

**SPECIAL SESSION
JEFFERSON COUNTY COMMISSION
THURSDAY NOVEMBER 12, 2013
12:00 P. M.**

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

**JEFFERSON COUNTY COMMISSION
LEGISLATIVE SUMMIT - 2013**

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- The seal of Jefferson County, West Virginia, is a large circular emblem in the background. It features a central shield with a yellow lion's head at the top, three smaller lion heads below it, and a blue and yellow diamond pattern at the bottom. The shield is flanked by two blue banners with white text: 'AB EO LIBERTAS' on the left and 'IUS RITUS' on the right. The outer ring of the seal is blue with yellow text that reads 'JEFFERSON COUNTY' at the top and 'WEST VIRGINIA' at the bottom. The year '1801' is also visible at the bottom of the seal.
1. 12:00 p.m. Meet with Elected Officials to discuss Legislative Topics
 - 12:00 - Pete Dougherty, Sheriff
 - 12:10 - Jennifer Maghan, County Clerk
 - 12:20 - Angie Banks, Assessor
 2. 12:30 p. m. Lunch - Jefferson County Commission
- Review of Legislative Topics and setting of Legislative Priorities for Legislative Summit
 3. 1 :30 p. m. Welcome and Introduction of Delegates and Senators
 4. 1:35 p.m. Legislative Summit with Jefferson County Legislative Delegation and discussion of Legislative Priorities for the Legislative Session
 5. Adjourn 1801

Legislative Summit Topics

Oppose CCAW:		Impact to your arena	Cost Savings/Cost Impact
Do not support CCAWV's position on no salary increase for Commissioners	CCAW	There is a continued increase in today's litigious environment which requires more work and involvement from Commissioners, which have not seen an increase in pay for 6 years.	For the past 2 years, all 6 member associations (including CCAWV) have supported salary increases. This change in position has led to a lack of understanding of the position of the CCAWV.
Legislation requires that prior to termination an EO must bring their intentions to terminate to the CC for information. Since the CC is required to approve, they must know about the firing.	CCAW	All 5 member associations oppose that legislation, citing it would make no difference in their decision and could potentially create more serious issues in the office to wait.	
Legislation to Support/Prioritize		Impact to your arena	Cost Savings/Cost Impact
Pay Increase for Commissioners & Elected Officials	DM	Reclassification of counties	Been 8 years
Reduce Regional Jail Costs	CCAW	Reduce County Costs	
Increase Collection of Jail Fees	CCAW	Increase Revenue	
Chesapeake Bay	WP	Reduce expenses to County	
Eliminate Prevailing Wage	WP		
Supplemental Teacher Pay	WP, DM		
Improve Cell Phone Tower Coverage	WP	Improve service to citizens	
Eastern Panhandle Regional Mental Health Facility w/in-patient treatment	LW	Improve service to citizens and reduce Co. Costs	
Reliable, cost effective broadband service	LW	Improve service to citizens	
Transfer Tax	DM	Sharing of funds toward Reg. Jail Costs	
911 Fees	DM	Anticipate adjustment of fees w/larger % to state which reduces our revenue	

	Elective Officials List of Legislative Requests			
	Sheriff's List of Legislative Requests - Attached			
	Deputy Sheriff Civil Service Reform	PD	Enhanced use of personnel	potentially 10's of \$1000
	Access to Pharmacy Records	PD	reduce illegal drug abuse	unknown
	Mental Hygiene Reform	PD	enhance services - reduce hundred of unuseful manhours	\$5-10,000 annually
	County Clerk's Legislative Requests			
	Term limits for All Office Holders - not allowing any office holder to retain any office for more than two consecutive terms.	JM	Reduce the impact of overall retirement costs and allow other citizens to hold office.	Retirement
	Reduce the term of the County Clerk to 4 years.	JM	Six years is a long term.	
	Require ALL Lein Holders to provide proof that a notice was sent to the citizen by registered mail and allow the Citizen ample time to respond prior to filing the lien. This proof must be provided at the time of recording in the County Clerks office.	JM	Will eliminate frivolous leins placed on people out without proper notice.	
	Assessors			
	One vehicle exemption for active duty military no matter where it is located on July 1st	AB	Will save time and treat all active military taxpayers equal.	

Nov. 12th

Afternoon Session

Electived Officials to present their legislative recommendations:

Sheriff Dougherty	12:00 - 12:10	
Jennifer Maghan	12:10 - 12:20	
Angie Banks	12:20 - 12:30	
Commission Only - Discussion	12:30 - 1:30	Develop top 3 priorities from entire list
Commission & Legislators	1:30 - 2:30	Legislative Update

CCAWV Legislative Positions for 2014 Session

CCAWV adopted the following policy statements:

■ Fiscal Issues

CCAWV is supportive of initiatives that have a positive effect on county funding, allowing counties to generate their own funding needs and oppose those initiatives that take funding away from county programs and services.

■ Responsibility Issues

CCAWV is supportive of initiatives that have a positive effect on county commission authority or responsibility and oppose those that attempt to usurp the duties of county commissioners as outlined by the WV Constitution and the WV Code.

■ Unfunded Mandates

In these challenging economic times, CCAWV will defend against unfunded mandates legislatively or administratively passed on to local governments. CCAWV will evaluate and determine our position on any legislation that affects county finances.

■ Marcellus Shale Drilling

CCAWV supports the development of rules governing horizontal well drilling that will maintain communication and coordination between the industry, state, and county governments, continuing to allow local flexibility to deal with local issues.

■ Substance Abuse Treatment

In recognition of the scourge on our society that substance abuse has become, the CCAWV commits to supporting efforts to increase and enhance available treatment. Substance abuse is an extremely critical problem and impediment to the workforce in WV and a major factor in the escalating burden on our criminal justice system.

CCAWV Priority Issues

Regional Jail Costs: *CCAWV will continue to work with the WV Legislature and the WV Regional Jail Authority to identify additional revenue sources and jail population reduction methods in a unified effort to maximize the efficient use of tax dollars for incarceration of regional jail inmates.*

- Supports more efficient methods for collecting outstanding court costs.
- Support changes to allow ancillary revenue streams to be considered in calculating RJA per diem.
- Supports Regional Jail Cost-Sharing with arresting entities
- Supports legislation to redistribute the real property transfer tax, collected by the state, back to the county of collection, over a 5-yr. incremental phase-in. No increase in taxes paid by the taxpayer. Revenue could help offset jail costs
- CCAWV will review possible other suggestions resulting from RJA Cost Containment Committee
- Supports method to address lost county revenues due to increasing number of wrongful-firing liability lawsuits by requiring county commission advice and consent in all county employee dismissals.

CCAWV Positions on Returning Issues

CCAWV Supports:

- Supports simple Majority Amendment for passage of local levies
- Supports 911 fees stay in county at local discretion
- Supports VFD funding mechanisms when revenue to counties
- Supports concept of a Future Mineral Trust Fund
- Supports a study resolution to look at entire mental hygiene process

CCAWV Opposes:

- Due to the lagging economic conditions of counties across the state, CCAWV is opposed to any increase in elected county officials salaries in 2014
- Opposed to an increase in homestead exemption detrimental to counties' tax base
- Opposed to the Tangible Personal Property Tax Exemption & Rate Reduction Amendment without a replacement revenue source for counties.

Please Note: These legislative positions are generally stated and do not preclude CCAWV from re-evaluating each proposed legislative bill for "Support" or "Opposition" based on the bill's actual language and its resulting effect on county government.

Individually Owned personal Property in TIF Projects

We want to clarify tax increment financing by stating: Base assessed value and current assessed value mean the taxable assessed value of all real and tangible personal property, excluding all non-business personal property as that term is defined in 11-5-3 that is owned by an individual and not owned by a business, including but not limited to personal motor vehicles, personal trailers, personal boats, personal campers, personal motor homes and personal motorcycles, having a tax situs within a development or redevelopment district as shown upon the landbooks and personal property books of the assessor on July 1st of the calendar year preceding the effective date of the order or ordinance creating and establishing the development or redevelopment district. This revision applies only to individually owned property, not business personal property.

Senate Bill 541 The 54% Bill 2007

We support the adoption of two recommendations made by Jerry Knight:: change use of estimated values in Dec. to actual values in March and revise the compliance benchmark to being out of compliance two years in a row, giving the Assessor a year to make corrections.

We also support sending the State board of Education a letter requesting they support the adoption of the above referenced recommendations made by Jerry Knight.

ELECTED OFFICIALS PAY RAISE

We support a salary increase of 20%. The last two years we have requested a specific monetary amount for each officeholder and have not been successful. The last time elected officials received a raise it was a percentage and we feel this is the best way to present our request this year.

Oppose Changes in Current Assessment Procedures Related to Commercial personal Property

In order to protect the county tax base and funding for education, we oppose any changes in the current Assessment Procedures related to commercial Personal Property, including any proposed constitutional Amendment to exempt such property or to adjust the tax classification and levy rates related to such property. Further, we do not support any attempt to replace the current county tax revenue generated by the assessment of such property by increasing the real estate property tax burden on individual property owners.

We will consider supporting legislation that grants tax credits against other business taxes such as the Corporate Income Tax or business Franchise Tax in the amount individual businesses pay in personal property taxes.

Income Approach for Affordable Multifamily Housing

We oppose the requirement to utilize the income approach when valuing affordable multi-family housing units and prohibiting the value of the IRS income tax credits associated with such housing.

WV COUNTY CLERKS ASSOCIATION
2014 LEGISLATIVE PRIORITIES

- (1) Compensation Increase
- (2) Precinct Consolidation: Increase number of voters in a precinct from 1500 in urban areas to 3000 and from 700 to 1000 in rural areas. This will allow multiple precincts located in one facility to be consolidated. It will also allow precincts in close proximity to be consolidated, saving money on elections without compromising convenient precinct locations.
- (3) Modernize canvass procedures by eliminating the code section that requires 5% of the precincts to be hand counted.
- (4) Revisions to Probate:
 - (1) Set minimum bond of \$500 on all estates, excluding sole beneficiary-spouse, unless specified in will that no bond be posted. Bond can be property or corporate as determined by the Clerk. Bond for estates of over \$500 be equal to value of estate. If no personal estate exists and there is a need for qualification, bond should be set at amount not less than \$500. Code section §44-1-7
(This is an attempt to be uniform across the state).
 - (2) The Clerk may require a certified copy of death certificate to open an estate. Change death certificates to read "legal residence." This covers individuals who are in a nursing facility at time of death but have a legal residence elsewhere. This would allow §41-5-4 when establishing jurisdiction for probate. (Some Clerks want to require this before they begin the probate process while others don't so that's why it's "may.")
 - (3) Revise §44-2-1(b), stating "if the personal representative delivers to the Clerk an appraisal of the assets of the estate showing the value to be one hundred thousand dollars or less," to state: "if the personal representative delivers to the Clerk an appraisal of the assets of the estate showing the value to be **two hundred thousand or less.**" (This is so not as many estates are referred.)
 - (4) Revise §44-2-1(b) to eliminate wording "specifically devised" so that all real estate would be excluded when determining the \$200,000 value of estate for referral. (This is to exclude all real estate when determining the amount of estate for referral).
 - (5) Repeal §44-2-2, stating that Fiduciary Commissioner is to publish for claims on estates referred to them. Make language specific that County Clerk is to publish estates upon receipt of appraisal or 6 months after appointment, if no appraisal has been filed. (This is so only one publication is required. Currently both the Clerk and the Fiduciary Commissioner are required to publish.)
 - (6) Change the claims period from 90 days to 60 days from date of publication in order to expedite the process.

CIRCUIT CLERKS LEGISLATIVE PRIORITIES 2014

(1) Compensation Increase

(2) Release of Juror Information

We support the addition of a proviso to WV Code §52-1-9(c): *The names of the qualified jurors drawn from the jury wheel or jury box and the contents of the jury qualification forms completed by those jurors shall be made available to the public provided that the release of juror information subsequent to trial requires permission of the trial court judge.*

(3) Changes to §48-14-204 Regarding Child Support Enforcement

We support changes regarding post judgment writs, notice and limitation of enforcement of judgments in child support and spousal support cases. This is an initiative by family court judges and the Bureau of Child Support Enforcement that is supported by Circuit Clerks.

(4) Monitor Proposed Legislation that Affects Office of Circuit Clerks

WVSA Legislative Agenda

Deputy Sheriff Civil Service Reform - The Code relating to the procedures for discipline of deputy sheriffs is outdated and should be modified. In order to protect the Sheriffs' Office, deputy sheriffs and operational capacities of the sheriffs offices as it relates to the safety afforded to the citizens of our State, modifications to existing code needs to be enacted to better serve all while protecting all parties.

- Brady and Giglio issues have a significant impact on the effectiveness of deputies and officers and current civil service code does not address issues such as this.

Board of Pharmacy Access - The Code relating to access to the Board of Pharmacy records for criminal investigations should be modified.

- Currently only the Superintendent of the WV State Police or his designee, or a member of a formal narcotics task force, or a DEA Agent may access these records.

- The sheriff or the sheriff's designee should be added to this list.

- This is another bill that has gained support statewide at the Governor's Substance Abuse Taskforce Meetings. Citizens have expressed the need for local law enforcement to have access to these records, especially when trying to solve timely drug cases, without having to go through the WV State Police.

Mental Hygiene Reform - The current process puts an undue burden on sheriffs' offices and county commissions.

- The process should be streamlined so that deputies do not have to spend hours waiting on the process to be completed, only to have to wait several more hours at a medical facility before a patient is cleared for acceptance at a mental health facility.

- Access and availability of MH services and location of service facilities to accommodate all areas of the State.

- Timely transfer of MH petitions to sheriffs' offices to facilitate more efficient utilization of staff and safe transport throughout the State.

-Transport by non-law enforcement staff after secure pick-up

- Clarification of execution of transport order by mental hygiene commissioner, circuit judge or other competent authority.

- Clarification of mental hygiene status as it relates to drug addiction. Over the last ten years, Sheriffs' Offices have noticed a significant increase in the number of mental health petitions due to substance addiction, which overloads the mental health treatment system as well Sheriffs' Offices staff.

Salary Increase - The WVSA has partnered with the WV Association of Counties to support an “across the board” monetary pay raise for all county officials.

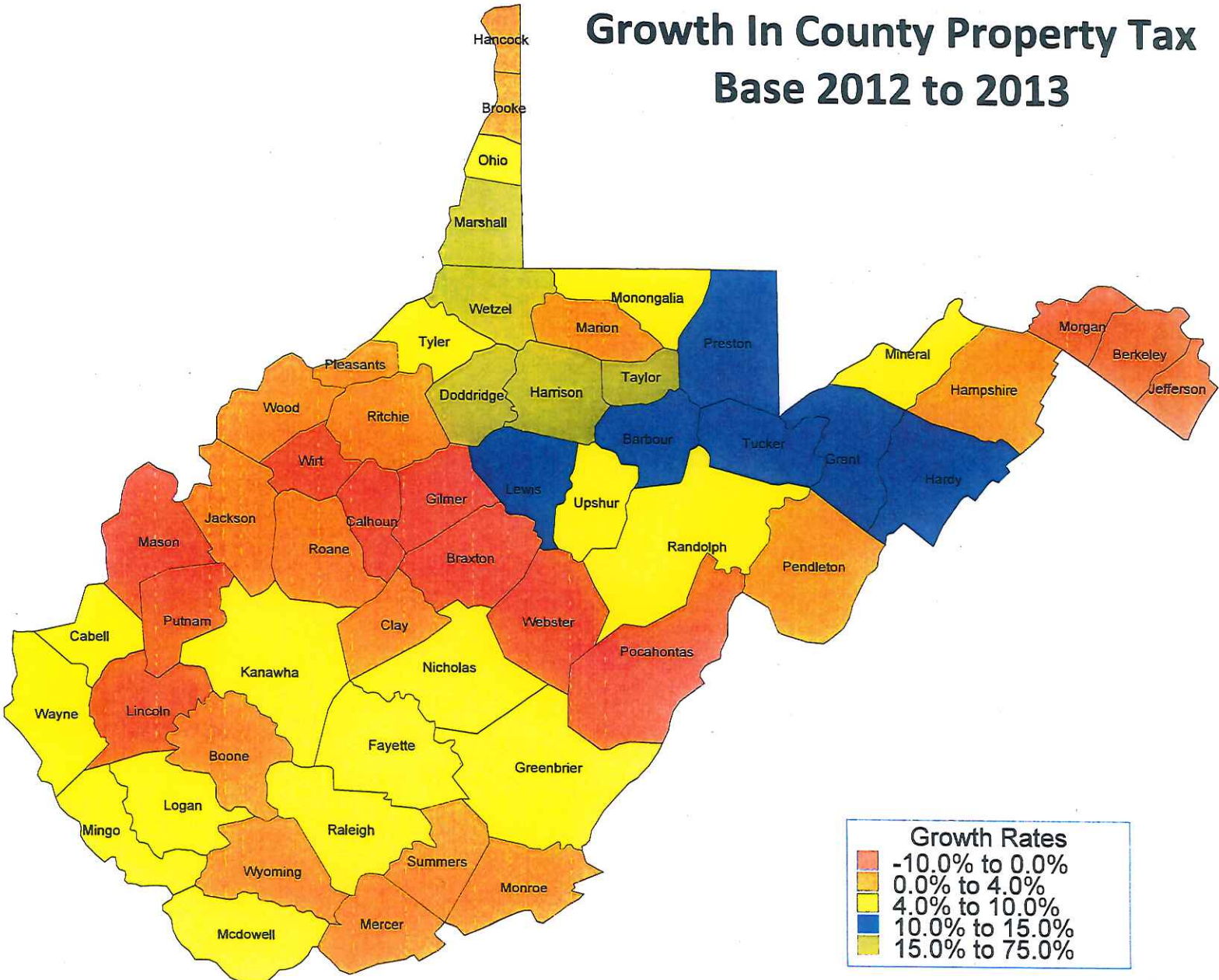
- This has previously been agreed upon among elected county officials in an effort to provide more equivalent salaries across all officeholders and all classifications of counties.

- County officials have not had a pay raise in eight years and currently the sheriff is the lowest paid county official, even when factoring in supplements.

- Even if it doesn't interfere with their full time job, county officials cannot pursue any other employment to make extra money (eg: teach classes, referee ballgames).

- Other Sheriffs' Associations across the nation have remarked that the office of Sheriff in West Virginia sounds like a “retirement job” because of the term limits and low pay.

Growth In County Property Tax Base 2012 to 2013



Average = 6 1/2 %
growth

EXECUTIVE SUMMARY

West Virginia's economy continues to improve, and the pace of improvement has exceeded that of the United States by several measures recently. We expect the economic recovery in West Virginia to continue, although at a somewhat slower rate that will likely fall short of the national pace on several key dimensions in the near-term.

Several key highlights concerning West Virginia's recent economic performance are as follows:

- **Employment in the state has increased by approximately 3,000 jobs (0.4 percent) over the past year** and the overall level of employment in the state is down only slightly from the all-time high observed earlier this year.
- **The natural resources and mining sector has been the largest contributor to statewide net job growth over the past few years.** The sector added 2,300 new workers between the second quarters of 2012 and 2013. With the state's natural gas production more than doubling within the past two calendar years, drilling and extraction throughout the Marcellus and Utica Shale formations have provided a significant boost to payrolls.
- **Other areas of job growth are in retailing, construction, leisure and hospitality, and education and health services.** The public sector has been struggling to add jobs, dampening overall job growth in the state.
- **West Virginia's unemployment rate is at its lowest level since early-2009,** and the rate is significantly below the national average.
- **Per capita personal income in West Virginia has grown rapidly** over the past five years, reaching \$34,477 in 2012. However, despite this growth, per capita personal income in the state still ranks low, surpassing only three other states.
- **Overall, the state's real gross domestic product (GDP) expanded 3.3 percent during 2012, noticeably above the national rate.** West Virginia ranked 10th among all states in terms of state GDP growth during 2012.
- **Exports have grown dramatically in terms of their importance to the West Virginia economy.** In 2000, exports accounted for 5.4 percent of West Virginia's GDP; by 2012, that figure had exploded to 16.3 percent.

- **The state's exports grew an average of 5.2 percent per year between 2000 and 2009.** Over this same period, overall US exports declined at an annual rate of 0.2 percent. The strong growth in West Virginia's exports is primarily driven by strong growth in coal exports since 2008.

However, the West Virginia economy is not without its problems. The following negatives have dampened West Virginia's recent economic performance:

- **The share of the West Virginia population that either has a job or is looking for a job is low.** The figure is 54 percent in West Virginia, compared to 63 percent nationally.
- **Economic performance across West Virginia has varied significantly by county,** with some counties posting very little to no economic growth recently.
- **Population growth in West Virginia has been very slow** over the past decade, and population gains have been heavily concentrated in a few areas, such as the state's Eastern Panhandle and Monongalia County. Overall 39 of West Virginia's counties saw their population decline over the past decade.
- **West Virginia has some the highest death rates for heart disease, cancer, and diabetes in the country.** West Virginia ranks among the bottom tier of states across health risk factors like high blood pressure, physical inactivity, poor nutrition, smoking, and obesity.

Highlights of our forecast for West Virginia's economy are as follows:

- **Employment in West Virginia is estimated to increase 1 percent per year through 2018,** compared to expected growth at the national level of 1.6 percent annually.
- **Construction sector employment is expected to increase at an annual rate of 2.3 percent** over the next 5 years.
- **The service-producing side of the economy is expected to experience the strongest rate of job growth** during the outlook period. Education and health services payrolls are expected to expand at a rate of 2.1 percent annually for the next five years.

- The state's unemployment is expected to continue to fall during the period, reaching a low of 4.5 percent by the end of 2018. However, this decline is attributable to not only job gains, but also to demographic trends, since a larger share of the state's workforce will be retiring and exiting the labor force.
- Per capita personal income is expected to grow at an annual average rate of 2.3 percent over the next five years, below the national rate of 2.7 percent.
- The state's population is expected to decline at an annual rate of 0.1 percent over the next five years, driven by a continued slowdown in net in-migration and death rates that outnumber birth rates.
- West Virginia's population is expected to grow increasingly older, at a rate that surpasses the national trend.
- Challenges exist that could threaten the expected growth for the US and West Virginia economies. These include: a potential slowdown in the economies of major US trading partners that could threaten exports; a high level of US federal government debt; the potential for inflation to destabilize the economy as bank lending and the broader economy improve; and the coming rise in interest rates.

There are also negatives associated with our forecast for the state. Consider the following:

- Job growth in natural resources and mining is expected to drop off considerably from the pace of gains observed in recent years, diminishing to a 0.3 percent annual growth rate.

FIGURE 0.1: West Virginia and US Forecast Summary

	West Virginia		United States	
	2002-12	2013-18	2002-12	2013-18
Population (average annual growth, %)	0.3	- 0.1	0.9	0.8
Employment (average annual growth, %)	0.4	1.0	0.2	1.6
Unemployment Rate (annual average at end of time period, %)	7.3	4.5	8.1	5.5
Real Per Capita Personal Income (average annual growth, %)	1.3	2.3	0.9	2.6

Sources: US Census Bureau; Workforce WV; US Bureau of Labor Statistics; US Bureau of Economic Analysis; WVU BBER Econometric Model; IHS Global Insight