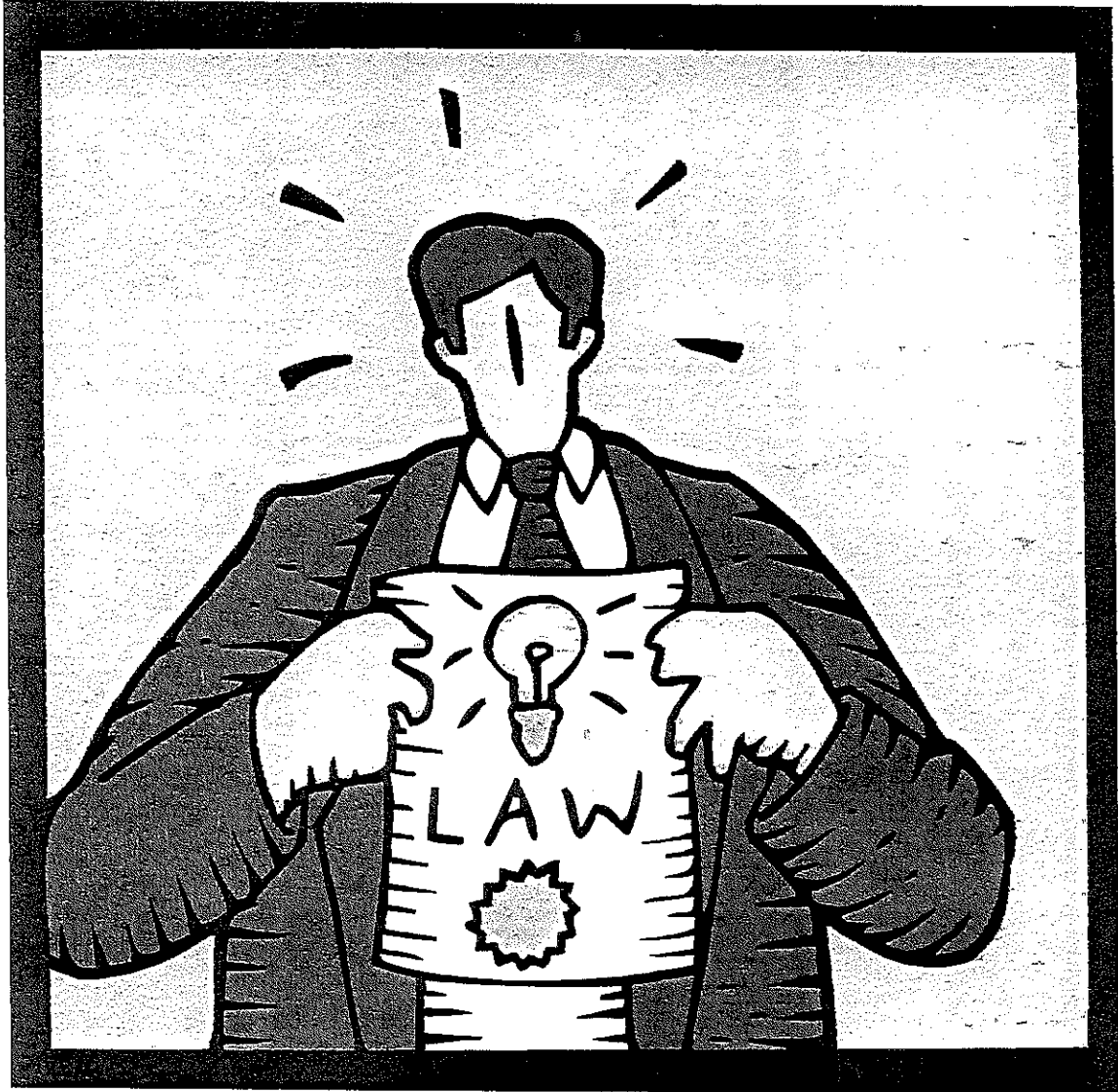
*		Comprehensive review of declining lottery revenues	Finance
*	HB2360	Advisability of calculating local share based on artificial studies and erroneous assessments	Finance
*		Tax issues generally	Finance
*		State and Local Financing Issues Generally	Finance
		Monitor the study of the equitable redistribution of personnel and resources in the magistrate court system as required by SB1003	Finance
	HCR148	Study current procurement and purchasing procedures	Gov. Org.
		electric utilities billing practices	Gov. Org.
	SCR43	study regional testing by boards and agencies	Gov. Org.
*	SCR 73	Bail Bonds industry	Gov. Org.
	SCR 78	PSC regulation of internet providers	Gov. Org.
*	SCR 61	Abandoned buildings regulations by county and cities	Gov. Org.
	SCR 33	role of deputy reserves	Gov. Org.
*	SCR 41	regional need for emergency power generators at key public service locations (gas stations, etc.)	Gov. Org.
	SCR 42	State's Purchasing and Procedures	Gov. Org.
*	SCR 72	Methods to increase salaries of elected officials	Gov. Org.
	HCR117	Certificate of Need process	Health
	HCR115	Compulsory Immunization in West Virginia, medical exemption	Health
		Study of state-run and operated behavioral health facilities	Health
	HCR116	The feasibility and necessity of medical marijuana	Health
*	SCR53	Study disbursing portions of Turnpike tolls to host counties	Infrast.
	SCR55	Consolidation of operations and functions of Parkways Authority within DOH	Infrast.
	HCR166	Allocation of resources by DOH for the removal of snow and general highway maintenance	Infrast.
	SCR65	Safe and Efficient Transportation Act of 2013	Infrast.
	SCR 54	Definitions of "ATV" and similar vehicles for consistency	
		Integrated leasing for horizontal gas wells	Judiciary
		Physicians Mutual and state malpractice insurance rates	Judiciary
		Use of Coal Mine Water for hydraulic fracturing	Judiciary
		Jurisdiction at coal mining bond forfeiture sites and the use of the Special Reclamation Fund to pay water	Judiciary

	Comparing current and proposed insurance underwriting restrictions in West Virginia to those in other states;	Judiciary
	Effectiveness of the 2010 WV Supreme Court procedure in proving a right to appeal	Judiciary
SCR177	Necessity of the applicatio of oil and gas conservation law and lease inegration principles	Judiciary
	Creating exclusive wine distributorships	Judiciary
	Gun registry purchase prohibition effectiveness of those found mentally incompetent;	Judiciary
SB588	Requiring bonding of Residential Construction Projects (Sponsors: Yost, Kessler, Edgell, Unger and Fitzsimmons	Judiciary
SB359	Alternative certification	LOCEA
SB359	Planning Periods	LOCEA
SB359	College & career ready	LOCEA
SB444	Nonclassified employee ratio report	LOCEA
HB2940	County Board shared services report	LOCEA
HB3157	State Board report on teacher and principal required reports	LOCEA
HB3160	Joint governing partnership school reports	LOCEA
HCR114	Authority Structure of DHHR	LOCHHRA
	Updating and modernizing DHHR's statutes	LOCHHRA
	Review of Public Works audit of DHHR	LOCHHRA
	Implementing the expansion of Medicaid in WV	LOCHHRA
SCR57	How to maintain State Parks	Parks
SCR58	Laws pertaining to use of firearms for hunting and recreational shooting enthusiasts	Parks
SCR60	Feasibility of DNR entering into lease agreements for hunting and other opportunities	Parks
HCR127	Adult day care services in West Virginia	PEIA, Seniors
HCR128	Needs, challenges and issues facing senior citizens in finding personal care services (SCR 55)	PEIA, Seniors
HCR129	Deficiencies in home caregiver assistance for senior citizens	PEIA, Seniors
HCR130	Updating state laws that strengthen protections against elder abuse, exploitation and fraud	PEIA, Seniors
SCR 51	Availability of Adult Day Care Services	PEIA, Seniors
HCR170	Veterans and National Guard issues; and screening and mental health services for returning	Veterans
	Labor and work safety issues	Labor

	Safety training programs for non-mining industries	Labor
	Buy American Act	Labor
*	Safety Concerns in Correctional Facilities and Regional Jails	Labor
	Workplace rehabilitation programs/drug free workplace	Labor
	Retention and Advancement initiatives for public employees	Labor
SCR48	Availability of affordable housing	Children's Issues
	food distribution issues	Children's Issues
	Natural gas vehicle conversion standards	Econ. Dev.
SCR69	Project Launch Pad	Econ. Dev.
	Effectiveness, Opportunities and Overview of WV Port Authorities	Econ. Dev.
SCR77	Alternative and renewable energy issues	Econ. Dev.

2013 Summary of Legislation of Relevance to Counties

By Vivian Parsons



**County Commissioners' Association of West Virginia
Summary of 2013 Bills**

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2013 Summary of Legislation of Relevance to Counties

Compiled By Vivian Parsons

Bill	Title	Status	Effective Date
SB 82	<p>Relating to public service district board membership - requiring a public service board to have at least one rate-paying residential customer of the public service district on the board; increasing the salary of public service district board members; clarifying when salary and expenses payments may be made; and adding sewer service to the salary schedule for public service districts which contract with others to provide service.</p> <p>Salaries of the board members will be: (1) For districts with fewer than 600 customers, up to \$100 per attendance at regular monthly meetings and \$75 per attendance at additional special meetings, total salary not to exceed \$2,000 per annum; (2) For districts with 600 customers or more but fewer than 2000 customers, up to \$125 per attendance at regular monthly meetings and \$100 per attendance at additional special meetings, total salary not to exceed \$3,250 per annum; (3) For districts with 2000 customers or more, but fewer than 4000 customers, up to \$150 per attendance at regular monthly meetings and \$100 per attendance at additional special meetings, total salary not to exceed \$4,500 per annum; and (4) For districts with 4000 or more customers, up to \$200 per attendance at regular monthly meetings and \$150 per attendance at additional special meetings, total salary not to exceed \$6,400 per annum. The public service district shall certify the number of customers served to the Public Service Commission on July 1 of each fiscal year.</p>	Approved by Governor 5/3/13 - House Journal	Effective July 1, 2013
**SB 103	<p>Creating WV Commuter Rail Access Act - adding a new section, designated §29-18-24, all relating to commuter rail access in West Virginia; providing authority for the State Rail Authority to negotiate an agreement with the State of Maryland for operation of commuter rail in West Virginia; providing terms of minimum daily service requirements in the agreement; providing for the payment of track access fees pursuant to the agreement; and creating a special fund to pay track access fees. CCAWV supported.</p>	Approved by Governor 5/2/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
SB 145	<p>Amending election complaint procedures - relating to the administrative procedure in response to election-related complaints; clarifying language to allow the procedure to be utilized for certain federal election violations; and providing an exception to the procedure for certain allegations that may result in a finding of a criminal violation.</p>	Approved by Governor 4/19/13 - House Journal	Effective Ninety Days from Passage - (July 8, 2013)
**SB 146	<p>Collecting unpaid magistrate court charges through income tax refund withholding - relating to requiring the Tax Commissioner to withhold unpaid costs, fines, fees, forfeitures, restitution, penalties and other fees imposed on a defendant in a criminal action in magistrate court, or imposed in circuit court in a criminal action on appeal from magistrate court, from the income tax refund of the defendant upon notification from the clerk of the appropriate court; requiring clerk to give notification to Tax Commissioner if amounts are unpaid within one year of judgment; providing a process for deducting, distributing and allocating those unpaid amounts; creating the Magistrate Fines and Fees Collection Fund; permitting the Tax Commissioner to charge an administrative fee; and providing rule-making authority. CCAWV supported</p>	Approved by Governor 5/1/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
SB 158	<p>Creating Complete Streets Act - all relating to creation of the Complete Streets Act; promoting consideration by the Division of Highways of complete streets policies for all streets, roads and highways and other transportation infrastructure facilities under the jurisdiction of the Division of Highways; providing for model complete streets policies for use by Division of Highways, counties and municipalities; providing instances when the Division of Highways need not consider complete street policies; creating a Complete Streets Advisory Board; providing for reimbursement of mileage expenses of board members; and requiring annual reports.</p>	Approved by Governor 4/19/13 - House Journal	Effective Ninety Days from Passage - (July 9, 2013)
SB 190	<p>Relating to public-private transportation projects funding - all relating to the funding of transportation public-private partnership projects and their corresponding comprehensive agreements; eliminating requirement that money from the State Road Fund only be used for public-private partnership projects where the money serves as a required match for federal funds specifically earmarked in a federal</p>	Approved by Governor 4/29/13 -	Effective July 1, 2013

	authorization or appropriation bill and does not exceed four percent of the immediate preceding three fiscal years' average of the Division of Highways' construction contracts awarded under the competitive bid process; allowing public-private partnership projects to use money from the State Road Fund when the projects are in excess of \$20 million, constructed by the Division of Highways and contained in its six-year plan; providing that any earnings in excess of maximum rate of return that is negotiated in comprehensive agreements be deposited in the State Road Fund; providing a sunset provision prohibiting comprehensive agreements for public-private partnership projects after June 30, 2017; eliminating the requirement that a comprehensive agreement for public-private partnership projects be approved by concurrent resolution of the Legislature and be submitted to the Governor for his or her approval or disapproval before the Division of Highways enters into the comprehensive agreement; and mandating that the Division of Highways provide a copy of any comprehensive agreement to the Legislature's Joint Committee on Government and Finance at least thirty days prior to said agreement being executed by the Division of Highways for a public-private partnership project.	House Journal	
SB 202	Creating WV Spay Neuter Assistance Program and Fund - all relating to establishing the West Virginia Spay Neuter Assistance Program and Fund; designating the Commissioner of the Department of Agriculture to manage the program and fund; providing grants to nonprofit spay neuter programs in state; limiting administrative expenses of fund; requiring annual reporting; and authorizing rulemaking.	Approved by Governor 5/1/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
**SB 331	Permitting Courthouse Facilities Improvement Authority to issue bonds - all relating to providing the West Virginia Courthouse Facilities Improvement Authority with the ability to issue bonds to raise funds for paying the costs of approved modifications or construction of courthouse facilities. This bill was vetoed by the Governor based on concerns about the prospect of encumbering all or part of the fees that the Authority receives, for a period of up to 30 years, to pay debt service.	Vetoed by Governor 5/3/13 - House Journal	Vetoed
**SB 355	Relating to final wage payment to discharged employees – Requiring final wages be paid to discharged employees no later than the next regular payday or four business days, whichever comes first; authorizing payment by mail if requested by the employee; providing that employers pay an employee all wages he or she earned at the time of quitting if the employee gives written notice of his or her intention to quit at least one pay period before quitting; defining "business day <u>For purposes of this section, "business day" means any day other than Saturday, Sunday or any legal holiday as set forth in section one, article two, chapter two of this code.</u>	Approved by Governor 4/29/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
**SB 371	Relating to prison overcrowding - all relating to public safety; –requiring the Division of Corrections to perform graduated methods of mental health screens, appraisals and evaluations on persons committed to its custody; –eliminating requirement for separate disciplinary rules at each institution; –mandating one year of supervised release for violent inmates and deducting one year of their good time; –authorizing judges to require up to one hundred eighty days of a nonviolent offender's sentence to be served as post-release mandatory supervision; –requiring the Commissioner of Corrections to adopt policies regarding mandatory supervised release; –requiring the West Virginia Regional Jail and Correctional Facility Authority to use a standardized pretrial risk-screening instrument adopted by the Supreme Court of Appeals of West Virginia to screen persons arrested and placed in a regional jail; –providing for the confidentiality of risk assessments and their inadmissibility at criminal and civil trials; –requiring the Division of Corrections to develop and implement a cognitive behavioral program for inmates in regional jails committed to the custody of the Commissioner of Corrections and requiring the Division of Corrections to pay its cost; –exempting parole officers from prohibitions against carrying concealed weapons; –moving definition of "day report center" to section relating to conditions of release on probation; –providing standards and limitations under which judges and magistrates may impose a period of supervision or participation in day report program; –clarifying language regarding confinement and revocation for violations of the conditions of home incarceration; –adding representative of the Bureau for Behavioral Health and Health Facilities to the Community Corrections Subcommittee of the Governor's Committee on Crime, Delinquency and Correction; –requiring that the Community Corrections Subcommittee review, assess and report on the implementation of evidence-based practices in	Approved by Governor 5/2/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)

the criminal justice system;

- adding member with a background in substance abuse treatment and services to the community criminal justice boards to be appointed by the commission or commissions of the county or counties represented by the board;
- providing oversight responsibility to Division of Justice and Community Services to implement standardized risk and needs assessment, evaluate effectiveness of other modifications to community corrections programs and provide annual report;
- requiring probation officers to conduct a standardized risk and needs assessment for individuals placed on probation and to supervise probationer and enforce probation according to assessment and supervision standards adopted by the West Virginia Supreme Court of Appeals;
- requiring probation officers to perform random drug and alcohol tests of persons under their supervision;
- authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized risk and needs assessment for use by probation officers;
- authorizing the Supreme Court of Appeals of West Virginia to adopt a standardized pretrial screening instrument for use by the Regional Jail Authority;
- providing standards and limitations under which judges may impose a term of reporting to a day report center as a condition of probation;
- authorizing day report center programs to provide services based on the results of a person’s standardized risk and needs assessment;
- providing for graduated sanctions in response to violations of the conditions of release on probation other than absconding, committing certain new criminal conduct or violating special condition of probation;
- creating exceptions to new criminal conduct provisions;
- making standardized risk and needs assessments confidential court documents;
- requiring copies of graduated sanctions confinement orders be supplied to the Commissioner of Corrections;
- providing that graduated sanctions confinement be paid by the Division of Corrections;
- providing that judges may depart from graduated sanctions limitations upon specific written findings;
- revising eligibility requirements for accelerated parole program;
- providing that parole applications may be considered by the Parole Board without prior submission a home plan;
- requiring that Division of Corrections’ policies and procedures for developing a rehabilitation treatment plan include the use of substance abuse assessment tools and prioritize treatment resources based on the risk and needs assessment and substance abuse assessment results;
- providing for rebuttable presumption that parole is appropriate for inmates completing the accelerated parole program and a rehabilitation treatment program;
- providing standards and limitations for Parole Board;
- outlining duties of the Division of Corrections to supervise, treat and provide support services for persons released on mandatory supervised release;
- removing temporal standard for requirement that the Parole Board have access to a copy of an inmate’s physical, mental or psychiatric examination;
- clarifying the Parole Board’s duty to notify prosecuting attorneys of an offender’s release on parole;
- authorizing Division of Corrections to employ directors of housing and employment for released inmates with duties relating to the reduction of parole release delays and finding employment;
- requiring parole officers to update the standardized risk and needs assessment for each person for whom an assessment has not been conducted for parole and to supervise each person according to the assessment and the commissioner’s supervision standards;
- authorizing the Commissioner of Corrections to issue a certificate authorizing an eligible parole officer to carry firearms or concealed weapons;
- providing standards and limitations under which the Division of Corrections may order substance abuse treatment or impose a term of reporting to a day report center or other community corrections program as a condition or modification of parole;
- authorizing the Commissioner of Corrections to enter into a master agreement with the Division of Justice and Community Services to reimburse counties for use of the community corrections programs;
- clarifying that parolee participation in community corrections is at program director’s discretion;
- providing for graduated sanctions in response to violations of the conditions of release on parole other than absconding, certain new criminal conduct or violating a special condition of parole;
- providing a parolee with the right to a hearing, upon request, regarding whether he or she violated the conditions of his or her release on parole;

	<ul style="list-style-type: none"> -providing the authority for the Parole Board to depart from graduated sanction; -providing that graduated sanctions incarceration for parolees be paid for by Division of Corrections; -providing for a Community Supervision Committee to be appointed by the Administrative Director of the Supreme Court of Appeals of West Virginia to coordinate the sharing of information for community supervision and requiring an annual report; -revising definitions for Drug Offender Accountability and Treatment Act; -requiring all judicial circuits to participate in a drug court or regional drug court program by July 1, 2016; -providing standards and limitations under which judges may order treatment supervision for drug offenders; -providing that a judge may order a period of confinement to encourage compliance with treatment supervision to be paid by the Division of Corrections for up to thirty days for each instance; -requiring the Division of Justice and Community Services to use appropriated funds to implement substance abuse treatment to serve those under treatment supervision in each judicial circuit; -providing that the Division of Justice and Community Services in consultation with the Governor's Advisory Committee on Substance Abuse is responsible for developing standards relating to quality and delivery of substance abuse services; -requiring certain education and training; -paying for drug abuse assessments and certified drug treatment from appropriated funds; -requiring submittal of an annual report and specifying an effective date; -outlining duties of treatment supervision service providers; -providing effective dates for provisions related to treatment supervision; -providing for state payment of drug court participants' incarceration under certain circumstances; <p>This was the Governor's bill and <u>CCAWV supported passage</u>. We hope that many of these issues will have a positive effect on county regional jail costs. The Senate version of the bill required an automatic supervised six-month early release, however changes made by the House gives judges that discretion at sentencing. This big change makes predicting the actual cost saving more difficult. The projected overall savings for next year could be reduced from the predicted \$27 million to \$18 million because of this change.</p>		
SB 394	<p>Relating to scholarships for dependent children of law-enforcement officers who die in performance of duty - all relating to providing scholarships for dependent children of law-enforcement officers (including deputy sheriffs) who die in performance of duty; modifying scholarship benefits for certain dependents; and establishing scholarship benefits for certain dependents.</p>	<p>Approved by Governor 4/29/13 - House Journal</p>	<p>Effective July 1, 2013</p>
SB 414	<p>Clarifying hunting and fishing license-issuing authorities - relating to issuing hunting and fishing licenses; and modifying who may be a license-issuing authority. The clerk of the county commission in each county requesting designation and other persons, designated by the director pursuant to section thirty-three of this article, are license-issuing authorities authorized to issue a license to an applicant if the applicant is legally entitled to obtain the license and pays the proper fee.</p>	<p>Approved by Governor 4/29/13 - House Journal</p>	<p>Effective Ninety Days from Passage - (July 12, 2013)</p>
SB 423	<p>Providing certain convicted persons reduction in sentence - relating to providing persons convicted of a criminal offense and sentenced to a six-month confinement in a regional jail a reduction in sentence for successful completion of education and rehabilitation programs.</p>	<p>Approved by Governor 4/30/13 - House Journal</p>	<p>Effective Ninety Days from Passage - (July 12, 2013)</p>
SB 431	<p>Relating to public employer liability for delinquent retirement contributions - The purpose of this bill is to hold liable any participating public employer owing delinquent retirement contributions to the board, to provide that a public employer's successor is liable for all delinquent retirement contributions and associated fees to be paid to the board within thirty days of termination of business, to provide that all debts owed the board be enforceable in county circuit court by attaching a lien on all assets of a public employer or its successor and creating a severability clause.</p>	<p>Approved by Governor 4/18/13</p>	<p>Effective Ninety Days from Passage - (July 7, 2013)</p>

<p>**SB 435</p>	<p>Continuing Municipal Home Rule Pilot Program - continuing the Municipal Home Rule Pilot Program; continuing the Municipal Home Rule Board; authorizing Class I, II, III and IV municipalities to participate in the program; clarifying the voting privileges of members of the Municipal Home Rule Board; clarifying the powers and duties of the board; establishing written plan requirements for municipalities; establishing requirements for the adoption of ordinances; requiring public hearings; setting forth powers and duties of the participating municipalities; prohibiting certain acts by participating municipalities; providing the opportunity for participating municipalities to withdraw from the program; providing for amendments to the written plan; requiring a performance review of the pilot program; establishing reporting requirements; validating the continuance of certain ordinances passed by the municipalities participating in the pilot program; prohibiting municipalities participating in the pilot program from restricting the right of any person to purchase, possess, transfer, own, carry, transport, sell or store any firearm, firearm accessory or accoutrement, or any ammunition or ammunition component; providing limited exceptions to the firearms prohibition; providing for applicability and effective dates of prohibition; and establishing a termination date of the pilot program of July 1, 2019.</p> <p>The bill includes several prohibited acts under the home rule program: The municipalities participating in the Municipal Home Rule Pilot Program do not have the authority to pass an ordinance, act, resolution, rule or regulation, pertaining to:</p> <ul style="list-style-type: none"> (1) The Constitutions of the United States or West Virginia; (2) Federal law or crimes and punishment; (3) Chapters sixty-a, sixty-one and sixty-two of this code or state crimes and punishment; (4) Pensions or retirement plans; (5) Annexation; (6) Taxation: Provided, That a participating municipality may enact a municipal sales tax up to one percent if it reduces or eliminates its municipal business and occupation tax: Provided, however, That if a municipality subsequently reinstates or raises the municipal business and occupation tax it previously reduced or eliminated under the Municipal Home Rule Pilot Program, it shall eliminate the municipal sales tax enacted under the Municipal Home Rule Pilot Program: Provided further, That any municipality that imposes a municipal sales tax pursuant to this section shall use the services of the Tax Commissioner to administer, enforce and collect the tax in the same manner as the state consumers sales and service tax and use tax under the provisions of articles fifteen, fifteen-a and fifteen-b, chapter eleven of this code and all applicable provisions of the streamlined sales and use tax agreement: And provided further, That such tax will not apply to the sale of motor fuel or motor vehicles; (7) Tax increment financing; (8) Extraction of natural resources; (9) Persons or property outside the boundaries of the municipality: Provided, That this prohibition under the Municipal Home Rule Pilot Program does not affect a municipality's powers outside its boundary lines under other sections of this chapter, other chapters of this code or court decisions; (10) Marriage and divorce laws; (11) Restricting the carrying of a firearm, as that term is defined in section two, article seven, chapter sixty-one of this code: Provided, That, notwithstanding the provisions of subsection (p) of this section, municipalities may regulate the carrying of a firearm in municipal buildings dedicated to government operations, other than parking buildings or garages: Provided, however, That on other municipal property, municipalities may regulate only those persons not licensed to carry a concealed firearm; and (12) An occupation tax, fee or assessment payable by a non-resident of a municipality. 	<p>Approved by Governor 5/3/13 - House Journal</p>	<p>Effective July 1, 2013</p>
<p>**SB 437</p>	<p>Regulating commercial dog-breeding operations - relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee; setting forth responsibilities of the commercial dog breeder; setting forth the requirements for maintaining adequate enclosures; providing for inspections by the county; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing no exemption for United States Department of Agriculture licensees; and providing criminal penalties or granting an improvement period. This one was a "sleeper bill" crept right by us! Has a mandate, but includes a revenue source...small blessings I guess.</p>	<p>Approved by Governor 5/3/13 - House Journal</p>	<p>Effective Ninety Days from Passage - (July 11, 2013)</p>
<p>SB 458</p>	<p>Permitting PEIA operate Medicare retiree health plan on calendar-year basis - relating to health benefit plans; permitting the Director of the Public Employees Insurance Agency to operate the Medicare retiree health benefits plans on a calendar year; requiring certain conditions; and providing that financial plans shall continue to be on a fiscal-year basis.</p>	<p>Approved by Governor 4/16/13 - Senate</p>	<p>Effective from passage - (April 9,</p>

		Journal	2013)
SB 477	Relating to electronic registration of voters - repealing outdated code regarding manual voter registration systems; authorizing Secretary of State to promulgate procedures to permit persons to register to vote through a secure electronic voter registration system; providing an exception to address requirements on registration for participants in the address confidentiality program; permitting transmission of electronically stored signatures for registration in certain instances; allowing acceptance of registration with or without an email address; requiring electronic registration be received by close of business on the day of the registration deadline; permitting people to register to vote through approved electronic voter registration systems at certain locations; authorizing the Division of Motor Vehicles to release certain information to the Secretary of State upon notice and consent of the registered voter; and making certain clarifications of current code.	Approved by Governor 5/2/13 - House Journal	Effective Ninety Days from Passage - (July 11, 2013)
SB 481	Relating to juvenile mental health treatment - intellectual disability and addiction; permitting acceptance of a notarized application in lieu of in-person application for certain voluntary hospitalization; allowing use of article five, chapter twenty-seven of said code for juveniles in certain situations; requiring parents or guardians to transport minors for voluntary hospitalization; creating exceptions to that requirement by affidavit to circuit court, mental hygiene commissioner or magistrate court; requiring transfer by county sheriff upon order of circuit court, mental hygiene commissioner or magistrate court ; and requiring mental health facilities to make their application immediately accessible in certain situations.	Approved by Governor 4/30/13 - House Journal	Effective Ninety Days from Passage - (July 11, 2013)
SB 482	Relating to sale of voter registration lists - adding thereto a new section, designated §59-1-2b, all relating to the preparation and sale of voter registration lists; exempting certain voter data from being provided; clarifying that records are to be kept in electronic form; permitting certain voter lists be obtained for noncommercial purposes from the clerk of the county commission or the Secretary of State ; providing certain exemptions allowing the Secretary of State to provide voter information to others; setting forth the fees to be charged for the sale of voter registration lists; setting forth the types of lists and services that are available; requiring the net proceeds from the voter registration list sales be deposited in the State Election Fund ; and clarifying that the Secretary of State may share voter information with those authorized to receive the information. County Clerks will be able to retain amounts from sales to cover associated costs to county, before remitting net proceeds to State Election Fund.	Approved by Governor 5/3/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
SB 489	Permitting community enhancement districts to decrease annual property assessments - relating to permitting community enhancement districts to decrease the amounts of annual property assessments; providing a process that a community enhancement board is to use to certify the decrease to the county sheriff; requiring that any decrease be included in the tax ticket or a modified tax ticket; and providing that the assessment reduction applies to all property in the district. Doesn't affect the regular ad valorem property taxes, only the additional assessed amount imposed within the enhancement district, to complete an enhance project, may be decreased if the amount proves to be in excess of the need.	Approved by Governor 5/2/13 - House Journal	Effective from passage - (April 13, 2013)
**SB 527	Relating to process of filling vacancies in certain elected offices setting procedures for appointing persons to fill certain vacancies; requiring certain appointments within a certain period of time; listing time periods and certain offices where elections must be held to fill certain vacancies; setting special requirements for filling vacancies in certain offices; setting procedures for certain special elections; setting requirements for special filing periods, where necessary; requiring certain notice be given regarding elections to fill vacancies; providing for payment of costs if a new election is necessary; allowing nomination of certain persons without party affiliation; allowing emergency orders by the Secretary of State in certain circumstances; removing and repealing certain language relating to previous elections; clarifying method used to fill vacancies in the Office of Governor; permitting meeting of the Judicial Vacancy Advisory Commission upon certain formal announcements of retirement or resignation; adjusting method to fill vacancies in certain statewide, legislative and judicial offices such that the timing for all are consistent; adjusting method to fill vacancies in United States Congress; requiring most elections to fill vacancies be held in conjunction with regularly scheduled elections; clarifying method used to fill vacancies in certain county offices; permitting vacancies in certain county offices to be filled by temporary replacements for no more than thirty days ; and updating language regarding filling vacancies in certain elected offices.	Approved by Governor 5/3/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
SB 535	Relating to process for maintaining voter registration lists - all relating to the maintenance of voter registration lists and related records generally; repealing provisions governing superseded voter list purging procedures; updating specific constitutional provisions relating to voting; modifying when a person under the age of eighteen may vote in a primary election; updating the processes and responsibilities for statewide voter registration and establishing county and state roles in the voter registration process; modifying the processes of maintaining	Approved by Governor 5/3/13 - House	Effective Ninety Days from Passage -

	voter registration records; specifying county roles in maintaining voter registration files for municipal elections; modifying processes for the maintenance of records in the statewide voter registration database; permitting registration records to be shared across state lines pursuant to certain programs; modifying processes for cancellation of deceased or ineligible voters' registrations; providing county and state roles in the systematic purging program for removal of ineligible voters from active voter registration records; and providing for the custody of paper and electronic voter registration records.	Journal	(July 12, 2013)
SB 561	Establishing Tucker County Cultural District Authority - forming the Tucker County Cultural District Authority; providing for appointment of members; providing for organization and bylaws; requiring quarterly meetings; providing for quorum; authorizing proxy voting; providing for parliamentary procedure; providing for certain powers and duties of the board; establishing funding priorities; allowing public and private partnerships; granting certain specific authority to the president of the authority; requiring cooperation of state agencies; and allowing various municipalities, boards, commissions, agencies and others to assist the authority.	Approved by Governor 4/29/13 - House Journal	Effect from passage - (April 11, 2013)
SB 638	Terminating certain severance tax exemption for production of natural gas or oil - terminating a severance tax exemption for natural gas or oil produced from any horizontally drilled well that has not produced marketable quantities for five consecutive years immediately preceding the year in which such well is placed back into production and thereafter produces marketable quantities of natural gas or oil; providing an exception thereto; and specifying a controlling effective date. The bill would terminate the exemption for wells placed back into production on or after July 1, 2013. The bill also provides that for any well placed back into service on or before June 30, 2013 the exemption would continue for the remainder of the ten-year period for which the exemption was originally applicable. According to Tax Department interpretation, passage of this bill will potentially prevent a significant future increase in the value of the shut-in well exemption with potential adverse consequences for the General Revenue Fund, local distribution funds and the Workers' Compensation Debt Reduction Fund (assuming the Additional Severance Tax to pay down the unfunded liability in the Workers' Compensation Debt Reduction Fund has not expired). The use of the current exemption has been increasing over time and there is concern that a provision originally intended for marginal wells may be potentially used to shield higher producing wells from future taxation.	Approved by Governor 4/18/13	Effective July 1, 2013
HB 2046	Requiring wireless telecommunications companies to release location information of a missing person's cell phone in a timely manner; the "Kelsey Smith Act" - relating to requiring wireless telecommunications carriers to provide location information to law-enforcement agencies in emergencies; permitting wireless communications carriers to establish protocols for disclosure of location information in an emergency; limiting liability of wireless communications carriers when acting in good faith; requiring wireless telecommunications carriers and resellers to provide emergency contact information; requiring the West Virginia State Police to maintain emergency contact database; and granting rule-making authority.	Approved by Governor 4/29/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
HB 2108	Making the offense of failure to wear safety belts a primary offense - all relating to the operation of motor vehicles; making the offense of failure to wear safety belts a primary offense; and prohibiting denial of insurance coverage for prohibited use of electronic communications devices while driving.	Approved by Governor 4/22/13	Effective Ninety Days from Passage - (July 9, 2013)
HB 2351	Authorizing law enforcement to issue a charge by citation when making an arrest for driving with a suspended or revoked license - relating to requiring an arresting law enforcement officer to promptly present before a magistrate or court an individual charged with driving with a suspended or revoked license, and providing the option to issue a citation if a magistrate or court is not on duty or reasonably available.	Approved by Governor 4/29/13 - House Journal	Effective Ninety Days from Passage - (July 11, 2013)
HB 2399	Protecting livestock in dire or extreme condition - all relating generally to livestock; permitting the Livestock Care Standards Board to create procedures to address the inhumane treatment of livestock; prohibiting livestock from trespassing; clarifying damages that may be recovered; permitting containment of livestock; requiring notification of owner of trespassing livestock; requiring containment costs be negotiated and recovered in court; permitting the sheriff to take possession of unclaimed livestock ; permitting unclaimed livestock be sold at auction; setting forth the distribution of auction proceeds; and establishing misdemeanor penalties.	Approved by Governor 4/29/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)

HB 2453	Expanding the Amber Alert Plan; "SKYLAR'S LAW" - relating to activating the Amber Alert Plan; requiring a reporting law-enforcement agency to report a suspected missing or abducted child to the West Virginia State Police in the initial stages of investigation; and requiring the West Virginia State Police to contact the Amber Alert Coordinator for a determination as to whether Amber Alert criteria has been satisfied.	Approved by Governor 4/29/13	Effective Ninety Days from Passage - (July 11, 2013)
HB 2469	Increasing the cap on earnings during temporary reemployment after retirement - relating to increasing the cap on earnings during temporary reemployment after retirement from \$15,000 to \$20,000.	Approved by Governor 4/30/13	Effective Ninety Days from Passage - (July 12, 2013)
HB 2508	Changing the capital investment threshold amount - all relating to the amount of capital investment required as a prerequisite to approval of an economic opportunity development district project; increasing the capital investment threshold amount from more than \$25 million to more than \$75 million for development expenditures proposed to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first twenty-four months following their creation; and increasing the capital investment threshold amount from more than \$25 million to more than \$75 million for development expenditures in a project involving remediation to be made in county economic opportunity development districts and in municipal economic opportunity development districts in the first forty-eight months following their creation.	Approved by Governor 4/29/13	Effective July 1, 2013
HB 2521	Relating to the West Virginia Contraband Forfeiture Act - relating to the West Virginia Contraband Forfeiture Act; providing procedures for voluntary administrative forfeiture of forfeitable money used in or obtained through the illegal trafficking of controlled substances; establishing time frames; providing notice requirements; and providing for use of existing forfeiture law in contested cases.	Approved by Governor 4/22/13	Effective Ninety Days from Passage - (July 9, 2013)
HB 2542	Relating to publication of the State Register - relating to publications of the Secretary of State; requiring the State Register, Code of State Rules and other documents of the Secretary of State be available only in electronic format; exceptions; rule-making authority; and providing that the fees collected for the sale of certain records will be deposited in equal amounts into the General Revenue Fund and the service fees and collections account.	Approved by Governor 4/29/13	Effect from passage - (April 12, 2013)
HB 2585	Increasing the time to file a petition in response to notice of an increased assessment - May appeal to the assessor within eight business days after the date the notice of increased assessment. Defines 'business day' means any day other than Saturday, Sunday or any legal holiday set forth in section one, article two, chapter two of this code.	Approved by Governor 4/30/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
**HB 2590	Creating a public nonprofit corporation and governmental instrumentality to collectively address and facilitate the redevelopment of former commercial, industrial and mining properties subject to federal and state regulations because of contamination or pollution discharge. <u>Creating West Virginia Land Stewardship Corporation</u> ; providing eligibility for properties to participate; stating certain tax requirements; providing for board of directors and composition of same; setting forth minimum standards for certification under state certified sites program and assessment of fees therefor; authorizing establishment of voluntary state land bank program; prohibiting the transfer of certain liabilities to land bank by prior owner; permitting land stewardship corporation to preserve property value of properties held by land stewardship corporation; authorizing land bank to acquire, dispose or otherwise manage real property; providing requirements for handling of contaminated properties by land stewardship corporation; providing for liberal construction of article; authorizing the Department of Environmental Protection to investigate corporation activities and take necessary actions; <u>exempting corporation from certain state and local taxes; specifying payments in lieu of tax and tax exemption for leased property; requiring corporation to notify certain county Commissioners upon receipt of an application for a site to participate in the land bank program</u> ; requiring audits and biannual reports; providing procedure for dissolution of land stewardship corporation upon completion of purpose and for	Approved by Governor 4/29/13	Effective Ninety Days from Passage - (July 12, 2013)

	disposal of properties possessed by the corporation; stating preservation of sovereign immunity; and providing that obligations of land stewardship corporation are not obligations of the Department of Environmental Protection or the state.		
HB 2600	Creating resort area districts - The purpose of this bill is to authorize county commissions to create resort area districts ; provide for the petition process for creation or expansion of resort area districts; provide notice requirements for creation or expansion of resort area districts; provide that resort area districts are public corporations and political subdivisions; set forth powers of resort area districts; authorize resort area districts to undertake capital projects; authorize resort area districts to levy assessments upon real property; authorize resort area districts to borrow money and incur indebtedness; authorize resort area districts to issue assessment bonds and resort service fee bonds; authorize resort area districts to impose penalties for unpaid assessments; authorize resort area districts to levy resort service fee on purchases of certain goods and services; authorize resort area districts to provide public services; authorize resort area districts to provide for public safety and appoint resort area rangers; provide for official name of resort area districts; provide for creation of resort area boards; set forth powers and certain procedures for resort area boards; provide for election of resort area board members; provide election procedures for resort area boards; require certain resort area board members to give bond; provide notice requirements for resort area boards election; provide procedures and notice requirements for resort service fee implementation and administration; provide procedures for implementing and providing services within resort area districts; require adoption of budget annually; provide procedures for implementation of assessments; provide notice requirements for assessments; provide procedures for construction of capital projects; provide procedures for revision of assessments; exempt public property from assessments; provide terms for assessment bonds and resort service fee bonds; exempt assessment bonds and resort service fee bonds from state taxation; provide that indebtedness of resort area district to be paid solely from resort service fee and assessments; provide procedure for payment of assessments to sheriff; authorize sheriff to collect delinquent assessments; provide for lien against property subject to assessment and notice thereof; provide for appointment of resort area rangers; authorize resort area rangers to exercise authority of law-enforcement officers; require annual audit of resort area districts; provide for liberal construction of article; and provide that resort area rangers are considered law-enforcement officers subject to the same training and requirements as other law-enforcement officers.	Approved by Governor 5/2/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
**HB 2717	Requiring that deputy sheriffs be issued ballistic vests upon law-enforcement certification - relating to requiring that sheriffs provide ballistic resistant vests to deputy sheriffs; providing standards for personal body armor; requiring payment of expenses by county commission; limiting the construction of provisions; and encouraging defrayment of expenses. <u>"The county commission of each county shall expend from the general county fund, upon request and requisition by the sheriff of the county, the necessary and proper expenses of providing the personal body armor described in subsection (a) of this section."</u> CCAWV did not take exception to this bill as a one-time mandate, but did oppose changes made in the Senate at the last minute to make it an on-going mandate. <u>Please let the CCAWV know if you experience budgetary issues because of passage of this bill.</u>	Approved by Governor 5/1/13	Effective July 1, 2013
HB 2747	Relating to Open Governmental Proceedings - clarifying existing notice requirements; requiring state executive branch agencies to electronically file public meeting notices with the Secretary of State for publication on Secretary of State's website; eliminating the requirement that state executive branch agency meeting notices be filed in the State Register; and providing procedural rule-making authority.	Approved by Governor 5/2/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
HB 2784	Relating to the Deputy Sheriff Retirement System Act - all relating to the Deputy Sheriff Retirement System Act; defining member, retire and retirement; providing for the correction of errors; providing that an estimation of benefits is provided prior to the submission of a retirement application from a member; and providing for recertification of disability.	Approved by Governor 4/10/13 - House Journal	Effective Ninety Days from Passage - (June 26, 2013)
HB 2802	Relating to the Emergency Medical Services Retirement System - modifying the definition of annual compensation as it relates to determining benefits; adding a definition for contributing service to this article; adding a definition for the terms retire and retirement to this article; providing for correction of participating public employer errors by the board; providing eligibility requirements for commencement of benefits; specifying that the board must be in receipt of a request for estimation of benefits prior to providing a member with an explanation of their estimated gross monthly annuity and a retirement application; providing that a member shall have at least ten years of contributing service to qualify for nonduty related disability retirement; specifying that the total nonduty disability award received by a member shall be	Approved by Governor 4/19/13 - House Journal	

	based on their average monthly compensation during the twelve month period immediately preceding the disability award; providing that all costs associated with disability benefit examinations shall be paid from the board's expense fund; providing that disability benefits shall cease on the first day of the month following termination of disability by the board; requiring annual disability recertification for a retirant who is less than sixty years of age during the first five years of retirement and once every three years thereafter; providing that if a member who is receiving a nonduty disability benefit dies the surviving spouse shall receive the average monthly compensation received by the member prior to the disability award; and providing for the annuity calculation for a member who returns to covered employment after retirement.		
HB 2806	Relating to administrative remedies for prisoners generally - requiring that a prisoner first exhaust administrative remedies prior to resorting to litigation; defining ordinary administrative remedies; authorizing the Commissioner of Corrections and the Executive Director of the Regional Jail Authority to each establish procedures for ordinary administrative remedies; setting forth when a remedy is considered exhausted; setting and computing time periods for issuance of final decision; providing exceptions for when an agency may not obtain an extension of time to issue a final decision; defining sexual assault and sexual abuse; providing that no staff member who is the subject of the complaint may be involved in reviewing or hearing the grievance; permitting certain third parties to assist inmates in filing requests for administrative remedies; providing time for an initial response and final decision; directing proposal of rules for legislative approval by the commissioner and director relating to an allegation of imminent violence; permitting discipline of inmate if grievance filed in bad faith; permitting inmate to file certain court actions; and providing that inmate pay filing costs if civil or criminal action is dismissed as frivolous.	Approved by Governor 4/30/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)
HB 2847	Relating to the collection of delinquent real property and personal property taxes - The purpose of this bill is to clearly enunciate the purposes and current interpretation of the relevant code relating to the collection of delinquent real property and personal property taxes by county sheriffs, separating them for purposes of back taxes being paid before current taxes may be paid.	Approved by Governor 4/30/13	Effective Ninety Days from Passage - (July 12, 2013)
HB 2848	Providing the process for requesting a refund after forfeiture of rights to a tax deed - all relating generally to the sale of tax liens and nonentered, escheated and waste and unappropriated lands; providing the process for requesting a refund after forfeiture of rights to a tax deed; clarifying deadlines for receipt of tax deeds and refunds related to failure to meet deadlines; modifying the requirements for petitioning to compel execution of a deed by the State Auditor; removing the provisions allowing judgment against the State Auditor for costs in the case of failure or refusal to execute a deed without reasonable cause; and providing for service of notice when mail is not deliverable to an address at the physical location of the property.	Approved by Governor 4/30/13	Effective Ninety Days from Passage - (July 12, 2013)
**HB 2851	Establishing a one-time audit cost amnesty program for local governments with delinquent audit costs - The chief inspector shall establish a one-time audit cost amnesty program to be conducted during the 2014 fiscal year. The amnesty program shall apply only to: (1) Audits conducted by the chief inspector; and (2) Audit costs that are for fiscal years prior to the two most recent audits completed or in progress as of July 1, 2013. An entity is not eligible to participate in the amnesty program unless fees related to its two most recent audits completed or in progress as of July 1, 2013, have been paid in full prior to its request for amnesty.	Approved by Governor 5/1/13	Effective Ninety Days from Passage - (July 12, 2013)
HB 2913	Specifying procedures for adjusting payments to correct for an erroneous distribution of moneys dedicated, distributed or directed to a state or local governmental subdivision - relating to correction of certain erroneous distributions, transfers, allocations, overpayments or underpayments; specifying immunity of agencies, subdivisions and instrumentalities of this state from any fine, penalty, assessment or imposition as a result of, or attributable to the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys; and specifying when discovery and distribution have occurred; specifying that provisions shall not be applied to alter, abrogate or terminate any current and ongoing agreement or arrangement in operation on the effective date. No correction or adjustment may be made for an erroneous distribution, transfer, allocation, overpayment or underpayment of moneys that is first discovered by the distributor or the distributee <u>more than three years after the date</u> on which the erroneous distribution, transfer, allocation, overpayment or underpayment of moneys was made, <u>and no action lies for collection, correction or remediation</u> of the late discovered erroneous distribution, transfer, allocation, overpayment or underpayment of the moneys.	Approved by Governor 4/30/13 - House Journal	Effective Ninety Days from Passage - (July 11, 2013)

HB 2933	Providing notification to a prosecuting attorney of an offender's parole hearing and release - At least forty-five days prior to the date of a parole hearing, the Parole Board shall notify all persons who are listed on the Parole Hearing Notification Form, including the circuit court which sentenced the offender and office of the prosecuting attorney that prosecuted the offender, of the date, time and place of the hearing.	Approved by Governor 4/29/13	Effective Ninety Days from Passage - (July 12, 2013)
HB 2979	Relating to broadband deployment projects - clarifying that the data rate for broadband will be the same as specified by the Federal Communications Commission; requiring annual reports to the Joint Committee on Government and Finance; extending the council's public outreach and education efforts beyond unserved areas; rule-making and emergency rule-making authority; revising the council's guidelines and criteria for funding assistance; modifying the application process for project assistance; and revising notice and publication requirements.	Approved by Governor 4/29/13	Effective Ninety Days from Passage - (July 11, 2013)
HB 3135	Relating generally to voting system certification and procedures at the central counting center - all relating generally to electronic voting systems; updating and clarifying the definitions related to electronic voting systems; defining terms; adjusting requirements related to approval of electronic voting systems, increasing the current 30 days to 90 days to make full reports on the system to the State Election Commission; increasing the time within which the State Election Commission must appoint certain computer experts; correcting internal code references; updating and clarifying language related to proceedings at the central counting center; and making other technical clarifications.	Approved by Governor 4/30/13	Effective Ninety Days from Passage - (July 12, 2013)
HB 3161	Repealing section relating to additional fee to be collected for each marriage license issued.	Approved by Governor 5/3/13 - House Journal	Effective Ninety Days from Passage - (July 12, 2013)

1st Special Session

Bill	Title	Completed	Signed	Effective
**HB 103	Distribution of state funds to volunteer fire departments - adding thereto a new section, designated §33-3-33a, all relating to the distribution of state funds to volunteer fire departments under the Volunteer Fire Department Workers' Compensation Subsidy Program; --specifying that the subsidy provided to volunteer fire departments to offset certain workers' compensation premium increases applies to increases attributable to the fire- fighting service, rapid response emergency medical service, ambulance service and diving service components of the services provided by volunteer fire departments; --establishing the Volunteer Fire Department Workers' Compensation Premium Subsidy Fund and directing that certain moneys be deposited into the fund for the program; --requiring the State Fire Marshal, in consultation with the Insurance Commissioner, State Auditor, Secretary of Revenue, and Legislative Auditor, to review, assess and prepare a comprehensive report to the joint committee on government and finance on or before December 31, 2015, of steps that may be taken to meet the needs of volunteer fire departments and companies; --expiring §12-4-14a and §33-3-33a of this code on June 30, 2016; and providing for the closure of the fund.	04/17/13	05/02/13	Effective from passage - (04/17/13)
SB 1001	Permitting Monongalia County Commission Sales Tax TIF - The Monongalia county commission may levy a special district excise tax for the benefit of the University Town Centre economic opportunity district which comprises approximately one thousand four hundred fifty contiguous acres of land.	04/17/13	04/30/13	Effect from passage

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending June 15, 2013
To be Deposited on:	June 21, 2013
Amount Played	62,822,130.73
Amount Won	56,305,070.83
Amount Promo	255,359.00
MWAP Contribution	<u>3,886.62</u>
Adjusted Gross Terminal Revenue	<u>6,257,814.28</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>250,312.55</u>
Net Terminal Revenue	<u>6,007,501.73</u>
Surcharge @ 10%	600,750.17
State Share Excess @ 58%	348,435.10
Track Share of Capital Reinvestment @ 42%	<u>252,315.07</u>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	242222.47
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	10092.60
Adjusted Net Terminal Revenue	<u>5,406,751.56</u>
Racetrack @ 46.50% / 42%	2,270,835.66
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,216,768.11
Race Track Purses @ 7% / 14% / 8%	432,540.12
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	27,033.76
Greyhound Development @ .75%	40,550.64
Thoroughbred Development @ .75%	40,550.64
Racing Commission @ 1%	54,067.52
County/Municipality @ 2%	108,135.04
3% Funds:	
Tourism Promotion Fund @ 1.375%	74,342.83
Development Office Promotion Fund @ .375%	20,275.32
Research Challenge Fund @ .5%	27,033.76
Capitol Renovation and Improvement Fund @ .6875%	37,171.42
2004 Capitol Complex Parking Garage Fund @ .0625%	3,379.22
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>54,067.52</u>
	<u>5,406,751.56</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19% 7.93%	CHARLES TOWN 41.20% 39.90%	HARPERS FERRY 2.24% 2.17%	RANSON 34.76% 33.66%	SHEPHERDS TOWN 13.59% 16.32%
Revised % (after 2/9/2013)								
Week Ending:								
07/07/12	\$ 161,637.92	\$ 161,637.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/14/12	\$ 129,458.04	\$ 129,458.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/21/12	\$ 130,037.00	\$ 130,037.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/12	\$ 137,164.44	\$ 137,164.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/04/12	\$ 132,931.16	\$ 132,931.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/11/12	\$ 134,212.88	\$ 134,212.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/18/12	\$ 133,861.76	\$ 110,241.90	\$ 23,619.86	\$ 1,934.47	\$ 9,731.38	\$ 529.08	\$ 8,214.99	\$ 3,209.94
08/25/12	\$ 132,419.80	\$ 66,209.90	\$ 66,209.90	\$ 5,422.59	\$ 27,278.48	\$ 1,483.10	\$ 23,027.80	\$ 8,997.93
09/01/12	\$ 134,266.84	\$ 67,133.42	\$ 67,133.42	\$ 5,498.23	\$ 27,658.97	\$ 1,503.79	\$ 23,349.00	\$ 9,123.43
09/08/12	\$ 148,058.80	\$ 74,029.40	\$ 74,029.40	\$ 6,063.01	\$ 30,500.11	\$ 1,658.26	\$ 25,747.42	\$ 10,060.60
09/15/12	\$ 123,676.08	\$ 61,838.04	\$ 61,838.04	\$ 5,064.54	\$ 25,477.27	\$ 1,385.17	\$ 21,507.27	\$ 8,403.79
09/22/12	\$ 113,993.80	\$ 56,996.90	\$ 56,996.90	\$ 4,668.05	\$ 23,482.72	\$ 1,276.73	\$ 19,823.52	\$ 7,745.88
09/29/12	\$ 123,222.80	\$ 61,611.40	\$ 61,611.40	\$ 5,045.97	\$ 25,383.90	\$ 1,380.10	\$ 21,428.44	\$ 8,372.99
10/06/12	\$ 125,430.40	\$ 62,715.20	\$ 62,715.20	\$ 5,136.37	\$ 25,838.66	\$ 1,404.82	\$ 21,812.35	\$ 8,523.00
10/13/12	\$ 121,420.36	\$ 60,710.18	\$ 60,710.18	\$ 4,972.17	\$ 25,012.59	\$ 1,359.91	\$ 21,115.00	\$ 8,250.51
10/20/12	\$ 124,666.16	\$ 62,333.08	\$ 62,333.08	\$ 5,105.08	\$ 25,681.23	\$ 1,396.26	\$ 21,679.44	\$ 8,471.07
10/27/12	\$ 116,147.08	\$ 58,073.54	\$ 58,073.54	\$ 4,756.22	\$ 23,926.30	\$ 1,300.85	\$ 20,197.98	\$ 7,892.19
11/03/12	\$ 113,090.60	\$ 56,545.30	\$ 56,545.30	\$ 4,631.06	\$ 23,296.66	\$ 1,266.61	\$ 19,666.46	\$ 7,684.51
11/10/12	\$ 112,221.92	\$ 56,110.96	\$ 56,110.96	\$ 4,595.49	\$ 23,117.72	\$ 1,256.88	\$ 19,515.39	\$ 7,625.48
11/17/12	\$ 114,864.72	\$ 57,432.36	\$ 57,432.36	\$ 4,703.71	\$ 23,662.13	\$ 1,286.49	\$ 19,974.97	\$ 7,805.06
11/24/12	\$ 131,777.72	\$ 65,888.86	\$ 65,888.86	\$ 5,396.30	\$ 27,146.21	\$ 1,475.91	\$ 22,916.14	\$ 8,954.30
12/01/12	\$ 100,486.68	\$ 50,243.34	\$ 50,243.34	\$ 4,114.93	\$ 20,700.26	\$ 1,125.45	\$ 17,474.63	\$ 6,828.07
12/08/12	\$ 101,541.92	\$ 50,770.96	\$ 50,770.96	\$ 4,158.14	\$ 20,917.64	\$ 1,137.27	\$ 17,658.14	\$ 6,899.77
12/15/12	\$ 94,044.76	\$ 47,022.38	\$ 47,022.38	\$ 3,851.13	\$ 19,373.22	\$ 1,053.30	\$ 16,354.39	\$ 6,390.34
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	\$ 24,595.26	\$ 1,337.22	\$ 20,762.69	\$ 8,112.85
01/05/13	\$ 143,347.04	\$ 71,673.52	\$ 71,673.52	\$ 5,870.06	\$ 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	\$ 1,394.08	\$ 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	\$ 57,567.98	\$ 57,567.98	\$ 4,565.14	\$ 22,969.62	\$ 1,249.23	\$ 19,388.90	\$ 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	\$ 4,508.15	\$ 22,682.87	\$ 1,233.63	\$ 19,146.84	\$ 9,277.81
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
04/27/13	\$ 117,225.48	\$ 58,612.74	\$ 58,612.74	\$ 4,647.99	\$ 23,386.48	\$ 1,271.90	\$ 19,740.77	\$ 9,565.60
05/04/13	\$ 122,205.84	\$ 61,102.92	\$ 61,102.92	\$ 4,845.46	\$ 24,380.07	\$ 1,325.93	\$ 20,579.46	\$ 9,972.00
05/11/13	\$ 114,857.40	\$ 57,428.70	\$ 57,428.70	\$ 4,554.10	\$ 22,914.05	\$ 1,246.20	\$ 19,341.99	\$ 9,372.36
05/18/13	\$ 122,345.60	\$ 61,172.80	\$ 61,172.80	\$ 4,851.00	\$ 24,407.95	\$ 1,327.45	\$ 20,603.00	\$ 9,983.40
05/25/13	\$ 114,262.48	\$ 57,131.24	\$ 57,131.24	\$ 4,530.51	\$ 22,795.36	\$ 1,239.75	\$ 19,241.80	\$ 9,323.82
06/01/13	\$ 131,841.32	\$ 65,920.66	\$ 65,920.66	\$ 5,227.51	\$ 26,302.34	\$ 1,430.48	\$ 22,202.08	\$ 10,758.25
06/08/13	\$ 110,467.48	\$ 55,233.74	\$ 55,233.74	\$ 4,380.04	\$ 22,038.26	\$ 1,198.57	\$ 18,602.72	\$ 9,014.15
06/15/13	\$ 108,135.04	\$ 54,067.52	\$ 54,067.52	\$ 4,287.55	\$ 21,572.94	\$ 1,173.27	\$ 18,209.94	\$ 8,823.82
Subtotal	\$ 6,004,844.48	\$ 3,458,453.98	\$ 2,546,390.50	\$ 205,751.76	\$ 1,035,124.74	\$ 56,265.95	\$ 873,798.48	\$ 375,429.57

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending June 8, 2013
To be Deposited on:	June 14, 2013
Amount Played	66,521,791.18
Amount Won	59,869,319.60
Amount Promo	255,308.00
MWAP Contribution	<u>4,369.01</u>
Adjusted Gross Terminal Revenue	<u>6,392,794.57</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>255,711.79</u>
Net Terminal Revenue	<u>6,137,082.78</u>
Surcharge @ 10%	613,708.29
State Share Excess @ 58%	355,950.81
Track Share of Capital Reinvestment @ 42%	<u>257,757.48</u>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>247447.18</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>10310.30</i>
Adjusted Net Terminal Revenue	<u>5,523,374.49</u>
Racetrack @ 46.50% / 42%	2,319,817.29
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,264,583.56
Race Track Purses @ 7% / 14% / 8%	441,869.96
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	27,616.87
Greyhound Development @ .75%	41,425.31
Thoroughbred Development @ .75%	41,425.31
Racing Commission @ 1%	55,233.74
County/Municipality @ 2%	110,467.48
3% Funds:	
Tourism Promotion Fund @ 1.375%	75,946.40
Development Office Promotion Fund @ .375%	20,712.65
Research Challenge Fund @ .5%	27,616.87
Capitol Renovation and Improvement Fund @ .6875%	37,973.20
2004 Capitol Complex Parking Garage Fund @ .0625%	3,452.11
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>55,233.74</u>
	<u>5,523,374.49</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
Revised % (after 2/9/2013)				7.93%	39.90%	2.17%	33.68%	16.32%
Week Ending:								
07/07/12	\$ 161,637.92	\$ 161,637.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/14/12	\$ 129,458.04	\$ 129,458.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/21/12	\$ 130,037.00	\$ 130,037.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/12	\$ 137,164.44	\$ 137,164.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/04/12	\$ 132,931.16	\$ 132,931.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/11/12	\$ 134,212.88	\$ 134,212.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/18/12	\$ 133,861.76	\$ 110,241.90	\$ 23,619.86	\$ 1,934.47	\$ 9,731.38	\$ 529.08	\$ 8,214.99	\$ 3,209.94
08/25/12	\$ 132,419.80	\$ 66,209.90	\$ 66,209.90	\$ 5,422.59	\$ 27,278.48	\$ 1,483.10	\$ 23,027.80	\$ 8,997.93
09/01/12	\$ 134,266.84	\$ 67,133.42	\$ 67,133.42	\$ 5,498.23	\$ 27,658.97	\$ 1,503.79	\$ 23,349.00	\$ 9,123.43
09/08/12	\$ 148,058.80	\$ 74,029.40	\$ 74,029.40	\$ 6,063.01	\$ 30,500.11	\$ 1,658.26	\$ 25,747.42	\$ 10,060.60
09/15/12	\$ 123,676.08	\$ 61,838.04	\$ 61,838.04	\$ 5,064.54	\$ 25,477.27	\$ 1,385.17	\$ 21,507.27	\$ 8,403.79
09/22/12	\$ 113,993.80	\$ 56,996.90	\$ 56,996.90	\$ 4,668.05	\$ 23,482.72	\$ 1,276.73	\$ 19,823.52	\$ 7,745.88
09/29/12	\$ 123,222.80	\$ 61,611.40	\$ 61,611.40	\$ 5,045.97	\$ 25,383.90	\$ 1,380.10	\$ 21,428.44	\$ 8,372.99
10/06/12	\$ 125,430.40	\$ 62,715.20	\$ 62,715.20	\$ 5,136.37	\$ 25,838.66	\$ 1,404.82	\$ 21,812.35	\$ 8,523.00
10/13/12	\$ 121,420.36	\$ 60,710.18	\$ 60,710.18	\$ 4,972.17	\$ 25,012.59	\$ 1,359.91	\$ 21,115.00	\$ 8,250.51
10/20/12	\$ 124,666.16	\$ 62,333.08	\$ 62,333.08	\$ 5,105.08	\$ 25,681.23	\$ 1,396.26	\$ 21,679.44	\$ 8,471.07
10/27/12	\$ 116,147.08	\$ 58,073.54	\$ 58,073.54	\$ 4,756.22	\$ 23,926.30	\$ 1,300.85	\$ 20,197.98	\$ 7,892.19
11/03/12	\$ 113,090.60	\$ 56,545.30	\$ 56,545.30	\$ 4,631.06	\$ 23,296.66	\$ 1,266.61	\$ 19,666.46	\$ 7,684.51
11/10/12	\$ 112,221.92	\$ 56,110.96	\$ 56,110.96	\$ 4,595.49	\$ 23,117.72	\$ 1,256.88	\$ 19,515.39	\$ 7,625.48
11/17/12	\$ 114,864.72	\$ 57,432.36	\$ 57,432.36	\$ 4,703.71	\$ 23,662.13	\$ 1,286.49	\$ 19,974.97	\$ 7,805.06
11/24/12	\$ 131,777.72	\$ 65,888.86	\$ 65,888.86	\$ 5,396.30	\$ 27,146.21	\$ 1,475.91	\$ 22,916.14	\$ 8,954.30
12/01/12	\$ 100,486.68	\$ 50,243.34	\$ 50,243.34	\$ 4,114.93	\$ 20,700.26	\$ 1,125.45	\$ 17,474.63	\$ 6,828.07
12/08/12	\$ 101,541.92	\$ 50,770.96	\$ 50,770.96	\$ 4,158.14	\$ 20,917.64	\$ 1,137.27	\$ 17,658.14	\$ 6,899.77
12/15/12	\$ 94,044.76	\$ 47,022.38	\$ 47,022.38	\$ 3,851.13	\$ 19,373.22	\$ 1,053.30	\$ 16,354.39	\$ 6,390.34
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	\$ 24,595.26	\$ 1,337.22	\$ 20,762.69	\$ 8,112.85
01/05/13	\$ 143,347.04	\$ 71,673.52	\$ 71,673.52	\$ 5,870.06	\$ 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	\$ 1,394.08	\$ 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	\$ 57,567.98	\$ 57,567.98	\$ 4,565.14	\$ 22,969.62	\$ 1,249.23	\$ 19,388.90	\$ 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	\$ 4,508.15	\$ 22,682.87	\$ 1,233.63	\$ 19,146.84	\$ 9,277.81
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
04/27/13	\$ 117,225.48	\$ 58,612.74	\$ 58,612.74	\$ 4,647.99	\$ 23,386.48	\$ 1,271.90	\$ 19,740.77	\$ 9,565.60
05/04/13	\$ 122,205.84	\$ 61,102.92	\$ 61,102.92	\$ 4,845.46	\$ 24,380.07	\$ 1,325.93	\$ 20,579.46	\$ 9,972.00
05/11/13	\$ 114,857.40	\$ 57,428.70	\$ 57,428.70	\$ 4,554.10	\$ 22,914.05	\$ 1,246.20	\$ 19,341.99	\$ 9,372.36
05/18/13	\$ 122,345.60	\$ 61,172.80	\$ 61,172.80	\$ 4,851.00	\$ 24,407.95	\$ 1,327.45	\$ 20,603.00	\$ 9,983.40
05/25/13	\$ 114,262.48	\$ 57,131.24	\$ 57,131.24	\$ 4,530.51	\$ 22,795.36	\$ 1,239.75	\$ 19,241.80	\$ 9,323.82
06/01/13	\$ 131,841.32	\$ 65,920.66	\$ 65,920.66	\$ 5,227.51	\$ 26,302.34	\$ 1,430.48	\$ 22,202.08	\$ 10,758.25
06/08/13	\$ 110,467.48	\$ 55,233.74	\$ 55,233.74	\$ 4,380.04	\$ 22,038.26	\$ 1,198.57	\$ 18,602.72	\$ 9,014.15
Subtotal	\$ 5,896,709.44	\$ 3,404,386.46	\$ 2,492,322.98	\$ 201,464.21	\$ 1,013,551.80	\$ 55,112.68	\$ 855,588.54	\$ 366,605.75

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	04/27/2013	58,612.74
05/02/2009	73,957.05	05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/09/2009	76,697.22	05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/16/2009	71,925.70	05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/23/2009	81,395.43	05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/30/2009	82,161.55	05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/06/2009	74,895.74	06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/13/2009	67,327.23	06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
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		

TOTALS 4403564.04

4041141.56

4016541.01

4124906.8

3458453.98

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount
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	April, 2013	105,545.23
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38
		June, 2012	129,235.38		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2011-2012	1425658.94

Table Game Revenue Distribution - Jefferson County School Board

Date	Amount
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
Total 2011-2012	4,808,702.50

Date	Amount
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
March, 2013	447,100.86
April, 2013	316,635.69
May, 2013	329,242.14
Total 2011-2012	4,293,924.02

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending
	June 22, 2013
To be Deposited on:	June 28, 2013
Amount Played	63,556,457.97
Amount Won	56,977,328.09
Amount Promo	245,097.00
MWAP Contribution	<u>4,139.71</u>
Adjusted Gross Terminal Revenue	<u>6,329,893.17</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>253,195.73</u>
Net Terminal Revenue	<u>6,076,697.44</u>
Surcharge @ 10%	607,669.76
State Share Excess @ 58%	352,448.46
Track Share of Capital Reinvestment @ 42%	<u>255,221.30</u>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	245012.45
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	10208.85
Adjusted Net Terminal Revenue	<u>5,469,027.68</u>
Racetrack @ 46.50% / 42%	2,296,991.63
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,242,301.33
Race Track Purses @ 7% / 14% / 8%	437,522.21
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	27,345.14
Greyhound Development @ .75%	41,017.71
Thoroughbred Development @ .75%	41,017.71
Racing Commission @ 1%	54,690.28
County/Municipality @ 2%	109,380.56
3% Funds:	
Tourism Promotion Fund @ 1.375%	75,199.13
Development Office Promotion Fund @ .375%	20,508.85
Research Challenge Fund @ .5%	27,345.14
Capitol Renovation and Improvement Fund @ .6875%	37,599.57
2004 Capitol Complex Parking Garage Fund @ .0625%	3,418.14
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>54,690.28</u>
	<u>5,469,027.68</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19% 7.93%	CHARLES TOWN 41.20% 39.90%	HARPERS FERRY 2.24% 2.17%	RANSON 34.78% 33.68%	SHEPHERDS TOWN 13.59% 16.32%
Revised % (after 2/9/2013)								
Week Ending:								
07/07/12	\$ 161,637.92	\$ 161,637.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/14/12	\$ 129,458.04	\$ 129,458.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/21/12	\$ 130,037.00	\$ 130,037.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/12	\$ 137,164.44	\$ 137,164.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/04/12	\$ 132,931.16	\$ 132,931.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/11/12	\$ 134,212.88	\$ 134,212.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/18/12	\$ 133,861.76	\$ 110,241.90	\$ 23,619.86	\$ 1,934.47	\$ 9,731.38	\$ 529.08	\$ 8,214.99	\$ 3,209.94
08/25/12	\$ 132,419.80	\$ 66,209.90	\$ 66,209.90	\$ 5,422.59	\$ 27,278.48	\$ 1,483.10	\$ 23,027.80	\$ 8,997.93
09/01/12	\$ 134,266.84	\$ 67,133.42	\$ 67,133.42	\$ 5,498.23	\$ 27,656.97	\$ 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	\$ 4,688.05	\$ 23,482.72	\$ 1,276.73	\$ 19,823.52	\$ 7,745.88
09/29/12	\$ 123,222.80	\$ 61,611.40	\$ 61,611.40	\$ 5,045.97	\$ 25,383.90	\$ 1,380.10	\$ 21,428.44	\$ 8,372.99
10/06/12	\$ 125,430.40	\$ 62,715.20	\$ 62,715.20	\$ 5,136.37	\$ 25,838.66	\$ 1,404.82	\$ 21,812.35	\$ 8,523.00
10/13/12	\$ 121,420.36	\$ 60,710.18	\$ 60,710.18	\$ 4,972.17	\$ 25,012.59	\$ 1,359.91	\$ 21,115.00	\$ 8,250.51
10/20/12	\$ 124,666.16	\$ 62,333.08	\$ 62,333.08	\$ 5,105.08	\$ 25,681.23	\$ 1,396.26	\$ 21,679.44	\$ 8,471.07
10/27/12	\$ 116,147.08	\$ 58,073.54	\$ 58,073.54	\$ 4,756.22	\$ 23,926.30	\$ 1,300.85	\$ 20,197.98	\$ 7,892.19
11/03/12	\$ 113,090.60	\$ 56,545.30	\$ 56,545.30	\$ 4,631.06	\$ 23,298.66	\$ 1,266.61	\$ 19,666.46	\$ 7,684.51
11/10/12	\$ 112,221.92	\$ 56,110.96	\$ 56,110.96	\$ 4,595.49	\$ 23,117.72	\$ 1,256.88	\$ 19,515.39	\$ 7,625.48
11/17/12	\$ 114,864.72	\$ 57,432.36	\$ 57,432.36	\$ 4,703.71	\$ 23,662.13	\$ 1,286.49	\$ 19,974.97	\$ 7,805.06
11/24/12	\$ 131,777.72	\$ 65,888.86	\$ 65,888.86	\$ 5,396.30	\$ 27,146.21	\$ 1,475.91	\$ 22,916.14	\$ 8,954.30
12/01/12	\$ 100,486.68	\$ 50,243.34	\$ 50,243.34	\$ 4,114.93	\$ 20,700.26	\$ 1,125.45	\$ 17,474.63	\$ 6,828.07
12/08/12	\$ 101,541.92	\$ 50,770.96	\$ 50,770.96	\$ 4,158.14	\$ 20,917.64	\$ 1,137.27	\$ 17,658.14	\$ 6,899.77
12/15/12	\$ 94,044.76	\$ 47,022.38	\$ 47,022.38	\$ 3,851.13	\$ 19,373.22	\$ 1,053.30	\$ 16,354.39	\$ 6,390.34
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	\$ 24,595.26	\$ 1,337.22	\$ 20,762.69	\$ 8,112.85
01/05/13	\$ 143,347.04	\$ 71,673.52	\$ 71,673.52	\$ 5,870.06	\$ 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	\$ 1,394.08	\$ 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	\$ 57,567.98	\$ 57,567.98	\$ 4,565.14	\$ 22,969.62	\$ 1,249.23	\$ 19,388.90	\$ 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	\$ 4,508.15	\$ 22,682.87	\$ 1,233.63	\$ 19,146.84	\$ 9,277.81
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
04/27/13	\$ 117,225.48	\$ 58,612.74	\$ 58,612.74	\$ 4,647.99	\$ 23,386.48	\$ 1,271.90	\$ 19,740.77	\$ 9,565.60
05/04/13	\$ 122,205.84	\$ 61,102.92	\$ 61,102.92	\$ 4,845.46	\$ 24,380.07	\$ 1,325.93	\$ 20,579.46	\$ 9,972.00
05/11/13	\$ 114,857.40	\$ 57,428.70	\$ 57,428.70	\$ 4,554.10	\$ 22,914.05	\$ 1,246.20	\$ 19,341.99	\$ 9,372.36
05/18/13	\$ 122,345.60	\$ 61,172.80	\$ 61,172.80	\$ 4,851.00	\$ 24,407.95	\$ 1,327.45	\$ 20,603.00	\$ 9,983.40
05/25/13	\$ 114,262.48	\$ 57,131.24	\$ 57,131.24	\$ 4,530.51	\$ 22,795.36	\$ 1,239.75	\$ 19,241.80	\$ 9,323.82
06/01/13	\$ 131,841.32	\$ 65,920.66	\$ 65,920.66	\$ 5,227.51	\$ 26,302.34	\$ 1,430.48	\$ 22,202.08	\$ 10,758.25
06/08/13	\$ 110,467.48	\$ 55,233.74	\$ 55,233.74	\$ 4,380.04	\$ 22,038.26	\$ 1,198.57	\$ 18,602.72	\$ 9,014.15
06/15/13	\$ 108,135.04	\$ 54,067.52	\$ 54,067.52	\$ 4,287.55	\$ 21,572.94	\$ 1,173.27	\$ 18,209.94	\$ 8,823.82
06/22/13	\$ 109,380.56	\$ 54,690.28	\$ 54,690.28	\$ 4,336.94	\$ 21,821.42	\$ 1,186.78	\$ 18,419.69	\$ 8,925.45
Subtotal	\$ 6,114,225.04	\$ 3,513,144.26	\$ 2,601,080.78	\$ 210,088.70	\$ 1,056,946.16	\$ 57,472.73	\$ 892,218.17	\$ 384,355.02

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

VIDEO LOTTERY REPORT
FY 2009

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	04/27/2013	58,612.74
05/02/2009	73,957.05	05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/09/2009	76,697.22	05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/16/2009	71,925.70	05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/23/2009	81,395.43	05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/30/2009	82,161.55	05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/06/2009	74,895.74	06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/13/2009	67,327.23	06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/20/2009	75,500.53	06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
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		

TOTALS 4403564.04

4041141.56

4016541.01

4124906.8

3513144.26

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount
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	April, 2013	105,545.23
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38
		June, 2012	129,235.38		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2011-2012	1425658.94

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
Total 2011-2012	4,808,702.50

<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
March, 2013	447,100.86
April, 2013	316,635.69
May, 2013	329,242.14
Total 2011-2012	4,293,924.02

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending
	June 29, 2013
To be Deposited on:	July 5, 2013
Amount Played	65,605,020.01
Amount Won	58,840,905.44
Amount Promo	279,585.00
MWAP Contribution	<u>4,046.89</u>
Adjusted Gross Terminal Revenue	<u>6,480,482.68</u>
Administrative Costs @ 4%	0.00
Excess Lottery Fund @ 4%	<u>259,219.31</u>
Net Terminal Revenue	<u>6,221,263.37</u>
Surcharge @ 10%	622,126.35
State Share Excess @ 58%	360,833.28
Track Share of Capital Reinvestment @ 42%	<u>261,293.07</u>
<i>Track Share of Capital Reinvestment @ 42% - 96%</i>	<i>250841.35</i>
<i>Track Share of Capital Reinvestment @ 42% - 4%</i>	<i>10451.72</i>
Adjusted Net Terminal Revenue	<u>5,599,137.02</u>
Racetrack @ 46.50% / 42%	2,351,637.55
Lottery Fund @ 30% / 0%	0.00
Excess Lottery Fund @ 0% / 41%	2,295,646.13
Race Track Purses @ 7% / 14% / 8%	447,930.96
Workers' Compensation Debt Reduction @ 7% / 0%	0.00
Employee Pension Fund @ 1% / .5%	27,995.69
Greyhound Development @ .75%	41,993.53
Thoroughbred Development @ .75%	41,993.53
Racing Commission @ 1%	55,991.38
County/Municipality @ 2%	111,982.76
3% Funds:	
Tourism Promotion Fund @ 1.375%	76,988.13
Development Office Promotion Fund @ .375%	20,996.76
Research Challenge Fund @ .5%	27,995.69
Capitol Renovation and Improvement Fund @ .6875%	38,494.07
2004 Capitol Complex Parking Garage Fund @ .0625%	3,499.46
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	0.00
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>55,991.38</u>
	<u>5,599,137.02</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19% 7.93%	CHARLES TOWN 41.20% 39.90%	HARPERS FERRY 2.24% 2.17%	RANSON 34.78% 33.68%	SHEPHERDS TOWN 13.59% 16.32%
Revised % (after 2/9/2013)								
Week Ending:								
07/07/12	\$ 161,637.92	\$ 161,637.92	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/14/12	\$ 129,458.04	\$ 129,458.04	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/21/12	\$ 130,037.00	\$ 130,037.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/12	\$ 137,164.44	\$ 137,164.44	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/04/12	\$ 132,931.16	\$ 132,931.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/11/12	\$ 134,212.88	\$ 134,212.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/18/12	\$ 133,861.76	\$ 110,241.90	\$ 23,619.86	\$ 1,934.47	\$ 9,731.38	\$ 529.08	\$ 8,214.99	\$ 3,209.94
08/25/12	\$ 132,419.80	\$ 66,209.90	\$ 66,209.90	\$ 5,422.59	\$ 27,278.48	\$ 1,483.10	\$ 23,027.80	\$ 8,997.93
09/01/12	\$ 134,266.84	\$ 67,133.42	\$ 67,133.42	\$ 5,498.23	\$ 27,658.97	\$ 1,503.79	\$ 23,349.00	\$ 9,123.43
09/08/12	\$ 148,058.80	\$ 74,029.40	\$ 74,029.40	\$ 6,063.01	\$ 30,500.11	\$ 1,658.26	\$ 25,747.42	\$ 10,060.60
09/15/12	\$ 123,676.08	\$ 61,838.04	\$ 61,838.04	\$ 5,064.54	\$ 25,477.27	\$ 1,385.17	\$ 21,507.27	\$ 8,403.79
09/22/12	\$ 113,993.80	\$ 56,996.90	\$ 56,996.90	\$ 4,668.05	\$ 23,482.72	\$ 1,276.73	\$ 19,823.52	\$ 7,745.88
09/29/12	\$ 123,222.80	\$ 61,611.40	\$ 61,611.40	\$ 5,045.97	\$ 25,383.90	\$ 1,380.10	\$ 21,428.44	\$ 8,372.99
10/06/12	\$ 125,430.40	\$ 62,715.20	\$ 62,715.20	\$ 5,136.37	\$ 25,838.66	\$ 1,404.82	\$ 21,812.35	\$ 8,523.00
10/13/12	\$ 121,420.36	\$ 60,710.18	\$ 60,710.18	\$ 4,972.17	\$ 25,012.59	\$ 1,359.91	\$ 21,115.00	\$ 8,250.51
10/20/12	\$ 124,666.16	\$ 62,333.08	\$ 62,333.08	\$ 5,105.08	\$ 25,681.23	\$ 1,396.26	\$ 21,679.44	\$ 8,471.07
10/27/12	\$ 116,147.08	\$ 58,073.54	\$ 58,073.54	\$ 4,756.22	\$ 23,926.30	\$ 1,300.85	\$ 20,197.98	\$ 7,892.19
11/03/12	\$ 113,090.60	\$ 56,545.30	\$ 56,545.30	\$ 4,631.06	\$ 23,296.66	\$ 1,266.61	\$ 19,666.46	\$ 7,684.51
11/10/12	\$ 112,221.92	\$ 56,110.96	\$ 56,110.96	\$ 4,595.49	\$ 23,117.72	\$ 1,256.88	\$ 19,515.39	\$ 7,625.46
11/17/12	\$ 114,864.72	\$ 57,432.36	\$ 57,432.36	\$ 4,703.71	\$ 23,662.13	\$ 1,286.49	\$ 19,974.97	\$ 7,805.06
11/24/12	\$ 131,777.72	\$ 65,888.86	\$ 65,888.86	\$ 5,396.30	\$ 27,146.21	\$ 1,475.91	\$ 22,916.14	\$ 8,954.30
12/01/12	\$ 100,486.68	\$ 50,243.34	\$ 50,243.34	\$ 4,114.93	\$ 20,700.26	\$ 1,125.45	\$ 17,474.63	\$ 6,828.07
12/08/12	\$ 101,541.92	\$ 50,770.96	\$ 50,770.96	\$ 4,158.14	\$ 20,917.64	\$ 1,137.27	\$ 17,658.14	\$ 6,899.77
12/15/12	\$ 94,044.76	\$ 47,022.38	\$ 47,022.38	\$ 3,851.13	\$ 19,373.22	\$ 1,053.30	\$ 16,354.39	\$ 6,390.34
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	\$ 24,595.26	\$ 1,337.22	\$ 20,762.69	\$ 8,112.85
01/05/13	\$ 143,347.04	\$ 71,673.52	\$ 71,673.52	\$ 5,870.06	\$ 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	\$ 19,360.10	\$ 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	\$ 1,394.08	\$ 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	\$ 57,567.98	\$ 57,567.98	\$ 4,565.14	\$ 22,969.62	\$ 1,249.23	\$ 19,388.90	\$ 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	\$ 4,508.15	\$ 22,682.87	\$ 1,233.63	\$ 19,146.84	\$ 9,277.81
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
04/27/13	\$ 117,225.48	\$ 58,612.74	\$ 58,612.74	\$ 4,647.99	\$ 23,386.48	\$ 1,271.90	\$ 19,740.77	\$ 9,565.60
05/04/13	\$ 122,205.84	\$ 61,102.92	\$ 61,102.92	\$ 4,845.46	\$ 24,380.07	\$ 1,325.93	\$ 20,579.46	\$ 9,972.00
05/11/13	\$ 114,857.40	\$ 57,428.70	\$ 57,428.70	\$ 4,554.10	\$ 22,914.05	\$ 1,246.20	\$ 19,341.99	\$ 9,372.36
05/18/13	\$ 122,345.60	\$ 61,172.80	\$ 61,172.80	\$ 4,851.00	\$ 24,407.95	\$ 1,327.45	\$ 20,603.00	\$ 9,983.40
05/25/13	\$ 114,262.48	\$ 57,131.24	\$ 57,131.24	\$ 4,530.51	\$ 22,795.36	\$ 1,239.75	\$ 19,241.80	\$ 9,323.82
06/01/13	\$ 131,841.32	\$ 65,920.66	\$ 65,920.66	\$ 5,227.51	\$ 26,302.34	\$ 1,430.48	\$ 22,202.08	\$ 10,758.25
06/08/13	\$ 110,467.48	\$ 55,233.74	\$ 55,233.74	\$ 4,380.04	\$ 22,038.26	\$ 1,198.57	\$ 18,602.72	\$ 9,014.15
06/15/13	\$ 108,135.04	\$ 54,067.52	\$ 54,067.52	\$ 4,287.55	\$ 21,572.94	\$ 1,173.27	\$ 18,209.94	\$ 8,823.82
06/22/13	\$ 109,380.56	\$ 54,690.28	\$ 54,690.28	\$ 4,336.94	\$ 21,821.42	\$ 1,186.78	\$ 18,419.69	\$ 8,925.45
06/29/13	\$ 111,982.76	\$ 55,991.38	\$ 55,991.38	\$ 4,440.12	\$ 22,340.56	\$ 1,215.01	\$ 18,857.90	\$ 9,137.79
Subtotal	\$ 6,226,207.80	\$ 3,569,135.64	\$ 2,657,072.16	\$ 214,528.82	\$ 1,079,286.72	\$ 58,687.74	\$ 911,076.07	\$ 393,492.81

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	04/27/2013	58,612.74
05/02/2009	73,957.05	05/01/2010	68,799.06	04/30/2011	66,807.50	04/28/2012	72,880.66	05/04/2013	61,102.92
05/09/2009	76,697.22	05/08/2010	67,403.54	05/07/2011	66,379.74	05/05/2012	71,582.30	05/11/2013	57,428.70
05/16/2009	71,925.70	05/15/2010	70,186.32	05/14/2011	66,699.76	05/12/2012	63,357.92	05/18/2013	61,172.80
05/23/2009	81,395.43	05/22/2010	64,695.71	05/21/2011	63,210.44	05/19/2012	78,984.36	05/25/2013	57,131.24
05/30/2009	82,161.55	05/29/2010	67,157.40	05/28/2011	64,724.06	05/26/2012	67,396.24	06/01/2013	65,920.66
06/06/2009	74,895.74	06/05/2010	77,371.80	06/04/2011	74,952.34	06/02/2012	76,959.44	06/08/2013	55,233.74
06/13/2009	67,327.23	06/12/2010	66,106.29	06/11/2011	62,203.12	06/09/2012	63,584.86	06/15/2013	54,067.52
06/20/2009	75,500.53	06/19/2010	64,888.48	06/18/2011	61,200.76	06/16/2012	59,436.12	06/22/2013	54,690.28
06/27/2009	67,354.10	06/26/2010	63,950.29	06/25/2011	65,470.44	06/23/2012	55,921.30	06/29/2013	55,991.38
6/30/2009 ***	32,059.58	06/30/2010	29,667.19	06/30/2011	34,351.16	06/30/2012	58,207.40		

TOTALS **4403564.04**

4041141.56

4016541.01

4124906.8

3569135.64

Table Game Revenue

Date	Amount	Date	Amount	Date	Amount
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	April, 2013	105,545.23
June, 2011	121,576.41	May, 2012	137,905.13	May, 2013	109,747.38
		June, 2012	129,235.38		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2011-2012	1425658.94

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
Total 2011-2012	4,808,702.50

<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
March, 2013	447,100.86
April, 2013	316,635.69
May, 2013	329,242.14
Total 2011-2012	4,293,924.02