

REVISED AGENDA

JEFFERSON COUNTY COMMISSION

THURSDAY, MAY 29, 2014

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

Revised 5/27/14 10:50 a.m.

PLEDGE OF ALLEGIANCE

★ CERTIFICATION OF VOTE FOR UNITED STATES SENATE SEAT - DISCUSSION/ACTION

APPROVAL OF MINUTES

- May 15, 2014 Regular Meeting
- May 19, 2014 Primary Election Canvass
- May 22, 2014 Public Hearing

APPROVAL OF PURCHASE ORDERS

- May 29, 2014

APPROVAL OF ACCOUNTS PAYABLE

- May 22, 2014
- May 29, 2014

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Peter Dougherty, Sheriff
 - Approval to hire Deputy to fill existing vacancy - Discussion/Action
 - Approval to hire William Walters to the position of part time Bailiff - Discussion/Action
2. 10:00 a.m. Ralph Lorenzetti, Prosecuting Attorney
 - Approval of Summer Intern during the absence of both Victim Advocate employees - Discussion/Action

3. 10:15 a.m. Lynn Fields, County Clerk's Probate Office
- Accept Resignation of Carol Kable and Larry Fritts, Sr. as Co-Administrators cta dbn on the estate of G. Russell Fritts, and to approve of appointment of Denise Carter as replacement Administrator cta dbn - Discussion/Action
4. 10:30 a.m. Barbara Miller, Jefferson County Homeland Security and Emergency Management
- Approval of Pass-through Department of Homeland Security Grant for Jefferson County Schools - Discussion/Action
5. 10:45 a.m. BREAK
6. 11:00 a.m. Bill Polk, Maintenance Director
- Decision on bids received for Pest Control, Heating Oil and Propane - Discussion/Action
- Cleaning options - Discussion/Action
7. 11:15 a.m. Barbara Scott, SPARCS, LLC
- Bond Variation Approval - SPARCS< LLC - Discussion/Action

UNFINISHED BUSINESS

8. Code of Ethics to be signed by all applicants for County Commission appointed Boards and Commission - Discussion/Action (LW)
9. Approval of the Revised Boards and Commissions Policy - Discussion/Action

NEW BUSINESS

10. Assure Planning Commission has one representative from each Magisterial District - Discussion/Action (LW)
11. Renewal of Mutual Aid Agreement between The City of Martinsburg and Jefferson County - Discussion/Action
12. Appointment to the Jefferson County Safety Enforcement Agency Board - Discussion/Action
13. Approval of Resolution to enter into an agreement with the WV Department of Transportation, Division of Highways for the construction of a shared-use bike path - Discussion/Action
14. As the County Commission learned from the presentation by AHA/Jefferson County Arts Council, the month long Artomatic event was a tremendous success in terms of promoting local arts, helping local artisans and attracting visitors. The Commission should show our appreciation by approving a resolution of thanks - Discussion/Action (LW)

15. Discussion of Broker of Record - Discussion/Action (PN)

FINANCE DIRECTOR REPORT

- **Finance Update**

COUNTY ADMINISTRATOR REPORTS

- Approval of proposed Wellness Plan for Jefferson County employees - Discussion/Action

COUNTY COMMISSION REPORTS

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

16. 7:00 p.m. Public Hearing - An Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency

17. ADJOURN

**CORRESPONDENCE/INFORMATION**

Jefferson County Commission - Notice of Public Hearing for the Jefferson County Emergency Services Agency Board Reconstitution

Jefferson County Commission - Notice of Public Hearing for the increase in the Emergency 911 Wireline Fee.

Letter from Heidi Parker, citizen, regarding the operations of the Jefferson County Public Service District.

West Virginia Lottery Weekly Settlement for Charles Town - week ending May 10, 2014.

*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, May 15, 2014

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A meeting of the Jefferson County Commission was held on Thursday, May 15, 2014 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, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, May 15, 2014 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes for the May 1, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.

#### APPROVAL OF PURCHASE ORDERS

Motion by Ms. Tabb to approve Purchase Orders in the amount of \$49,391.26 to include Purchase Order Numbers 51947, 51948, 52430, 52251, 52445, 52446, 52390, 52214, 51966, 51967, 51968, 51969, 51972, 51975, 51976, and 52402. Motion seconded and unanimously approved.

#### APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT  | VENDOR                   | PONUM | POAMT     | NOAMT       | CHECK AMOUNT |
|--------|-------|--------------------------|-------|-----------|-------------|--------------|
| 072084 | 717   | AUTOZONE                 |       | \$ -      | \$ 434.00   | \$ 434.00    |
| 072085 | ALLOC | AHA/ART&HUMANITIES ALLNC |       | \$ -      | \$ 1,407.60 | \$ 1,407.60  |
| 072086 | 425   | B-K OFFICE SUPPLY INC    | 52382 | \$ 981.00 | \$ -        | \$ 981.00    |
| 072086 | 425   | B-K OFFICE SUPPLY INC    | 52386 | \$ 644.99 | \$ -        | \$ 644.99    |

|        |         |                          |       |             |              |              |
|--------|---------|--------------------------|-------|-------------|--------------|--------------|
| 072087 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -        | \$ 49.85     | \$ 49.85     |
| 072088 | PAYROLL | BUREAU FOR CHILD SUPPORT |       | \$ -        | \$ 28.85     | \$ 28.85     |
| 072089 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -        | \$ 212.31    | \$ 212.31    |
| 072090 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 461.54    | \$ 461.54    |
| 072091 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 119.54    | \$ 119.54    |
| 072092 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 530.77    | \$ 530.77    |
| 072093 | 413     | CASTO & HARRIS INC       | 52323 | \$ 4,517.42 | \$ -         | \$ 4,517.42  |
| 072094 | 424     | CHARLES TOWN UTILITIES   |       | \$ -        | \$ 137.97    | \$ 137.97    |
| 072094 | 425     | CHARLES TOWN UTILITIES   |       | \$ -        | \$ 865.81    | \$ 865.81    |
| 072095 | 712     | CDW-GOVERNMENT LLC       | 49841 | \$ 442.70   | \$ -         | \$ 442.70    |
| 072095 | 401     | CDW-GOVERNMENT LLC       |       | \$ -        | \$ 30.98     | \$ 30.98     |
| 072095 | 428     | CDW-GOVERNMENT LLC       |       | \$ -        | \$ 864.44    | \$ 864.44    |
| 072096 | 716     | AMANDA COMPTON EDT/LVT/R | 51945 | \$ 345.00   | \$ -         | \$ 345.00    |
| 072097 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -        | \$ 27.69     | \$ 27.69     |
| 072098 | 425     | COVENANT BUILDING MAINT  |       | \$ -        | \$ 11,827.43 | \$ 11,827.43 |
| 072099 | 425     | DODSON'S SEPTIC          | 52388 | \$ 260.00   | \$ -         | \$ 260.00    |
| 072100 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -        | \$ 154.83    | \$ 154.83    |
| 072101 | 425     | 84 LUMBER                |       | \$ -        | \$ 140.55    | \$ 140.55    |
| 072102 | 425     | GRAINGER, INC            | 52391 | \$ 6.98     | \$ -         | \$ 6.98      |
| 072103 | 401     | RICOH USA, INC           |       | \$ -        | \$ 29.06     | \$ 29.06     |
| 072103 | 403     | RICOH USA, INC           |       | \$ -        | \$ 58.14     | \$ 58.14     |
| 072103 | 404     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072103 | 405     | RICOH USA, INC           |       | \$ -        | \$ 87.21     | \$ 87.21     |
| 072103 | 405     | RICOH USA, INC           |       | \$ -        | \$ 41.00     | \$ 41.00     |
| 072103 | 406     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072103 | 425     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072103 | 433     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072103 | 440     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072103 | 700     | RICOH USA, INC           |       | \$ -        | \$ 58.14     | \$ 58.14     |
| 072103 | 712     | RICOH USA, INC           |       | \$ -        | \$ 29.07     | \$ 29.07     |
| 072104 | PAYROLL | ING NATIONAL TRUST       |       | \$ -        | \$ 2,850.00  | \$ 2,850.00  |
| 072105 | ALLOC   | JEFFERSON COUNTY HISTORI |       | \$ -        | \$ 1,407.60  | \$ 1,407.60  |
| 072106 | 401     | JEFFERSON PUBLISH CO INC |       | \$ -        | \$ 61.40     | \$ 61.40     |
| 072107 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -        | \$ 5,323.00  | \$ 5,323.00  |
| 072107 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -        | \$ 40.00     | \$ 40.00     |
| 072108 | 401     | LEWIS CO CIRCUIT CLERK   |       | \$ -        | \$ 44.06     | \$ 44.06     |
| 072109 | 405     | LYNDSEY W. MATSCHAT      |       | \$ -        | \$ 165.31    | \$ 165.31    |
| 072110 | 406     | MONROE SYS FOR BUSINESS  | 52429 | \$ 125.71   |              | \$ 125.71    |
| 072111 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -        | \$ 150.00    | \$ 150.00    |
| 072112 | PAYROLL | NATIONWIDE RETIREMENT    |       | \$ -        | \$ 749.00    | \$ 749.00    |

|              |         |                          |       |                     |                      |                      |
|--------------|---------|--------------------------|-------|---------------------|----------------------|----------------------|
| 072113       | 712     | NAEMD/IAEMD              | 52234 | \$ 50.00            | \$ -                 | \$ 50.00             |
| 072114       | 424     | NEOPOST USA INC.         | 52380 | \$ 330.00           | \$ -                 | \$ 330.00            |
| 072115       | ALLOC   | JEFF CO PARKS &          |       | \$ -                | \$ 14,779.77         | \$ 14,779.77         |
| 072116       | 402     | PIFER OFFICE SUPPLY, INC |       | \$ -                | \$ 169.18            | \$ 169.18            |
| 072117       | 402     | RECORD MANAGEMENT SOLUTN | 51631 | \$ 35.00            | \$ -                 | \$ 35.00             |
| 072117       | 403     | RECORD MANAGEMENT SOLUTN | 51438 | \$ 30.00            | \$ -                 | \$ 30.00             |
| 072118       | PAYROLL | RETIREE HLTH BENEFIT TRS |       | \$ -                | \$ 6,974.00          | \$ 6,974.00          |
| 072119       | GRANT   | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 2,156.00          | \$ 2,156.00          |
| 072120       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 619.00            | \$ 619.00            |
| 072120       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -                | \$ 213.50            | \$ 213.50            |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 25.98             | \$ 25.98             |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 10,073.60         | \$ 10,073.60         |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 43,073.78         | \$ 43,073.78         |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 111.10            | \$ 111.10            |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 40,601.67         | \$ 40,601.67         |
| 072121       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -                | \$ 128.97            | \$ 128.97            |
| 072122       | 412     | STAPLES CREDIT PLAN      |       | \$ -                | \$ 136.95            | \$ 136.95            |
| 072123       | 711     | SOFTWARE COMPUTER GROUP  | 50010 | \$ 150.00           | \$ -                 | \$ 150.00            |
| 072124       | 425     | SHENANDOAH VALLEY WATER  |       | \$ -                | \$ 563.75            | \$ 563.75            |
| 072125       | 405     | SELBY VETERINARY SERVICE | 52212 | \$ 585.00           | \$ -                 | \$ 585.00            |
| 072126       | 425     | TRI COUNTY RENTAL INC    | 52374 | \$ 19.75            | \$ -                 | \$ 19.75             |
| 072127       | 425     | CAPITAL TRISTATE         |       | \$ -                | \$ 453.07            | \$ 453.07            |
| 072128       | 425     | TML COPIERS & DIGITAL    | 52381 | \$ 313.75           | \$ -                 | \$ 313.75            |
| 072129       | 425     | TRENARY SERVICE CO       | 52393 | \$ 154.00           | \$ -                 | \$ 154.00            |
| 072130       | 424     | US POSTAL SERVICE        |       | \$ -                | \$ 20,000.00         | \$ 20,000.00         |
| 072131       | PAYROLL | UNICARE EAP              |       | \$ -                | \$ 322.20            | \$ 322.20            |
| 072132       | ALLOC   | JEFFERSON CO CONVENTION  |       | \$ -                | \$ 17,594.97         | \$ 17,594.97         |
| 072133       | 716     | VALLEY EQUINE ASSOC/V.E. | 51939 | \$ 4.46             | \$ -                 | \$ 4.46              |
| 072133       | 716     | VALLEY EQUINE ASSOC/V.E. | 51939 | \$ 570.00           | \$ -                 | \$ 570.00            |
| 072134       | 425     | WM OF WEST VIRGINIA, INC |       | \$ -                | \$ 672.01            | \$ 672.01            |
| 072135       | 412     | WVU DIGITAL DOC & COPIER | 50020 | \$ 215.70           | \$ -                 | \$ 215.70            |
| 072136       | 402     | XEROX CORPORATION        | 51632 | \$ 1,462.62         | \$ -                 | \$ 1,462.62          |
| 072136       | 439     | XEROX CORPORATION        | 50339 | \$ 511.93           | \$ -                 | \$ 511.93            |
|              |         |                          |       |                     |                      |                      |
| <b>TOTAL</b> |         |                          |       |                     |                      | <b>\$ 198,958.01</b> |
| <b>TOTAL</b> |         |                          |       | <b>\$ 11,756.01</b> | <b>\$ 187,202.00</b> | <b>\$ 198,958.01</b> |

**Motion by Ms. Noland to approve the Accounts Payable for May 8, 2014 in the amount of \$198,958.01. Motion seconded and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                    | PONUM | POAMT        | NOAMT        | CHECK AMOUNT |
|--------|---------|---------------------------|-------|--------------|--------------|--------------|
| 072138 | 428     | ACCURATE SYSTEMS INC      |       | \$ -         | \$ 6,000.00  | \$ 6,000.00  |
| 072139 | 425     | COMCAST                   |       | \$ -         | \$ 295.50    | \$ 295.50    |
| 072140 | 424     | AT&T/IL                   |       | \$ -         | \$ 0.10      | \$ 0.10      |
| 072141 | 413     | APPLE VALLEY OFF.PRODUCT  | 51630 | \$ 78.80     | \$ -         | \$ 78.80     |
| 072142 | 425     | DEHAVEN BERKELEY 5PRINGS  |       | \$ -         | \$ 91.70     | \$ 91.70     |
| 072143 | 424     | J.C.EHRLICH               |       | \$ -         | \$ 34.00     | \$ 34.00     |
| 072143 | 425     | J.C.EHRLICH               |       | \$ -         | \$ 535.41    | \$ 535.41    |
| 072144 | 405     | EASTERN PANHANDLE BAR     | 52213 | \$ 200.00    | \$ -         | \$ 200.00    |
| 072145 | 717     | FISHER AUTO PARTS         |       | \$ -         | \$ 781.43    | \$ 781.43    |
| 072146 | 700     | GALLS,LLC/QUATERMASTER L  | 51970 | \$ 84.15     | \$ -         | \$ 84.15     |
| 072147 | 717     | GUTTMAN OIL CO            |       | \$ -         | \$ 18,577.09 | \$ 18,577.09 |
| 072148 | 425     | JEFF CO PUBLIC SER DEPT   |       | \$ -         | \$ 173.73    | \$ 173.73    |
| 072149 | 424     | THE JOURNAL               | 52392 | \$ 101.66    | \$ -         | \$ 101.66    |
| 072150 | 425     | JEFFERSON UTILITIES INC   |       | \$ -         | \$ 559.76    | \$ 559.76    |
| 072151 | 700     | GLENDON KINCAID           |       | \$ -         | \$ 6.01      | \$ 6.01      |
| 072152 | 700     | ROBIN MAHONY              |       | \$ -         | \$ 115.58    | \$ 115.58    |
| 072153 | 712     | NAEMD/IAEMD               | 51689 | \$ 120.00    | \$ -         | \$ 120.00    |
| 072154 | 425     | POTOMAC EDISON/OH         |       | \$ -         | \$ 2,875.16  | \$ 2,875.16  |
| 072155 | 716     | PATTERSON VETERINRY SPPL  | 51944 | \$ 200.25    | \$ -         | \$ 200.25    |
| 072156 | 405     | SPECIALTY BUS SUPPLIES    | 51639 | \$ 906.42    | \$ -         | \$ 906.42    |
| 072156 | 700     | SPECIALTY BUS SUPPLIES    | 51974 | \$ 142.26    | \$ -         | \$ 142.26    |
| 072157 | 405     | STAPLES CREDIT PLAN       | 51640 | \$ 39.97     | \$ -         | \$ 39.97     |
| 072158 | 700     | WALTER F STEPHENS, JR IN  | 51973 | \$ 207.30    | \$ -         | \$ 207.30    |
| 072159 | PAYROLL | SHERIFF OF JEFFERSON CO   |       | \$ -         | \$ 22,011.39 | \$ 22,011.39 |
| 072160 | 700     | THOMASSEN AUTO GROUP      | 51971 | \$ 137.00    | \$ -         | \$ 137.00    |
| 072161 | 403     | UNITED SYSTEMS & SOFTWARE |       | \$ -         | \$ 226.85    | \$ 226.85    |
| 072163 | GRANT   | UNITED BANKCARD CENTER    | 52015 | \$ 48,117.80 | \$ -         | \$ 48,117.80 |
| 072163 | GRANT   | UNITED BANKCARD CENTER    | 52016 | \$ 27.14     | \$ -         | \$ 27.14     |
| 072163 | GRANT   | UNITED BANKCARD CENTER    | 52017 | \$ 54.86     | \$ -         | \$ 54.86     |
| 072163 | 402     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 34.95     | \$ 34.95     |
| 072163 | 403     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 164.77    | \$ 164.77    |
| 072163 | 405     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 89.99     | \$ 89.99     |
| 072163 | 405     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 206.88    | \$ 206.88    |
| 072163 | 405     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 255.00    | \$ 255.00    |
| 072163 | 405     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 81.83     | \$ 81.83     |
| 072163 | 412     | UNITED BANKCARD CENTER    |       | \$ -         | \$ 39.58     | \$ 39.58     |

|        |     |                        |  |      |              |              |
|--------|-----|------------------------|--|------|--------------|--------------|
| 072163 | 415 | UNITED BANKCARD CENTER |  | \$ - | \$ 77.45     | \$ 77.45     |
| 072163 | 424 | UNITED BANKCARD CENTER |  | \$ - | \$ 110.52    | \$ 110.52    |
| 072163 | 424 | UNITED BANKCARD CENTER |  | \$ - | \$ 20,768.25 | \$ 20,768.25 |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 113.73    | \$ 113.73    |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 19.95     | \$ 19.95     |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 386.56    | \$ 386.56    |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 34.93     | \$ 34.93     |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 117.29    | \$ 117.29    |
| 072163 | 425 | UNITED BANKCARD CENTER |  | \$ - | \$ 44.96     | \$ 44.96     |
| 072163 | 428 | UNITED BANKCARD CENTER |  | \$ - | \$ 698.42    | \$ 698.42    |
| 072163 | 433 | UNITED BANKCARD CENTER |  | \$ - | \$ 87.00     | \$ 87.00     |
| 072163 | 439 | UNITED BANKCARD CENTER |  | \$ - | \$ 99.00     | \$ 99.00     |
| 072163 | 439 | UNITED BANKCARD CENTER |  | \$ - | \$ 64.99     | \$ 64.99     |
| 072163 | 439 | UNITED BANKCARD CENTER |  | \$ - | \$ 25.90     | \$ 25.90     |
| 072163 | 440 | UNITED BANKCARD CENTER |  | \$ - | \$ 497.00    | \$ 497.00    |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 210.00    | \$ 210.00    |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 314.34    | \$ 314.34    |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 1,390.00  | \$ 1,390.00  |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 246.82    | \$ 246.82    |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 341.91    | \$ 341.91    |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 48.74     | \$ 48.74     |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 86.38     | \$ 86.38     |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 56.53     | \$ 56.53     |
| 072163 | 700 | UNITED BANKCARD CENTER |  | \$ - | \$ 2,419.94  | \$ 2,419.94  |
| 072163 | 711 | UNITED BANKCARD CENTER |  | \$ - | \$ 81.32     | \$ 81.32     |
| 072163 | 711 | UNITED BANKCARD CENTER |  | \$ - | \$ 60.09     | \$ 60.09     |
| 072163 | 711 | UNITED BANKCARD CENTER |  | \$ - | \$ 185.52    | \$ 185.52    |
| 072163 | 711 | UNITED BANKCARD CENTER |  | \$ - | \$ 878.12    | \$ 878.12    |
| 072163 | 712 | UNITED BANKCARD CENTER |  | \$ - | \$ 234.30    | \$ 234.30    |
| 072163 | 712 | UNITED BANKCARD CENTER |  | \$ - | \$ 2,489.85  | \$ 2,489.85  |
| 072163 | 712 | UNITED BANKCARD CENTER |  | \$ - | \$ 1,408.23  | \$ 1,408.23  |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 89.10     | \$ 89.10     |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 244.16    | \$ 244.16    |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 327.00    | \$ 327.00    |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 213.20    | \$ 213.20    |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 60.00     | \$ 60.00     |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 89.10     | \$ 89.10     |
| 072163 | 716 | UNITED BANKCARD CENTER |  | \$ - | \$ 445.35    | \$ 445.35    |
| 072163 | 717 | UNITED BANKCARD CENTER |  | \$ - | \$ 55.00     | \$ 55.00     |
| 072164 | 717 | NAPA AUTO PARTS        |  | \$ - | \$ 190.51    | \$ 190.51    |

|        |  |  |              |              |  |               |
|--------|--|--|--------------|--------------|--|---------------|
|        |  |  |              |              |  |               |
| TOTALS |  |  |              |              |  | \$ 138,885.78 |
| TOTALS |  |  | \$ 50,417.61 | \$ 88,468.17 |  | \$ 138,885.78 |

**Motion by Mr. Manuel to approve the Accounts Payable for May 15, 2014 in the amount of \$138,885.78. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Walt Pellish, Commission President – commended all of the citizens who ran for office in the Primary Election and congratulated the winners. Mr. Pellish also stated he was disappointed in the citizens of Jefferson County, as only 13% of eligible voters cast their ballots.

Jennifer Maghan, Jefferson County Clerk – provided the Commission with an update on the canvassing for the provisional and absentee ballots and spoke regarding the poor voter turnout, stating she believes social media should play a role in informing and encouraging people to vote.

**PRESENTATIONS**

1. Angie Banks, Assessor – requested the approval of the following Exoneration:

| NAME        | DISTRICT     | TYPE              | TICKET # | AMOUNT   |
|-------------|--------------|-------------------|----------|----------|
| Todd Fraser | Charles Town | Personal Property | 301812   | \$149.53 |

- **Motion by Mr. Manuel to approve the Exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

- Ms. Banks also presented the Commission with the Certification of Oaths for the Real and Personal Property Books, requesting the signatures of each Commissioner.

2. Lieutenant Dave Colbert for Sheriff Pete Dougherty

- A. Requested the approval to add Rob Amick, current Trip Guard, to the approved Bailiff list.

- **Motion by Ms. Widmyer to approve the addition of Rob Amick to the approved Bailiff list. Motion seconded and unanimously approved.**

- B. Ratification of the motion made on May 1, 2014 to approve the WV Homeland Security Grant in the amount of \$220,000 and to authorize President Pellish to affix his signature to the grant documents.

- **Motion by Mr. Manuel to ratify the motion made on May 1, 2014 to approve the WV Homeland Security Grant in the amount of \$220,000 and to authorize President Pellish to affix his signature to the grant documents. Motion seconded and unanimously approved.**
3. Kellie Boles and Gary Hornbaker, Blue Ridge Cattlemens Association – requested the approval to hold a “Beef for Father’s Day” promotion on the grounds of the Jefferson County Courthouse.
- **Motion by Ms Noland to allow the Blue Ridge Cattlemens Association, the West Virginia Department of Agriculture, and the West Virginia Beef Industry Council to hold a “Beef for Father’s Day” promotion to promote local farm products on June 12, 2014 from 11:00 am – 1:00 pm on the green space behind Hunter House. Motion seconded and unanimously approved.**
4. Interviews and Appointment to the Jefferson County Community Criminal Justice Board for two (2) three-year terms ending March 19, 2017.
- **Motion by Mr. Manuel to reappoint Carolyn Zdziera as the domestic violence victims’ advocate for the Jefferson County Community Criminal Justice Board until June 30, 2014, at which time the Board positions will be re-advertised. Motion seconded and unanimously approved.**
  - **Motion by Ms. Tabb to request a victim’s advocate from the Prosecuting Attorney’s office to fill the vacant board position as a non-voting member until June 30, 2014. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
6. Interviews and Appointments to the Jefferson County Development Authority for two (2) three-year terms ending April 5, 2017.
- Commissioner Manuel offered his nomination for Andrew Skinner.
  - Commissioner Tabb offered her nomination for Michael Shepp.
  - Commissioner Pellish offered his nomination for Terry Walker.

Andrew Skinner received three votes: one from Commissioner Manuel, one from Commissioner Widmyer, and one from Commissioner Tabb.

Michael Shepp received three votes: one from Commissioner Noland, one from Commissioner Pellish, and one from Commissioner Tabb.

Terry Walker received four votes: one from Commissioner Widmyer, one from Commissioner Manuel, one from Commissioner Noland, and one from Commissioner Pellish.

Andrew Skinner won the “tie-breaker” with three votes to Mr. Shepp’s two votes.

After receiving the majority votes, Andrew Skinner and Terry Walker were each appointed to the Development Authority for one (1) three-year term expiring April 5, 2017.

7. Tim Stanton, Finance Director

Mr. Stanton provided the Commission with an update on the current balances of the General and Capital Outlay funds and an analysis of the revenue and expenditures heading into FY15. Mr. Stanton also reviewed with the Commission the State Auditor’s document for the Consideration of Increased Salaries of County Officials.

- A. Requested the approval of State Budget Revision #27 to increase the Dog Warden’s budget for a \$1,000.00 award received from the United States Pony Club for the care of neglected horses.
  - **Motion by Mr. Manuel to approve State Budget Revision #27 as presented. Motion seconded and unanimously approved.**
- B. Requested the approval of Internal Budget Revision #12 in the Assessor’s budget for the transfer of funds from equipment repair to contracted services.
  - **Motion by Ms. Tabb to approve Internal Budget Revision #12 as presented. Motion seconded and unanimously approved.**
- C. Requested the approval of Internal Budget Revision #13 in the Circuit Clerk’s Office to remove funds to cover deficits in other expenditure lines.
  - **Motion by Ms. Widmyer to approve Internal Budget Revision #13 as presented. Motion seconded and unanimously approved.**
- D. Hotel/Motel Distribution and Amendment to the Ordinance
  - **Motion by Mr. Manuel to amend the Hotel/Motel Occupancy Tax disbursement in the following manner: 50.00% of the receipts received to be disbursed to the Visitor’s Bureau, 2.00% to be disbursed to Arts and Humanities, 2.96% to be disbursed to the Historic Landmarks Commission, and 45.04% to be disbursed to Parks and Recreation, effective July 1, 2014. Motion seconded and unanimously approved.**

8. Tom Reilly, Information Technology Consultant
  - A. Presented the Commission with his monthly update regarding the IT arena on the Downtown and Bardane campuses, noting the XP update is currently underway and the IT department has seen an uptick in IT service tickets.
  - B. Requested the approval and signature of the Storage Area Network contract with Global Data Consultants per the technology presentation given during the April 3, 2014 Regular Meeting.
    - **Motion by Ms. Widmyer to approve the Storage Area Network contract with Global Data Consultants and authorize the President of the Commission to affix his signature to the contract documents. Motion seconded and unanimously approved.**
9. Marshall Demeritt, EMS Chief for the Shepherdstown Fire Department – presented a staffing proposal for the Jefferson County Emergency Services Agency and requested the Commission provide their support of their staffing proposal and pass along their support of this proposal to the Jefferson County Emergency Services Agency Board.
  - The Commission thanked Mr. Demeritt for his proposal, and stated he should take his information before the JCESA Board in an effort to keep the lines of communication open between all parties.
10. Jennifer Brockman, Director of Planning and Zoning
  - A. Requested action regarding a proposed text amendment to section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses.
    - **Motion by Ms. Tabb to approve the proposed text amendment to Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses, effective immediately. Motion seconded and unanimously approved.**
  - B. Requested action regarding the Corporation of Shepherdstown’s proposed Growth Management Boundary under WV Code Section 8-6-4a.
    - **Motion by Ms. Widmyer to approve the Corporation of Shepherdstown’s proposed Growth Management Boundary under WV Code Section 8-6-4a. Motion seconded and unanimously approved.**

**UNFINISHED BUSINESS**

11. Commissioner Lyn Widmyer – presented the Commission with a Code of Ethics to be distributed and signed by all applicants of County Commission appointed Boards, Commissions, and Committees.

- Ms. Grove stated she believe the document was appropriate, but Mr. Groh suggested the Code of Ethics also state that those who violate the Code of Ethics may also be subject to fines and jail time, per WV State Code 6B-1-1.
- **Motion by Ms. Widmyer to move adoption of the Code of Ethics with changes as recommended by legal staff. Motion seconded.**
- **Motion by Mr. Manual to amend Ms. Widmyer’s original motion by changing “personal” to “pecuniary” in the fourth paragraph of the Code of Ethics and strike “...unless I have made my personal interest a matter of public record” and change “Seek no gifts or favors” to “Seek or accept no gifts or favors.” Motion seconded and unanimously approved.**
- Ms. Grove stated she would add the code sections to Ms. Widmyer’s document and attempt to clarify terms so they would read as “plain English.”
  - **Motion by Mr. Manuel to hold over the final decision on this topic until the next scheduled County Commission meeting to allow legal staff time to revise the Code of Ethics document per the preceding discussion. Motion seconded and unanimously approved.**

12. Approval of Employment – Administrative Assistant/Fee Collector for the County Commission Office.

- **Motion by Ms. Noland to approve the hiring of Carol Swiger as Administrative Assistant/Fee Collector for the County Commission Office at a Grade II, Step A. Motion seconded and unanimously approved.**

### **COUNTY ADMINISTRATOR REPORTS**

- P-Card Rebate – Ms. Keyser notified the Commission of a \$1,510.09 P-Card rebate for the last quarter and stated she hoped the rebate would continue to grow.
- Broker of Record – Ms. Keyser stated she, Mr. Staton and Sally Gran have made a selection for the new Broker of Record for the County health insurance and possibly the vision and dental benefits. She asked if the Commission would like a presentation and make the decision or if the team could move forward with their selection. The Commission gave unanimous consent for Ms. Keyser to move forward.

- Annual Audit – Ms. Keyser stated she received a call from the State Auditor’s Office and they’re available to conduct their audit on the County sometime next week at a cost of \$34,600 if the Commission gives consent to move forward.
  - **Motion by Ms. Tabb to proceed with the annual audit, as it’s an ongoing expense. Motion seconded and unanimously approved.**
- Open Enrollment Meetings – Ms. Keyser stated she and Sally Gran held multiple open enrollment meetings earlier in the week to assist employees in understanding the changes to their benefits packages. She also stated she was able to arrange for dental benefits to be separate from medical benefits and would be notifying employees of this change.
- Wellness Presentation/IT RFP – Ms. Keyser stated she was currently working on both a wellness presentation and the IT RFP and would have them both prepared to present at the next County Commission meeting.

## COUNTY COMMISSIONERS’ REPORTS

### Jane Tabb

- Attended the ribbon cutting for the Sam Michael’s Park wedding venue.
- Attended a PSD meeting.
- Attended a Fair Board meeting.
- Attended “Celebrate Extension Day” at the Jefferson County Fair Grounds.
- Attended the Breeder’s Classic Dinner at Hollywood Casino at Charles Town Races.

### Walt Pellish

- Attended the groundbreaking for Advanced Asphalt Technologies.
- Spoke about the School Board reaching an agreement to purchase the Versace building to be used as a bus garage.

### Patsy Noland

- Attended Election Night at the Courthouse.
- Attended the ribbon cutting for the Sam Michael’s Park wedding venue.
- Attended a “Healthier Jefferson” meeting at the Hospital.
- Attended the groundbreaking for Advanced Asphalt Technologies.

### Dale Manuel

- Attended the ribbon cutting for the Sam Michael’s Park wedding venue.
- Attended a PSD meeting.
- Attended a Planning Commission meeting.
- Attended an Affordable Housing meeting.
- Attended the Shepherdstown Book Drive.
- Attended the Ranson Festival.
- Attended a Parks and Recreation Special Meeting.
- Attended Election Night at the Courthouse.

Lyn Widmyer

- Attended a Telemon meeting.
- Attended Election Night at the Courthouse.

13. The Commission meeting was adjourned at 1:25 pm on a motion by Mr. Manuel.  
Motion was seconded and unanimously approved.

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WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

SPECIAL SESSION:

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

At a Special Session of the Jefferson County Commission, continued and held at the Courthouse thereof on Monday, May 19, 2014, beginning at 9:30 a.m.

PRESENT: Walt Pellish, Commission President  
Jane Tabb, Commission Vice President  
Dale Manuel, Commissioner  
Patsy Noland, Commissioner  
Lyn Widmyer, Commissioner

STAFF: Jennifer Maghan, County Clerk  
Nikki Painter, Elections Officer  
Genevieve Hughes, Elections Clerk  
The Election Board  
Jessica Carroll, Recording Clerk

The County Commission of Jefferson County, sitting as a Board of Canvassers, met this 19<sup>th</sup> day of May, 2014 at 9:30 am for the purpose of canvassing ballots cast in the May 13, 2014 Primary Election.

Commissioner Widmyer led Canvassers and staff in the Pledge of Allegiance.

The Board proceeded with the Canvass by reviewing each precinct one at a time, checking to make sure the counts were accurate. The Board also reviewed the provisional ballots from each precinct to determine if the ballot in question could or could not be accepted to be counted. By random drawing, Precinct 21 A was counted by hand.

**Precinct 3**

| Name on Ballot   | Motion/Second  | Accept | Reject | Reason Accepted or Rejected     | Vote    |
|------------------|----------------|--------|--------|---------------------------------|---------|
| Victoria Tudor   | Noland/Widmyer | X      |        | Voting in new precinct          | Carries |
| Kevin Barry      | Widmyer/Noland | X      |        | Ballot "ok," poll clerk mistake | Carries |
| Jannae DeAngelo  | Manuel/Noland  | X      |        | Voting in new precinct          | Carries |
| Alan Williams    | Tabb/Noland    | X      |        | Voting in new precinct          | Carries |
| Virginia Jackson | Noland/Widmyer | X      |        | Absentee – received on time     | Carries |
| Hannah McCarley  | Noland/Widmyer | X      |        | Absentee – received on time     | Carries |

**Precinct 4A**

| Name on Ballot  | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-----------------|----------------|--------|--------|-----------------------------|---------|
| Nancy Karpowicz | Widmyer/Noland | X      |        | Registration OK             | Carries |

**Precinct 4B**

| Name on Ballot    | Motion/Second | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-------------------|---------------|--------|--------|-----------------------------|---------|
| Virginia Williams | Manuel/Tabb   | X      |        | Absentee – Received in Time | Carries |

**Precinct 6**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Dorothy Dyke   | Noland/Pellish |        | X      | Voted in Wrong Precinct     | Carries |

**Precinct 12**

| Name on Ballot    | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-------------------|----------------|--------|--------|-----------------------------|---------|
| Dean Hockensmith  | Noland/Widmyer |        | X      | Voted in Wrong Precinct     | Carries |
| Wilma Hockensmith | Noland/Widmyer |        | X      | Voted in Wrong Precinct     | Carries |

**Precinct 13**

| Name on Ballot  | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-----------------|----------------|--------|--------|-----------------------------|---------|
| Donald Boucher  | Noland/Tabb    |        | X      | Not Registered              | Carries |
| Anthony Digioia | Noland/Pellish |        | X      | Voted in Wrong Precinct     | Carries |

**Precinct 14**

| Name on Ballot  | Motion/Second  | Accept | Reject | Reason Accepted or Rejected       | Vote    |
|-----------------|----------------|--------|--------|-----------------------------------|---------|
| Doris Workman   | Tabb/Pellish   |        | X      | Voted outside of Registered Party | Carries |
| Shirley Painter | Widmyer/Noland | X      |        | Poll Worker                       | Carries |

**Precinct 16**

| Name on Ballot  | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-----------------|----------------|--------|--------|-----------------------------|---------|
| Cathryn Jackson | Noland/Pellish | X      |        | Poll Worker                 | Carries |

**Precinct 17**

| Name on Ballot     | Motion/Second   | Accept | Reject | Reason Accepted or Rejected | Vote    |
|--------------------|-----------------|--------|--------|-----------------------------|---------|
| Douglas Mills, Jr. | Noland/Widmyer  | X      |        | Voting in new precinct      | Carries |
| Kyle Smith         | Noland/Widmyer  |        | X      | Cancelled Voter             | Carries |
| Todd Baldau        | Widmyer/Noland  | X      |        | Poll Worker                 | Carries |
| Sunshine Drummond  | Widmyer/Pellish | X      |        | Poll Worker                 | Carries |

**Precinct 19**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected   | Vote    |
|----------------|----------------|--------|--------|-------------------------------|---------|
| Tim Sites      | Noland/Tabb    |        | X      | Registered in Berkeley County | Carries |
| Scott Shadle   | Manuel/Pellish | X      |        | Poll Worker                   | Carries |
| Marty Freeman  | Widmyer/Noland | X      |        | Poll Worker                   | Carries |

**Precinct 21A**

| Name on Ballot    | Motion/Second | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-------------------|---------------|--------|--------|-----------------------------|---------|
| Rhoda Keys        | Noland/Tabb   |        | X      | Not Registered              | Carries |
| Mark Corrigan     | Manuel/Noland | X      |        | Registration "OK"           | Carries |
| John Hiergeist    | Noland/Tabb   |        | X      | Cancelled Voter             | Carries |
| Charlotte Fremaux | Manuel/Tabb   |        | X      | Not Registered              | Carries |

**Precinct 22**

| Name on Ballot    | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-------------------|----------------|--------|--------|-----------------------------|---------|
| Elizabeth Stagner | Tabb/Noland    | X      |        | Poll Worker                 | Carries |
| Janice Spies      | Noland/Widmyer | X      |        | Poll Worker                 | Carries |
| Richard Gee, III  | Noland/Pellish |        | X      | Not Registered              | Carries |

**Precinct 23A**

| Name on Ballot    | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|-------------------|----------------|--------|--------|-----------------------------|---------|
| Vickie Drummond   | Widmyer/Noland | X      |        | Poll Worker                 | Carries |
| Richard Fiorvanti | Noland/Widmyer | X      |        | Voting in New Precinct      | Carries |
| Francis Donadio   | Manuel/Noland  | X      |        | Voting in New Precinct      | Carries |
| Anne Cuevas       | Widmyer/Tabb   | X      |        | Voting in New Precinct      | Carries |
| Jennifer Evans    | Noland/Pellish |        | X      | Cancelled Voter             | Carries |

The Commission recessed for break at 11:10 am.

The Commission reconvened at 11:20 am.

**Precinct 23B**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Thomas McIsaac | Tabb/Noland    |        | X      | Not Registered              | Carries |
| Leslie Smith   | Noland/Widmyer | X      |        | Absentee – Received in Time | Carries |

**Precinct 24**

| Name on Ballot      | Motion/Second | Accept | Reject | Reason Accepted or Rejected | Vote    |
|---------------------|---------------|--------|--------|-----------------------------|---------|
| Deanna Hart         | Manuel/Noland | X      |        | Voting in New Precinct      | Carries |
| Floyd Braylock, III | Tabb/Noland   | X      |        | Voting in New Precinct      | Carries |

|                    |                |   |   |                        |         |
|--------------------|----------------|---|---|------------------------|---------|
| Timothy Ortwein    | Widmyer/Noland | X |   | Voting in New Precinct | Carries |
| Valentin Maldonado | Tabb/Noland    |   | X | Not Registered         | Carries |
| Margaret Hart      | Widmyer/Tabb   | X |   | Voting in New Precinct | Carries |
| Stephanie Neal     | Manuel/Tabb    | X |   | Voting in New Precinct | Carries |
| Christopher Neal   | Tabb/Pellish   | X |   | Voting in New Precinct | Carries |

**Precinct 25B**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Tracey Rissler | Pellish/Noland | X      |        | Poll Worker                 | Carries |
| David Wright   | Noland/Widmyer | X      |        | Voting in New Precinct      | Carries |
| Deborah Smith  | Noland/Manuel  |        | X      | Voted in Wrong Precinct     | Carries |

**Precinct 26**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Deborah Longo  | Widmyer/Tabb   | X      |        | Poll Worker                 | Carries |
| Stephen Day    | Manuel/Pellish | X      |        | Poll Worker                 | Carries |

**Precinct 28**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Monica Muhle   | Widmyer/Noland |        | X      | Not Registered              | Carries |

**Precinct 29**

| Name on Ballot | Motion/Second | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|---------------|--------|--------|-----------------------------|---------|
| Casey Frazier  | Tabb/Noland   | X      |        | Voting in New Precinct      | Carries |

**Precinct 32**

| Name on Ballot   | Motion/Second  | Accept | Reject | Reason Accepted or Rejected    | Vote    |
|------------------|----------------|--------|--------|--------------------------------|---------|
| Deborah Tiffany  | Tabb/Noland    | X      |        | Voting in New Precinct         | Carries |
| Bruce Tiffany    | Manuel/Noland  | X      |        | Voting in New Precinct         | Carries |
| Josh Tiffany     | Widmyer/Noland | X      |        | Voting in New Precinct         | Carries |
| Sara Lambert     | Tabb/Pellish   | X      |        | Voting in New Precinct         | Carries |
| Feifei Jiang     | Tabb/Noland    |        | X      | Voted Outside Registered Party | Carries |
| Jonathon Rayburn | Noland/Widmyer |        | X      | Registered in Hampshire County | Carries |
| Angela Strahl    | Widmyer/Noland |        | X      | Not Registered                 | Carries |

- **Motion by Ms. Tabb to accept the corrected Statement of Ballots Used for Precinct 32 as presented by Ms. Painter. Motion seconded and unanimously approved.**

**Precinct 33**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Dolores Allen  | Widmyer/Noland | X      |        | Poll Worker                 | Carries |
| Holly Day      | Noland/Pellish | X      |        | Poll Work                   | Carries |
| Bruce Kressin  | Tabb/Noland    | X      |        | Poll Worker                 | Carries |
| Samantha Yates | Noland/Widmyer | X      |        | Absentee – Received in Time | Carries |

**Precinct 34**

| Name on Ballot     | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|--------------------|----------------|--------|--------|-----------------------------|---------|
| Brianna Candelaria | Tabb/Noland    |        | X      | Not Registered              | Carries |
| Jennifer Brockman  | Noland/Widmyer | X      |        | Voting in New Precinct      | Carries |
| Mark Brockman      | Noland/Pellish | X      |        | Voting in New Precinct      | Carries |

**Precinct 35A**

| Name on Ballot   | Motion/Second  | Accept | Reject | Reason Accepted or Rejected    | Vote    |
|------------------|----------------|--------|--------|--------------------------------|---------|
| Philip Aguila    | Noland/Manuel  |        | X      | Not Registered                 | Carries |
| Shannon Holliday | Noland/Widmyer |        | X      | Voted Outside Registered Party | Carries |

**Precinct 35B**

| Name on Ballot | Motion/Second  | Accept | Reject | Reason Accepted or Rejected | Vote    |
|----------------|----------------|--------|--------|-----------------------------|---------|
| Jamie Seeders  | Manuel/Tabb    | X      |        | Voting in New Precinct      | Carries |
| Zoe Levine     | Tabb/Noland    |        | X      | Not Registered              | Carries |
| Jeffrey Redden | Noland/Tabb    | X      |        | Voting in New Precinct      | Carries |
| Erin Freeman   | Widmyer/Noland |        | X      | Voted in Wrong Precinct     | Carries |

After all provisional and absentee ballots were reviewed, the Commission added 46 ballots to the count. Ms. Maghan stated the accepted provisional and absentee ballots would be added to Precinct 6, as it had the lowest voter turnout.

The hand count conducted for Precinct 21A was determined to be acceptable and did not affect the preliminary results of the Primary election. The Commission thanked the Elections Board for their hard work.

- **Motion by Ms. Widmyer to set the bond amount for the request of a recount at \$300.00. Motion seconded and unanimously approved.**

It was the consensus of the Commission to Certify the Results of the Election on Thursday, May 22 at 7:00 pm prior to a previously scheduled public hearing.

- **Motion by Mr. Manuel to adjourn and recess as a Board of Canvassers at 1:22 pm. Motion seconded and unanimously approved.**

\_\_\_\_\_  
WALT PELLISH, COMMISSION PRESIDENT

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 County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 on May 22, 2014 at 7 pm (An audio file of the May 22, 2014 meeting is available through the Jefferson County Commission Office.)

PRESENT: Jane Tabb, Vice President  
Dale Manuel, Commissioner  
Patsy Noland, Commissioner  
Lyn Widmyer, Commissioner  
Debbie Keyser, County Administrator  
Nikki Painter, Elections Clerk  
Jessica Carroll, Executive Administrative Assistant  
Carol Swiger, Fee Collector/Administrative Assistant

**RE: The Jefferson County Emergency Services Agency Fee Ordinance**

Commissioner Tabb called the meeting to order at 7 pm.

Prior to opening up the floor for public comment, the Commission spoke with Ms. Nikki Painter, Elections Clerk, regarding the 2014 Primary Elections results. Ms. Painter stated the results were ready to be certified, save for the US Senate seat.

- **Motion by Mr. Manuel to certify the results of the 2014 Primary Election with the exception of the US Senate seat, as presented. Motion seconded and unanimously approved.**

- It was the consensus of the Commission to certify the results for the US Senate Seat during the regularly scheduled County Commission meeting on Thursday, May 29, 2014.

Vice President Tabb opened the floor for public comment at 7:05 pm.

No one wished to address the Commission during the public comment portion of the hearing.

There being no further comments from the public, Vice President Tabb stated the record would remain open for written comment until close of business on Wednesday, June 4, 2014. The public hearing was adjourned at 7:07 pm on a motion by Mr. Manuel. Motion seconded and unanimously approved.

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WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Executive Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**May 29, 2014**

| DEPARTMENT           | PURCHASE ORDER | AMOUNT        | VENDOR                                   | DESCRIPTION                               |
|----------------------|----------------|---------------|------------------------------------------|-------------------------------------------|
| CENTRAL GARAGE       | 52396          | \$ 1,016.51   | Blue Wolf Sales and Service              | Cleaners and Degreasers                   |
| CIRCUIT CLERK        | 51469          | \$ 1,431.95   | Casto-Harris                             | Casebiners                                |
| COUNTY CLERK         | 52449          | \$ 300.63     | Pifer Office Supply                      | Envelopes                                 |
|                      | 52450          | \$ 3,187.44   | Spirit of Jefferson                      | Publications for 2014 Primary Election    |
| COMMISSION           | 52576          | \$ 109,672.25 | WV Regional Jail & Correctional Facility | April 2014 Invoice                        |
| COMMUNICATIONS       | 52235          | \$ 375.00     | Priority Dispatch                        | Maint. Agreement for Annual Aqua ESP      |
|                      | 52239          | \$ 601.80     | SenCommunications, Inc.                  | Repairs for out-of-warranty equip.        |
|                      | 52548          | \$ 300.90     | SenCommunications, Inc.                  | Repairs for out-of-warranty equip.        |
|                      | 52552          | \$ 300.00     | SenCommunications, Inc.                  | Equipment Repair - Headsets               |
|                      | 52555          | \$ 405.00     | BK Office Supply                         | Office Furniture                          |
|                      | 52556          | \$ 405.00     | SenCommunications, Inc.                  | 2 Plantronics Remotes                     |
| HOMELAND SECURITY    | 52020          | \$ 1,500.00   | CERIUS Technologies                      | Renewal for Web Based Volntr. Mgmt System |
| OTHER BUILDINGS      | 52394          | \$ 537.00     | BK Office Supply                         | Copy Paper                                |
|                      | 52395          | \$ 918.96     | Daycon                                   | Cleaning Supplie                          |
|                      | 52399          | \$ 507.40     | BK Office Supply                         | Trash Bags                                |
|                      | 52605          | \$ 425.00     | Jefferson Utilities                      | Backflow Testing                          |
|                      | 52606          | \$ 350.67     | Trenary Service, Co.                     | Condensor for Motor                       |
|                      | 52607          | \$ 262.50     | RCS Security                             | Electric Strike Body                      |
| PROSECUTING ATTORNEY | 52216          | \$ 2,500.00   | West Payment Center                      | Overage for July 2013 - June 2014         |

|                    |       |                      |                      |                                       |
|--------------------|-------|----------------------|----------------------|---------------------------------------|
|                    | 52677 | \$ 329.70            | Marcia Chandler, RPR | Transcript - St. v. Corneillus Bailey |
| <b>GRAND TOTAL</b> |       | <b>\$ 121,459.84</b> |                      |                                       |

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



Name: Peter H. Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

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

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

Subject (*Wording to be placed on agenda*): Hire Deputy to fill existing vacancy

Please provide the County Commission with a description of your request or presentation, including any background information: Deputy Phoebe Leber tendered her resignation effective March 21<sup>st</sup>. I request Commission approval to hire Joseph Grantham to fill the budgeted vacancy effective June 16<sup>th</sup>. The cost is less therefore is no negative financial impact.

Is this a funding request? Y/N

If so, how much? \$

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 Joseph Grantham to the position of Deputy.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: [pdougherty@jcsdvw.com](mailto:pdougherty@jcsdvw.com) Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 5/6/14 Date Needed 6/16/2014

Job Title Deputy Sheriff Salary 41,300 Criminal History Check  Yes  No

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

Applicants Interviewed By \_\_\_\_\_ Position Reports To \_\_\_\_\_

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

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

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

Budget Information

Addition  Replacement  Explain or For Whom Phoebe Leber (46,125)

Position Budgeted  Yes  No Proposed Salary 41,300 Date of Hire 6/16/14

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

Safety/Security \_\_\_\_\_ Hours Per Week 40

Approvals

Elected Official Approval Peter A. Dugherdy Date 5/6/14

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

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

Comments \_\_\_\_\_

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



Name: Peter H. Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

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

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

Subject (*Wording to be placed on agenda*): Balliff Approval

Please provide the County Commission with a description of your request or presentation, including any background information: I am requesting approval to hire William Walters to the position of part time Balliff. His hire will simply add to the list of people we can call upon to provide coverage and will not have a negative impact upon the budget.

Is this a funding request? Y/N

If so, how much? \$

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 William Walters to the position of part time Balliff.

Attach supporting documents for request, or request may be denied.  
If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: [pdougherty@jcsdvw.com](mailto:pdougherty@jcsdvw.com) Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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



Name: Ralph Lorenzetti

Department or Organization: Prosecuting Attorney's office

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

*If a specific date is needed, please provide reason for specific date:* Need asap to ensure coverage for Victim's Advocate Dept.

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

Subject (*Wording to be placed on agenda*): Approve Summer Intern during the absence/vacation of both Victim Advocate employees.

Please provide the County Commission with a description of your request or presentation, including any background information:  
Approve budgeted Summer Intern position to assist in the Victim Advocate Dept. for summer vacation and employee leave of absence.

Is this a funding request? Y/N Yes. \$4,000 from the Prosecuting Attorney's budget.  
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
Attach supporting documents for request, or request may be denied.  
If not attached, explain: Attached

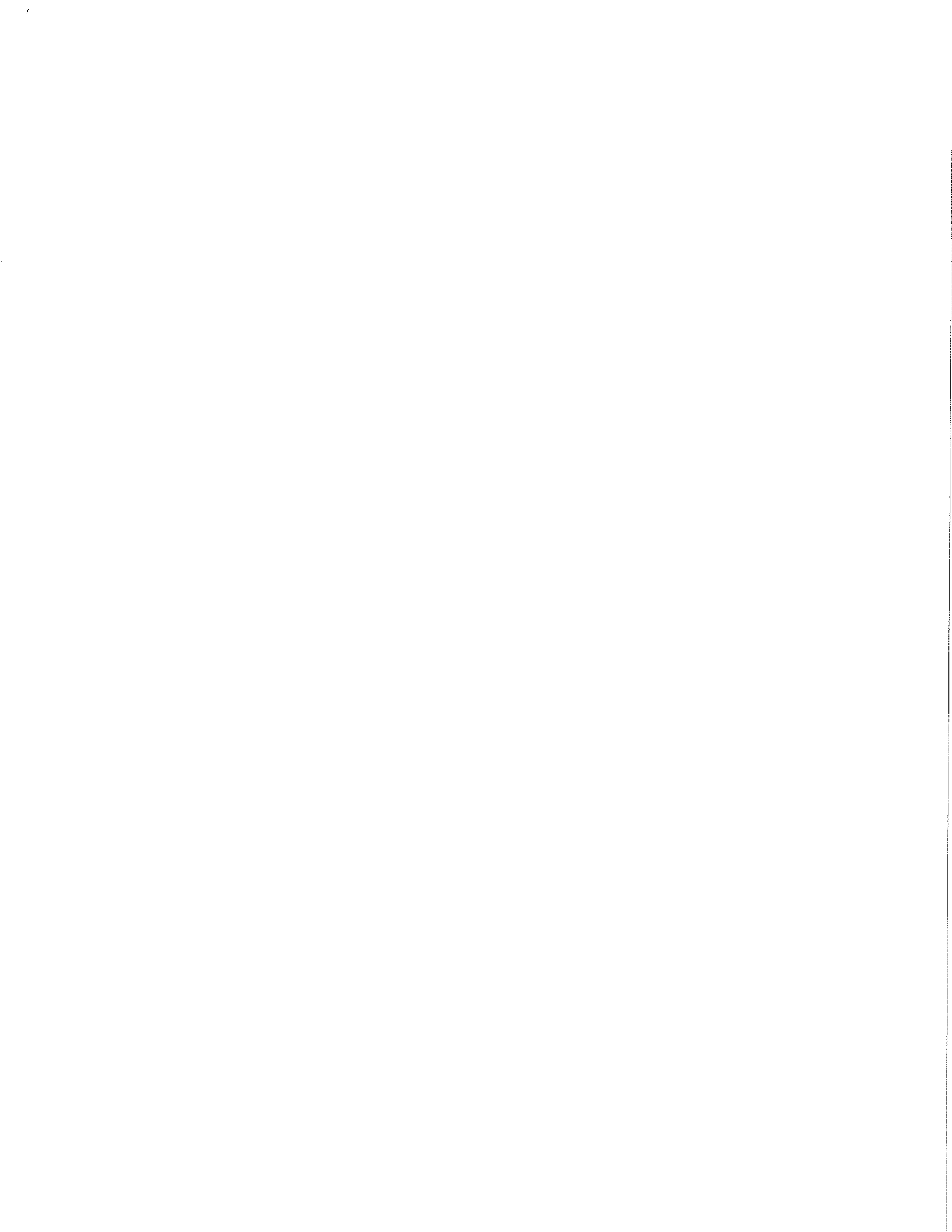
Is equipment needed? Projector Y/N. Internet/Wi Fi Y/N. Telephone for conference call Y/N

Contact information:  
Email address: .

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Financial Impact – budgeted in the Prosecuting Attorney's budget for FY2014/15



AGENDA REQUEST FORM

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

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 5 to 10 minutes

DATE REQUESTED: 1<sup>ST</sup> CHOICE May 29<sup>th</sup>, 2014

IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE: next possible  
commission meeting

SUBJECT: Accept Resignation of Carol Kable and Larry Fritts, Sr. as Co-Administrators cta dbn on  
the estate of G. Russell Fritts, and to approve appointment of Denise Carter as replacement  
Administrator cta dbn

PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION,  
INCLUDING ANY BACKGROUND INFORMATION:

Carol Kable and Larry Fritts, Sr wish to step down as personal representatives of the estate, and  
Denise Carter, granddaughter of the deceased, wishes to be appointed as their replacement.

RECOMMENDED MOTION: To approve the resignation of the current personal representatives and  
approve Ms. Carter as the replacement personal representative.

ARE DOCUMENTS ATTACHED: To follow we will submit letters from all beneficiaries stating they have  
no objections to the resignations and appointment.

IS A PROJECTOR NEEDED?: NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210

United States of America

State of West Virginia



County of Jefferson, ss:

Application of Fiduciaries

For Personal Representative of Estate for a Deceased Person  
On Motion of CAROL KABLE, LARRY R FRITTS SR.

Deceased Person **G MELVIN FRITTS**  
Social Security Number  
Date of Death **04/24/1987**  
Surety Name **HARRY M KABLE**  
Amount of Bond **100,000.00**

Jennifer S Maghan  
JEFFERSON County 12:33:18 PM  
Instrument No 2014005679  
Date Recorded 04/24/2014  
Document Type RORDE  
Pages Recorded 1  
Book-Page 31-155  
Recording Fee \$10.00  
Additional \$5.00

Personal Representative(s)

CAROL KABLE CO ADMINISTRATOR CTA DBN 336 ROSEMONT WAY, CHARLES TOWN, WV 25414-1567  
LARRY R FRITTS SR CO ADMINISTRATOR CTA DBN 159 PROPECT AVENUE, CHARLES TOWN, WV 25414-1162

List of Beneficiaries

Charles J. Brown, Sr. Son in law 15949 Charles Town Rd. Charles Town WV 25414  
Melody Brooks, Granddaughter, 15887 Charles Town Rd. CT, WV  
Sheryl L. Brown, Granddaughter, 15939 Charles Town Rd. CT WV  
Denise D. Brown, Granddaughter,  
Charles J. Brown, Jr., Grandson, 50 Canterbury Trail CT WV

Jennifer S Maghan  
JEFFERSON County 12:33:40 PM  
Instrument No 2014005680  
Date Recorded 04/24/2014  
Document Type RORF  
Pages Recorded 1  
Book-Page 30-190  
Recording Fee \$10.00  
Additional \$5.00

Affidavit & Oath

LIST OF BENEFICIARIES, DISTRIBUTEES, DEVISEES & LEGATEES OF DECEDENT

CAROL KABLE, LARRY R FRITTS SR being duly sworn, deposes and says the names, residences and post-office addresses of the beneficiaries and distributees of the Estate of G MELVIN FRITTS, as set out in the foregoing affidavit are correct to the best of his or her knowledge and belief, except as to matters therein stated to be alleged on information and belief, and to those matters he or she believes them to be true; and affiant further states that such beneficiaries and distributees as given as unknown upon diligent inquiry, he or she has been unable to ascertain their names and addresses. I will mail by first class postage prepaid, a copy of the notice of administration in accordance with West Virginia State Code §44-1-14A to the persons listed on this form. Further, in accordance with West Virginia State Code §44-1-3, I further swear that I will faithfully perform the duties of my office to the best of my skill and judgment.

*Carol Kable*

CAROL KABLE, CO ADMINISTRATOR CTA DBN

*Larry R Fritts Sr*

LARRY R FRITTS SR, CO ADMINISTRATOR CTA DBN

Subscribed and sworn to before me on this the 24th day of April, 2014.

*Jennifer S Maghan*

JENNIFER S MAGHAN  
Clerk of Jefferson County

By

*Lynn Fields*

Lynn Fields  
Deputy Clerk

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



Name: Barbara J. Miller, CEM, CFM

Department or Organization: Jefferson County Homeland Security and Emergency Management

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

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

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

Subject (*Wording to be placed on agenda*): Pass-through Department of Homeland Security Grant for Jefferson County Schools

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

Grant Application in the amount of \$26,000 for Jefferson County Schools to purchase a Raptor Identification System. No matching funds are required. This grant will provide a system to check and identify all visitors entering the schools and print out a visitors pass that is good for that date only and says where in the building that they are visiting.

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

1. I move to approve the pass through grant for Jefferson County Schools portable radios in the amount of \$21,080.
- 2.

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: [bmiller@jeffersoncountywv.org](mailto:bmiller@jeffersoncountywv.org) Phone Number: 304-728-3290 .

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

# WEST VIRGINIA

## HOMELAND SECURITY GRANT PROGRAM

2012 Sub-grant Application



|                                                                                                                                                                |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <p><b>WEST VIRGINIA</b><br/><b>Homeland Security State Administrative Agency</b><br/><b>(SAA)</b></p> <p><b>HOMELAND SECURITY GRANT</b><br/><b>PROGRAM</b></p> | <p><b>REQUEST FOR PROPOSALS</b></p> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|

Should you have any grant related questions please contact:

Michael W. Cutlip, Homeland Security Grant Manager (304) 558-2930 [michael.w.cutlip@wv.gov](mailto:michael.w.cutlip@wv.gov)

Edward Holsclaw, II, Homeland Security Grant Specialist (304) 558-2930 [edward.a.holsclaw@wv.gov](mailto:edward.a.holsclaw@wv.gov)

Should you have any programmatic related questions please contact:

David Hoge, SAA Director (304) 558-2930 [david.k.hoge@wv.gov](mailto:david.k.hoge@wv.gov)



**WEST VIRGINIA**  
 Homeland Security State Administrative Agency  
 (SAA)  
**HOMELAND SECURITY GRANT  
 PROGRAM**

**ITEMIZATION OF FUNDS BY CATEGORY**

PAGE 3-2  
 (EQUIPMENT ONLY)

| Budget Category                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Matching Funds | Federal HSP Funds    | Approved (SAA Use Only) |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------------|-------------------------|
| <p><b><u>Equipment: (Itemized List)</u></b><br/>           (Please see Authorized Equipment List AEL)<br/> <a href="https://www.llis.dhs.gov/knowledgebase">https://www.llis.dhs.gov/knowledgebase</a></p> <p>Communications equipment is required to be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide Interoperable Radio Network. Per Executive Order 2-11 all communications equipment requests must be reviewed and approved by the State Interoperability Coordinator.</p> <p><b><u>Requirement: Must list the AEL # beside each piece of equipment.</u></b></p> <p><b><u>Generator that is not mobile will have to have an Environmental Historical Preservation Review Completed.</u></b></p> <p>Raptor ID System<br/>           AEL: 14SW-01-SIDP</p> |                | <p><u>26,000</u></p> |                         |
| Total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                |                      |                         |

|                                                                                                                                       |                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>WEST VIRGINIA</b><br>Homeland Security State Administrative Agency<br>(SAA)<br><b>HOMELAND SECURITY GRANT<br/>         PROGRAM</b> | <b>ITEMIZATION OF FUNDS BY CATEGORY</b><br><b>PAGE 3-5</b> |
|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|

| Budget Category | Matching<br>Funds | Federal HSP<br>Funds | Approved<br>(SAA Use Only) |
|-----------------|-------------------|----------------------|----------------------------|
|-----------------|-------------------|----------------------|----------------------------|

|                                           |  |  |  |
|-------------------------------------------|--|--|--|
| <hr style="width: 30%; margin-left: 0;"/> |  |  |  |
|-------------------------------------------|--|--|--|

|                                              |  |  |  |
|----------------------------------------------|--|--|--|
| <b>TOTAL MATCHING FUNDS (If Applicable):</b> |  |  |  |
|----------------------------------------------|--|--|--|

|                                 |  |                 |  |
|---------------------------------|--|-----------------|--|
| <b>TOTAL FEDERAL HSP FUNDS:</b> |  | <b>\$26,000</b> |  |
|---------------------------------|--|-----------------|--|

|                                |  |  |  |
|--------------------------------|--|--|--|
| <b>TOTAL APPROVED PROJECT:</b> |  |  |  |
|--------------------------------|--|--|--|

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

|                                                                                                                                       |                                            |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|
| <b>WEST VIRGINIA</b><br>Homeland Security State Administrative Agency<br>(SAA)<br><b>HOMELAND SECURITY GRANT<br/>         PROGRAM</b> | <b>BUDGET SUMMARY</b><br><br><b>PAGE 4</b> |
|---------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|

|                                               |                                                                     |
|-----------------------------------------------|---------------------------------------------------------------------|
| <b>Applicant:</b> Jefferson County Commission | <b>Federal Employer Identification Number (FEIN):</b><br>55-6000333 |
|-----------------------------------------------|---------------------------------------------------------------------|

| Category            | HSP Funds (A) * | Matching Funds (B) ** | Total Funds (A + B) |
|---------------------|-----------------|-----------------------|---------------------|
| Planning            |                 |                       |                     |
| Equipment           | \$26,000        |                       | \$26,000            |
| Training            |                 |                       |                     |
| Exercises           |                 |                       |                     |
|                     |                 |                       |                     |
| <b>Total Budget</b> | <b>\$26,000</b> |                       | <b>\$26,000</b>     |

**FUNDING STRATEGY**

| Funding Source(s)                      | Amount          |
|----------------------------------------|-----------------|
| <b>Sub-Grant Funds:</b>                | \$26,000        |
| <b>Matching Funds (If Applicable):</b> | \$              |
| <b>Other Funding (If Applicable):</b>  | \$              |
| <b>Total:</b>                          | <b>\$26,000</b> |

\* Total of column A shall be placed in the space on page 1 – item number 5, for Funds Requested.

\*\* Total of column B shall be placed in the space on page 1 – item number 5, for Project Matching Funds.

*All funds must be rounded to the nearest whole dollar amount.*



P.O. Box 7966 :: Houston, TX :: 77270-7966

WE ARE KEEPING WATCH  
Federal Tax ID #45-4914152

Opportunity Owner Dan Trepanier  
Quote Number 201405-12669  
Created Date 5/9/2014  
Expiration Date 6/9/2014

Opportunity Name Jefferson County Schools

Ship To Name Jefferson County Schools (WV)

| Product                        | Product Description                                                                                                                                                                       | Sales Price | Quantity | Subtotal    | Total Price |
|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------|-------------|-------------|
| Annual Access Fee              | One (1) year vSoft Annual Software Access Fee (per location). Renewal fee is due on the anniversary month of purchase. Raptor Alert Monitoring service and technical support is included. | \$480.00    | 16.00    | \$7,680.00  | \$7,680.00  |
| Database Setup                 | One-time database setup fee (per location).                                                                                                                                               | \$350.00    | 16.00    | \$5,600.00  | \$5,600.00  |
| Installation Fee               | On-site installation and training. All installations subject to schedule availability.                                                                                                    | \$275.00    | 16.00    | \$4,400.00  | \$0.00      |
| Raptor Duplex Scanner          | ID scanner for state issued identification cards -- 1 year limited warranty.                                                                                                              | \$495.00    | 16.00    | \$7,920.00  | \$7,920.00  |
| Raptor 450 Turbo Label Printer | Badge printer for visitors and/or student tardy passes -- 2 year limited warranty.                                                                                                        | \$139.00    | 16.00    | \$2,224.00  | \$2,224.00  |
| Raptor Visitor Badges (White)  | Raptor visitor badges (10 rolls/300 badges per roll). Quality guaranteed for one (1) year after purchase date.                                                                            | \$100.00    | 16.00    | \$1,600.00  | \$1,600.00  |
| Shipping and Handling Fee      | Required on all new orders.                                                                                                                                                               | \$36.00     | 16.00    | \$576.00    | \$576.00    |
|                                |                                                                                                                                                                                           |             |          | Subtotal    | \$30,000.00 |
|                                |                                                                                                                                                                                           |             |          | Discount    | 14.67%      |
|                                |                                                                                                                                                                                           |             |          | Grand Total | \$25,600.00 |

SUBMIT ALL PURCHASE ORDERS:  
email to [orders@raptorware.com](mailto:orders@raptorware.com) or fax to 713-880-2577  
or mail to P.O. Box 7966 :: Houston, TX :: 77270-7966

REMIT ALL PAYMENTS TO THE ADDRESS BELOW (always include an invoice number/detailed paperwork with your payment):  
Lock Box 4897 :: Houston, TX :: 77210-4897

Order equipment and supplies or pay your renewal online at: [www.shop.raptorware.com](http://www.shop.raptorware.com)  
Phone 713-880-8902 :: Fax 713-880-2577 :: [orders@raptorware.com](mailto:orders@raptorware.com)

**TERMS AND CONDITIONS:**

- Only hardware and supplies purchased through Raptor Technologies, LLC are approved for use with the Raptor System. Use of any hardware or supplies not approved by Raptor Technologies may void all warranties and guarantees.
- Restocking fee of 25% of purchase price will apply to all returns. Shipping/handling fees are non-refundable.
- All purchases from Raptor are subject to terms and conditions of the Raptor Subscription Agreement, which can be found at [www.raptorware.com/SubscriptionAgreement.html](http://www.raptorware.com/SubscriptionAgreement.html)

Please be aware that use tax may apply and you may be required to remit use tax on this purchase based on your state's tax rules.

**STATE OF WEST VIRGINIA**

**Dept. of Military Affairs & Public Safety  
Homeland Security State Administrative Agency  
SUB-GRANT AWARD**

**CFDA Number:**  
97.067

**Commitment Number:**

**Fiscal Year:**  
2014

**Program Name:**

2011 Homeland Security Grant Program

**Sub-Grantee  
Name & Address:**

**FEIN:55-6000333**

**DUNS: 077414548**

**Jefferson County Commission  
P.O. Box 250  
Charles Town, WV**

**Sub-Grant Period:**

**From: 5/15/14  
To: 7/31/14**

**Project Name:**

SHS – Community Preparedness

**Federal Grant Number:**

EMW-2012-SS-00012

**Zip Code: 25414-0250**

**Sub-Grant Number:**

12-SHS-

**Project Notes**

Implement the project described in the attached application.

The attached application has been reviewed, and the proposed project and expenditures as described in the application fall within all guidelines which govern the Homeland Security Grant Program and sufficient funds do exist to make this award.

Homeland Security Grant Manager \_\_\_\_\_

I have reviewed this sub-grant award and the goals and objectives do fall within West Virginia's HS Strategy Goals and Objectives and the expenditures fall within the grant guidelines.

Director, Homeland Security SAA \_\_\_\_\_  
SAA Point of Contact

**By signing and accepting this award the sub-grantee agrees to comply with all special conditions & assurances included in the application.**

**TOTAL AMOUNT OF: \$26,000**

**Sub-grantee Authorized Official:**

**WV Homeland Security Advisor:**

\_\_\_\_\_

\_\_\_\_\_

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

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

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position, title, to the applicable FEMA awarding office, i.e., regional office or FEMA office.

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is convicted-

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation act of 1973, as amended; or

(2) Requiring such an employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, City, County, State, Zip code)

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Check  If there are workplaces on file that are not identified here.

Sections 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a state wide certification.

---

Signature of Authorized Official: \_\_\_\_\_

Date:

## Homeland Security Grant Eligibility Certification

**Recipient Agency/Organization:** Jefferson County Schools

Recipient Point of Contact: Dr. Sheri Hoff

Email: [shoff@access.k12.wv.us](mailto:shoff@access.k12.wv.us) Phone: 304-728-9221

I have reviewed the foregoing and certify that to the best of my information and belief, the agency/organization has met or exceeded the eligibility requirements prerequisite to applying for Homeland Security Grant funding.

Recipient Agency/Organization Authorized Official:

Walter Pellish Title: County Commission President  
Type or Print Name of Agency/Organization Authorized Official

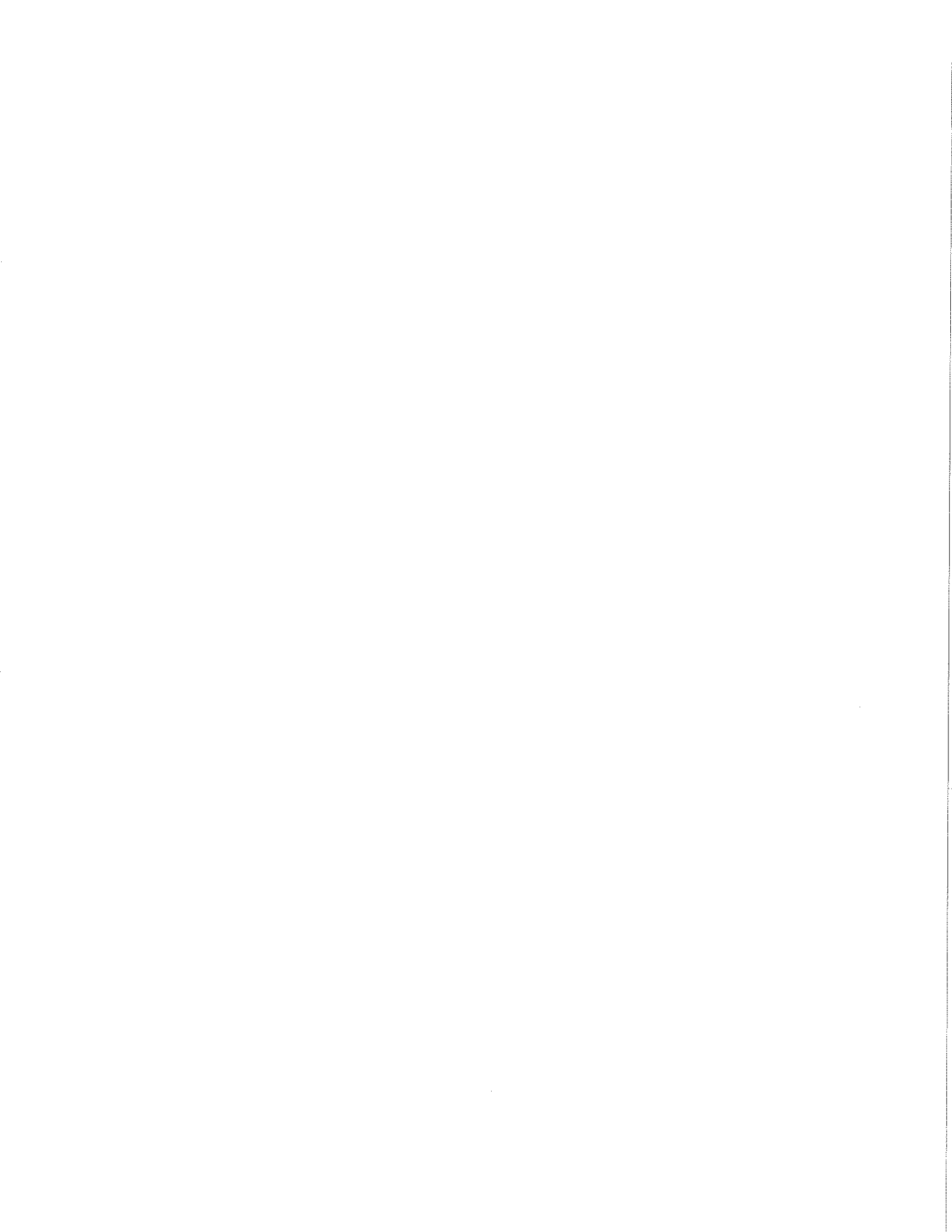
\_\_\_\_\_  
Signature of Agency/Organization Authorized Official

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

I have reviewed all the foregoing and certify to the best of my information and belief, the agency/organization has complied with the Homeland Security Grant Eligibility Criteria.

\_\_\_\_\_  
HS SAA Director

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



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



Name: **Bill Polk**  
Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**  
*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Discussion/Action on Cleaning Options**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**Presentation of recommendation for cleaning options beginning FY2015.**

Is this a funding request?    NO  
If so, how much?                \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Move to approve the recommendation for cleaning services as presented.**

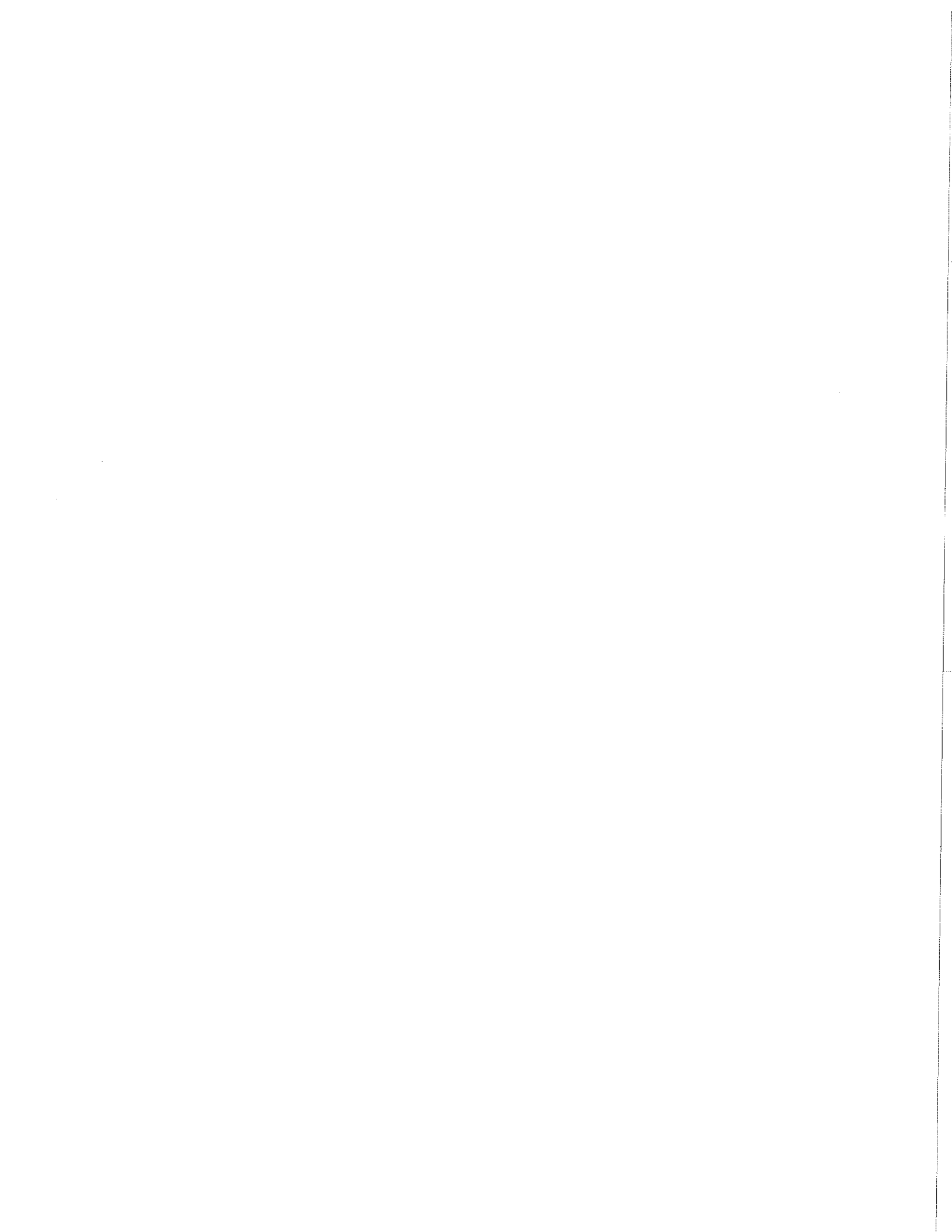
Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

Is equipment needed?            Projector    NO    Internet/Wi Fi    NO    Telephone for conference call    NO

Contact information:  
Email address: [bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)            Phone Number: 304-728-3355

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



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



Name: **Barbara Scott, SPARCS. LLC**

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Performance Bond Variation approval for SPARCS, LLC – Discussion/Action**

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

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

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



Name: **Bill Polk**

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Decision on Bids Received for Pest Control, Heating Oil & Propane**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Presentation on recommendations for the approval of bids that were received for the pest control contract, heating oil and propane.

Is this a funding request?    No  
If so, how much?                \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Motion to approve the recommended contractor's bids for pest control, heating oil and propane as presented.**

Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

Is equipment needed?            Projector    No    Internet/Wi Fi    No    Telephone for conference call    No

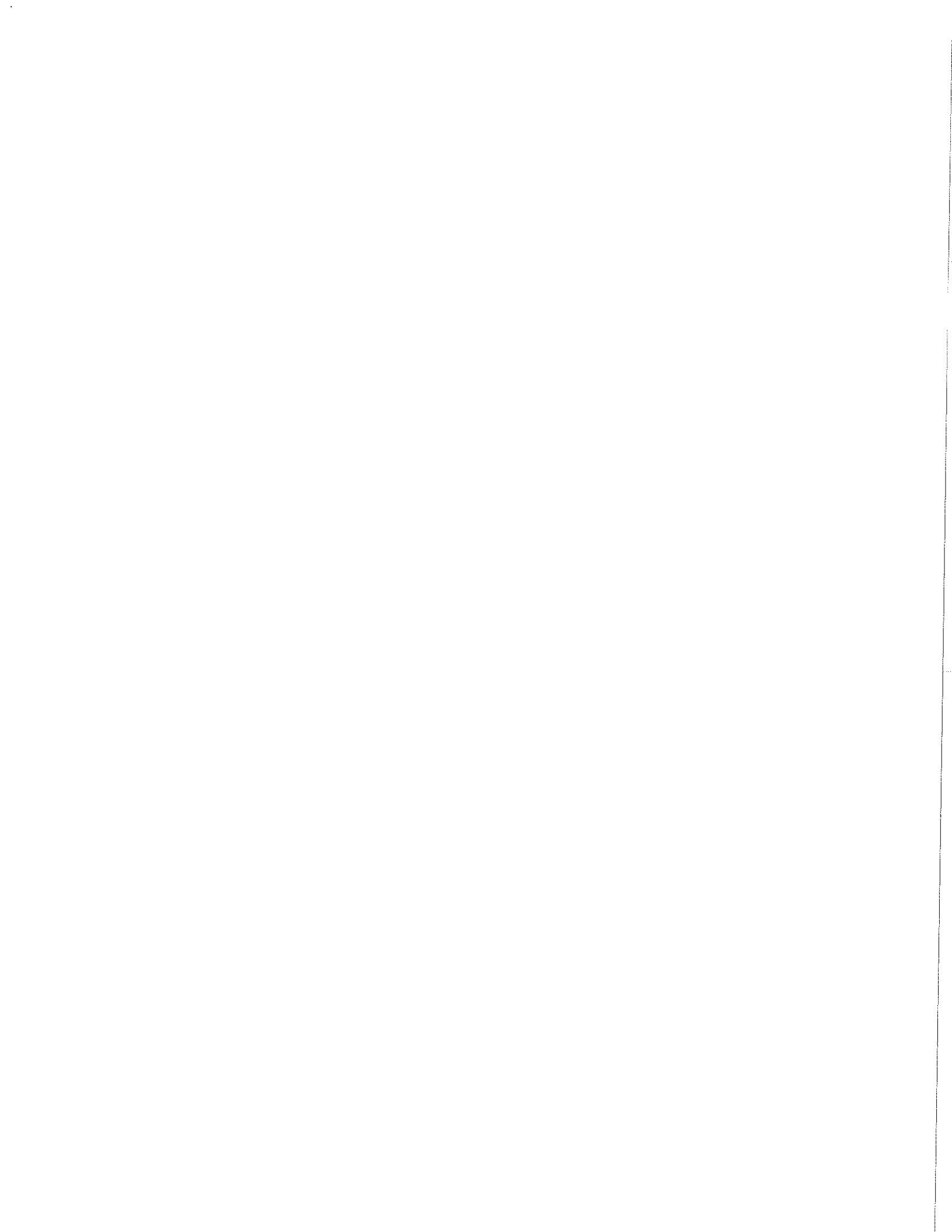
Contact information:

Email address: [bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)

Phone Number: 304-728-3355

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text.



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



Name: **Lyn Widmyer**

Department or Organization: Click here to enter text.

Estimation of amount of time needed for appointment: 15 minutes.

Date Requested – 1<sup>st</sup> Choice: **May 1, 2014**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Code of Ethics to be signed by all applicants for County Commission appointed Boards and commissions**

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

Those who seek appointment to county boards and commissions and those who serve on boards and commissions should be held to high standards of integrity to maintain public respect and trust.

SEE ATTACHED

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Move to require that all applicants for county appointed boards and commissions agree to the Code of Ethics by signing it**

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

## CODE OF ETHICS

I, agree to adhere to the following ethical principles as an appointee to a county board and/or commission:

I agree to:

Exercise fair, honest and independent judgment

Make public disclosure of all "monetary pecuniary interests" I have regarding any decision to be made on the board/commission

Define "monetary pecuniary interest" broadly to include any actual or potential benefits or advantages that I, a spouse, family member or person living in my household might directly or indirectly obtain from a decision the board/commission might make

A public official may vote, if the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses

Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which I have a monetary pecuniary interest, and leave any chamber

Seek or accept no gifts or favors

Not participate as an advisor or decision maker or advocate on any plan or project in which I have previously participated as an advocate unless my role as advocate is authorized by state ethics rules

Not misrepresent facts or distort information for the purpose of achieving a desired outcome

Not participate in any matter unless adequately prepared and sufficiently able to render thorough and diligent service

Not use confidential information acquired in the course of my duties to further a personal interest

Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations

Follow the requirements of the West Virginia Governmental Ethics Act WV Code §6B-1-1 et seq

And understand that failure to follow the requirements could result in removal, jail and/or fines

Signature and Date

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



Name: Debbie Keyser

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

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

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

Subject (*Wording to be placed on agenda*): Approval of the Revised Boards and Commissions Policy

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move approval of the revised Boards and Commissions policy, as presented.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

| <i>Jefferson County Policies &amp; Procedures</i> |                                                          |           |        |
|---------------------------------------------------|----------------------------------------------------------|-----------|--------|
| Policy Name:                                      | Appointment to County Boards, Committees and Commissions | Approved: |        |
| Policy Number:                                    |                                                          | Author:   | Keyser |
| Associated:                                       | Form: Application for Boards and Commission; Ethics Form |           |        |

**PURPOSE**

This directive sets forth the comprehensive process for items pertaining to appointments to the County's boards and commissions including advertising for candidates, processing information to the Commission, interviewing of candidates, appointment timetables and oaths of office.

**POLICY**

The County Commission has the duty and right to appoint citizens to various boards and commissions. It is the stated desire and intent of the Commission to provide for an orderly appointment process to be followed by County staff and to encourage participation by interested citizens. All appointments and removals are made at the discretion of the County Commission.

**NOTIFICATION PROCESS**

1. Notice shall be given to the individual whose term is expiring one month prior to the date of the Commission meeting at which the appointment for the new term is to be listed on the agenda. If the individual would like to be reappointed they shall submit a letter expressing their interest to the Commission, no later than Monday noon for the upcoming Commission meeting at which the appointments will be made. The individual shall be encouraged to complete an application for boards, commissions and committees.
2. Notice shall be given to the Commission and placed in the Information Section of the Agenda Packet at least ten (10) days prior to the County Commission meeting at which the appointment is listed on the agenda.

**ADVERTISING PROCESS**

1. The Commission Staff shall advertise that applications are being accepted, at the appropriate times, a minimum of two weeks for expiring terms through the County's website, email alerts, local government cable channel 17 and the Spirit of Jefferson.
2. Any citizen interested in being appointed or reappointed to a board, committee or commission should submit a completed Application Form (Attachment 1) to the County Commission Office, and attach any additional information as desired. Applicants are required to submit letters of interest and/ or applications to the County Commission Administrative Office no later than Monday noon for the upcoming Commission meeting at which the appointments will be made. **If an applicant submits their letter of interest past the deadline, but prior to the**

Commission meeting where the appointment is scheduled, 1.) The applicant's information will be posted on the County's email Alerts notification system at least two days prior to the Commission meeting, or 2.) the Commission will defer the appointment until the following Commission meeting. Every effort will be made for the public to have at least 2 days of notice of the candidates for an appointment. In the event an approved candidate is not eligible/approved, the incumbent committee member is asked to continue serving until a replacement candidate can be appointed. All Application Forms submitted will be date stamped received and shall be retained for a period of two (2) years in making mid-term appointments as vacancies occur.

3. The County Commission Staff shall send a letter and/or email to each board or commission member with an expiring term of office to determine if the member wants to be considered for reappointment.
4. The Commission Staff will notify applicants on Monday, prior to the Thursday of the date and times of interviews. All applicants are encouraged to attend the interviews, however it is not mandatory.

#### **UNEXPIRED APPOINTMENTS**

1. Occasionally, a position may be available when a member is unable to finish his/her term prior to the term ending. In such cases, the vacant position must be filled by an unexpired term appointment that will serve out the remainder of the individual that they are replacing for an unexpired term.
2. The Commission Staff shall advertise that applications are being accepted, at the appropriate times, two (2) weeks for expiring terms through the County's website, email alerts, local government cable channel 17 and the Spirit of Jefferson.

#### **ZONING BOARD OF APPEALS ALTERNATE POSITIONS**

Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decisions reached. Alternate members shall serve by rotation based upon seniority of appointment to board.

Field Code Changed

#### **TRAINING FOR PLANNING COMMISSION**

Newly appointed members to the Jefferson County Planning Commission governed by state law must attend a training seminar/orientation provided by the Jefferson County Planning Department to familiarize themselves with the laws and procedures governing that commission. This training should be undertaken with two (2) months after the appointee has taken office.

#### **RESPONSIBILITY**

1. It shall be the County Commission Staff's responsibility to keep a current and accurate list of all members of the boards, committees and commissions with dates of appointment and term expiration.

2. It shall be the responsibility of the boards; committee or commission chair to ensure that the County Commission is properly informed of vacancies created due to resignations or other factors that may affect this policy and its procedures.

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

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

Home Telephone Number: \_\_\_\_\_

Work Address: \_\_\_\_\_

Work Phone Number: \_\_\_\_\_

Mobile Phone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Party Affiliation: (*Building Commission applicants only*) \_\_\_\_\_

Occupation: \_\_\_\_\_

Education: High School \_\_\_\_\_

College \_\_\_\_\_

Trade/Business School \_\_\_\_\_

Are you a United States citizen?                      Yes \_\_\_                      No \_\_\_

Are you a West Virginia resident?                      Yes \_\_\_                      No \_\_\_

Are you a resident of Jefferson County?                      Yes \_\_\_                      No \_\_\_

Address:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Magisterial District: \_\_\_\_\_

Are you a Jefferson County registered voter?                      Yes \_\_\_                      No \_\_\_

Do you pay personal property tax?

Yes \_\_\_

No \_\_\_

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

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---

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Organization Memberships and Positions Held : \_\_\_\_\_

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Please list any felonies, convictions or convictions of moral turpitude or any other offenses to reflect poorly on Jefferson County.

| Date: | Offense: |
|-------|----------|
|       |          |
|       |          |
|       |          |

Statement: \_\_\_\_\_

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I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading and adhering to the County's Ethics and Robert's Rules as provided in a packet to me when obtaining my Oath of Office. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

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

***This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.***



## Appointment to Jefferson County Boards and Committees

Congratulations on your appointment to a Jefferson County board or committee. Volunteering for a board or committee assignment is a responsibility and obligation we are pleased you are willing to do to assist your community.

Along with your obligation to attend meetings (as defined by the by-laws of your organization), there are also Ethics rules, as well as Robert's Rules of Order as defined by the West Virginia Ethics Committee through West Virginia state code.

Attached is a brief summary of the legislation you are obligated to adhere too.

**Please sign this sheet indicating you will review the attached materials.**

I, \_\_\_\_\_, agree to read, comprehend and adhere to the training package attached or visit [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org) to view the Ethics training for my newly appointed position. I understand failure to adhere to this legislation and guidelines could result in termination from the Board/Committee or potential legal action.

Attachments: Ethics Committee Presentation; Robert's Rules Presentation

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Signature

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Date

(Please sign one copy and keep one copy for your records).



# A Guide to the West Virginia Open Governmental Proceedings Act

(W. Va. Code §§ 6-9A-1 through 12)

Also known as the "Sunshine Law" or "Open Meetings Law"



## **WEST VIRGINIA ETHICS COMMISSION**

210 Brooks Street, Suite 300

Charleston, West Virginia 25301

(304) 558-0664 (866) 558-0664 FAX (304) 558-2169

[www.ethics.wv.gov](http://www.ethics.wv.gov)

[ethics@wv.gov](mailto:ethics@wv.gov)





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**The Open Meetings Act** generally requires that meetings of a public agency's governing body be open to the public and the media, and that reasonable notice of the meeting and its agenda be given in advance.

## General Information on Open Meetings Act

### Who is covered?

The Act covers all administrative and legislative units of state, county and municipal government including any subunit (e.g. committees) authorized by law to exercise some portion of executive or legislative power. The Act does **not** apply to courts or private organizations that receive government funding.

### What is a governing body?

Two or more members of a public agency who have the authority to make decisions for, or recommendations to, the public agency on policy or administration is considered a governing body.



### What is a meeting for purposes of the Open Meetings Act?

A "meeting" covered by the Act is a convening of a quorum of a governing body or subcommittee in order to make a decision or to deliberate towards a decision.

Meetings may be held by telephone conference or other electronic means, such as video conferencing. In these instances, governing bodies must ensure that all their members can hear, and be heard by, each other and any media or member of the public present at the meeting.

When a quorum of a governing body discusses issues of interest upon which the governing body expects to take some official action, then this is a meeting. If this discussion takes place outside the confines of a public meeting—whether in person, by telephone, email or other telecommunication means — it is an illegal meeting.

#### **What gatherings are not meetings subject to the Open Meetings Act?**

General discussions among members of a governing body or committee on issues of interest to the public in a social, educational, training, informal, ceremonial or similar setting, so long as there is no intent to conduct public business or for the discussion to lead to official action, are not gatherings subject to the Open Meetings Act.

Adjudicatory proceedings, on-site inspections, a political party caucus, and discussions on logistical and procedural methods to schedule and regulate a meeting are also not matters covered by the Open Meetings Act.

## **Notice and Agenda**

#### **How much advance notice of a meeting is necessary?**

Public notice of the meeting date and agenda must be made available in advance of a meeting to the public and news media.

Every public agency must establish rules for giving advance notice of all regularly scheduled and special meetings. W.Va. Code § 6-9A-3. In addition, the Open Meetings Committee of the West Virginia Ethics Commission, through the issuance of advisory opinions, has established rules which determine how much advance notice is required.



#### **How do I calculate days for purposes of the Open Meetings Act?**

In calculating days, do not count the day of the meeting, weekend days or State or Federal Holidays. State Agencies, however have additional obligations for posting meeting notices.

### When and how do I post a Notice?

**State Agencies** - Each State Agency shall file a notice of any meeting with the Secretary of State for publication in the State Register in a manner to allow it to appear in the Register at least **five** calendar days before the date of the meeting.

**Local Governing Bodies** - Notice must be given in a reasonable manner. When a governing body meets in accordance with a fixed schedule, such as the second and fourth Monday of each month, it may comply with the meeting notice requirement in the Act by annually posting notice of the date, time and place of these regular meetings or regular committee meetings for the coming year, and keeping this notice posted throughout the year.

**Regular meetings** - For local governing bodies which do not have a fixed schedule, these bodies may comply with the Open Meetings Act by posting a notice **three** business days in advance of the meeting.



**Special meetings** - When a local governing body meets on an irregular schedule, or needs to meet before the next regularly scheduled meeting to address matters that do not involve an emergency, these are considered special meetings. Notice must be posted **two** business days in advance of the meeting.

Although State Agencies may conduct a special meeting, i.e. a meeting held between regularly scheduled meetings, due to the more restrictive language in the Open Meetings Act,

the State Agency meeting notice must be published in the State Register at least **five** calendar days prior to the date of the special meeting. State Agencies may **not** call an Emergency Meeting for a subject that is not a true emergency. Failure to file a timely notice of the meeting with the Secretary of State does **not** constitute an emergency.

(See **Emergency Meetings** on page 8.)

### What must a notice include?

Notice must include the date, time and place of the meeting. For special meetings or emergency meetings, the notice must state the purpose.

### When do I post the Agenda?

Regular meeting – **three** business days before the meeting.  
 Special meeting- **two** business days before the meeting.  
 Emergency meeting – As soon as practicable

### Where and how do I post an agenda?

A governing body complies with the Act by posting its meeting agenda for each regularly scheduled meeting in a public place at its central office, as well as having copies of the agenda available to be picked up at the same location during regular business hours.

In addition, in its discretion, it may distribute agendas to the news media by mail, telephone facsimile or E-mail, or the agenda may be posted on the governing body's internet website, if it has one. While additional dissemination to the public and the media is encouraged, failure to provide an agenda by such additional means will not invalidate an otherwise proper public meeting.



### What about governing bodies which meet weekly?

For governing bodies which meet weekly, different rules apply. The agenda may be issued **two** business days before the meeting.

### May I amend an agenda?

Yes. The agenda may be amended up to two business days before the meeting. If you amend the agenda, you must repost the agenda following the procedure you used to post the original agenda. The only circumstances under which a governing body may amend an agenda during a meeting is if a true emergency arises.

### How specific must an agenda be?

Agendas must give reasonable notice to the public of every issue that will be discussed. Specifically, any matter requiring the governing body to take official action must be listed on the agenda. For example, "filling position of office manager" would be sufficient.

Use of vague headings such as "old business" and "new business" is clearly insufficient. The public should also be given notice of significant additions or changes to the agenda, as noted above. Each governing body should have rules on how such notice will be given.

## Minutes

### Should minutes be prepared?

The Act requires that written minutes of all open meetings be available to the public within a reasonable time after the meeting. The minutes must include:

- The date, time and place of the meeting.
- The name of each member of the governing body present and absent.
- All motions, orders, resolutions, ordinances and measures proposed, the name of the person proposing each action and the disposition of the matter.
- The results of all votes, including roll call votes by member name, if such votes are conducted.



## Emergency Meetings

### What is an emergency?

Governing bodies should exercise caution when calling an **emergency meeting**. Ordinarily, an "emergency" involves an unexpected situation or sudden occurrence of a serious nature, such as an event that threatens public health and safety.



Every unexpected or sudden event does not constitute an emergency. For example, employing an attorney to assist the governing body does not constitute an emergency. Likewise, acting on a questionable bill for legal services does not constitute an emergency.

### Is immediate action required?

When in doubt as to what constitutes an emergency, ask what are the consequences if the governing body does not act immediately. If it can wait two business days without significant adverse consequences, then you should call a special meeting instead.

Or, call the Ethics Commission to discuss the situation with staff.

In order to satisfy the terms of an emergency meeting exemption, not only must a matter involve an emergency, the governing body must be required to take immediate official action in response to the situation.

For example, if a flood were to contaminate a town's water supply, the council may be required to approve various actions to protect public health and restore the system to safe operation.

**Must a notice or an agenda be posted?**

For an **emergency meeting**, the notice must be posted as soon as practicable. The notice must set forth the reason for, and purpose of, the emergency meeting. Similarly, governing bodies that wish to add emergency matters to their meeting agenda must post an amended agenda which includes the emergency item. The amended agenda shall further explain the facts and circumstances which warrant adding the emergency item to the agenda.

In the event of an emergency requiring immediate official action, a State Agency may file an emergency meeting notice with the Secretary of State at any time prior to the meeting. The emergency meeting notice shall state the date, time, place and purpose of the meeting and facts and circumstances of the emergency.

**Are written minutes required for an Emergency Meeting?**

Yes. The explanation for the emergency must be repeated during the meeting and set forth in the written minutes of the meeting.

## Executive Sessions

**When may a governing body go into an executive session?**

A governing body may go into an executive session for any of the reasons set forth in the Open Meetings Act at W.Va. Code § 6-9A-4. Some common grounds for going into an executive session are to discuss personnel matters, pending litigation, to consider matters involving the purchase, sale or lease of real property, or to plan or consider an official investigation.

**How do you convene an executive session?**

A member of the governing body must make a motion to go into executive session. The motion must state in plain language the grounds for convening an executive session.

For example, a member may state that he or she is moving to go into executive session based upon the personnel exception. It is not necessary to cite the specific code provision. A governing body may go into executive session to discuss **only** matters that appear on the meeting agenda.



**Must the agenda state that the governing body will go into executive session?**

No. In fact, a governing body may not decide in advance of a meeting that it will go into executive session. The agenda **may** indicate that it is anticipated that a matter may be discussed in executive session, but the governing body may only go into executive session by a majority vote of the members present.

The agenda item must be descriptive enough to put the public on notice of the nature of the matter being discussed regardless of whether it will be discussed in an open session or executive session.

For example, an agenda item to discuss pending litigation may read, "Discuss pending lawsuit of *Smith v. Jones* with Legal Counsel." Once again, generic agenda items such as "Discuss pending litigation" are too vague to adequately put the public on notice as to the matter to be discussed.

**May a governing body vote on matters in executive session?**

No. Votes may not be taken in an executive session. Instead, the governing body may only vote once it reconvenes in an open session.

One exception is that a governing body may vote to give its attorney settlement authority in an executive session. The fact that a governing body has authorized its attorney to engage in settlement negotiations and/or has set a settlement range is not required to be disclosed. If a settlement is reached, then the settlement agreement, including the amount, becomes a matter of public record.

**Is a governing body required to take minutes for an executive session?**

No. The decision of whether or not to take minutes for an executive session lies within the discretion of the governing body. The

governing body may want to seek the advice of legal counsel concerning whether minutes should be taken.

If a governing body decides to take minutes in an executive session, the Act does not require the disclosure of such minutes to the public.

## Advice and Advisory Opinions

### How do I get advice?

Call or write the Ethics Commission for informal advice from one of the attorneys, or check out the Commission's website for relevant advisory opinions.

### What is an Advisory Opinion?

The West Virginia Ethics Commission's Committee on Open Governmental Meetings gives written advisory opinions to governing bodies and their members on whether a proposed action or an action of an ongoing nature violates the law.

The opinions provide an absolute defense in any civil suit or criminal prosecution to the requesting agency and any other governing body which is similarly affected, provided the opinion is relied upon in good faith.

The Committee on Open Meetings meets on the first Thursday of each month to consider written requests.

Requests for written advisory opinions should be submitted in writing at least ten calendar days before the Open Meeting Committee meeting.



### Why ask for a written Advisory Opinion?

A written advisory opinion gives the persons seeking the opinion an absolute defense to civil suits and criminal charges for future actions taken in good faith reliance on the opinion.

**NOTE:** The Committee cannot provide advice on an action that has already occurred. However, if the action is part of an ongoing course of conduct, an advisory opinion on continuing that course or

practice may be requested.

The Commission's website, [www.ethics.wv.gov](http://www.ethics.wv.gov), contains precedential opinions. A governing body that acts in good faith reliance on a precedential advisory opinion has an absolute defense to a civil suit or criminal prosecution as long as the underlying facts and surrounding circumstances are substantially the same as those addressed by the written opinion.

## Enforcement and Penalties

### How is the Act enforced?

The Ethics Commission has no role in enforcing the Act and does not investigate complaints of violations. The Act provides that any citizen may file a civil action in Circuit Court within 120 days after the action or decision complained of occurred.

Only the Court has the power to compel compliance with the Act or annul a decision made in violation of the Act. Additionally, anyone who willfully and knowingly violates the provisions of the Act is subject to criminal prosecution for a misdemeanor.

### What are the penalties for violating the Act?

In civil actions, in addition to injunctive relief requiring a governing body to rescind an action taken in violation of the Act, the prevailing party may obtain attorneys' fees and costs. If a public official is criminally prosecuted and found guilty, then he or she may be fined up to \$500 for a first offense.





## Frequently Asked Questions



### **Are committee meetings subject to the Open Meetings Act and meeting posting requirements?**

*Yes. All sub-units of a governing body, regardless of size, must follow the Open Meetings Act. This includes regular, standing, and ad hoc committees.*

### **Are work sessions subject to the Open Meetings Act?**

*Yes. The term work session is frequently used by governing bodies to describe a meeting where the members of the governing body or subcommittee are discussing a project or reviewing a budget, but will not be taking official action.*

### **May citizens and the media record meetings?**


*Yes. Pursuant to the Open Meetings Act, anyone may record the meetings. The governing body may adopt rules governing the placement of the recording equipment, but it may not prohibit anyone from recording a meeting.*

### **Does the Open Meetings Act require that meetings be electronically recorded by the governing body?**

*No. However, governing bodies should check their enabling legislation or local ordinances to determine whether recording is required pursuant to statute or rule.*

### **May items be added to the agenda during a meeting?**

*No. If a citizen or member of the governing body raises a matter during the course of a meeting, the item may not be discussed or voted upon at the meeting. Instead, it must be added to a meeting agenda for a future meeting. The only exception is if the item is an emergency. In that case, the governing body should follow the procedure set forth for emergency meetings and agenda items.*



---

**Are governing bodies required to allow members of the public to speak at a meeting?**

*No. The purpose of the Open Meetings Act is to allow citizens to observe the governing body for purposes of promoting transparency. However, governing bodies are encouraged to have a public comment period. A governing body may adopt rules which impose restrictions upon public comment periods such as the amount of time which will be allocated to each speaker.*

.....

**For more information on the Open Meetings Act,  
please contact the:**

**WV Ethics Commission  
210 Brooks St., Suite 300  
Charleston WV 25301**

**(304) 558-0664 toll free 1-866-558-0664 fax (304) 558-2169**

**[ethics@wv.gov](mailto:ethics@wv.gov) [www.ethics.wv.gov](http://www.ethics.wv.gov)**

**7/2010**

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WV Ethics Commission  
210 Brooks St., Suite 300  
Charleston WV 25301  
304-558-0664

## OPEN MEETINGS CHECKLIST

### FOR STATE EXECUTIVE BRANCH AGENCIES ONLY

- ✓ Are notices of all regular and special meetings published in the State Register by the WV Secretary of State at least 5 calendar days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ Are notices of any emergency meetings stating the date, time, place and purpose of the meeting, as well as the facts and circumstances of the emergency, filed with the WV Secretary of State prior to the meeting? W. Va. Code § 6-9A-3
- ✓ Does each published notice contain the date, time, place and purpose of the meeting? W. Va. Code § 6-9A-3

### FOR ALL OTHER GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a notice containing the schedule for all regular meetings posted annually and maintained throughout the year in a public place, such as the agency's office, the County Courthouse, and/or the local Post Office? W. Va. Code § 6-9A-3
- ✓ Are notices of special meetings containing the date, time, place and purpose of the meeting similarly posted in a public place at least two business days in advance of each meeting? W. Va. Code § 6-9A-3
- ✓ In calculating this two business day notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded?

### FOR ALL GOVERNING BODIES OF PUBLIC AGENCIES

- ✓ Is a meeting agenda made available a reasonable time in advance of each regular scheduled meeting? W. Va. Code § 6-9A-3

**NOTE:** The WV Ethics Commission's Committee on Open Governmental Meetings has concluded that governing bodies may provide reasonable advance notice of the items to be acted upon at a regular meeting by issuing the meeting agenda at least three business days in advance of each meeting. Once an agenda has been issued three or more business days in advance, the agenda may only be amended up to two business days in advance of the meeting, unless the matter involves an emergency requiring immediate official action. In calculating these two or three business day periods, the day of the meeting, Saturdays, Sundays and legal holidays are not counted.

- ✓ Does the meeting agenda reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting?

- ✓ Has the governing body established rules for issuing notice of the date, time, place and agenda of all regular meetings, and the date, time, place and purpose of all special meetings? W. Va. Code § 6-9A-3
- ✓ Before holding an executive session, does the governing body:
  - (1) determine by a majority vote that an executive session is required to consider one of the actions permitted under the Open Meetings Act; and
  - (2) is the authorization in the Act which permits such executive session identified to the governing body and the public by the presiding officer? W. Va. Code § 6-9A-4(a) &(b)

**NOTE:** The Committee on Open Governmental Meetings has concluded that governing bodies may comply with the requirement in (2), above, by describing the subject matter for which an exemption in the Act authorizes an executive session, rather than reciting the applicable numbered section in the W. Va. Code. Further, while certain privileged matters may be discussed in executive session, most matters requiring official action, excluding rulings on student disciplinary matters and developing security procedures, must be voted upon in public.
- ✓ If action is taken by reference to matters contained in a written agenda or similar listing, are copies of such agenda or other listing available for public inspection by the public attending the meeting before any such vote is taken? W. Va. Code § 6-9A-8(a)
- ✓ Are all votes conducted by voice, show of hands or by rising, without use of a secret or written ballot? W. Va. Code § 6-9A-8(b)
- ✓ Are meeting minutes prepared and made available to the public and media within a reasonable time after each meeting? W. Va. Code § 6-9A-5
- ✓ Do the minutes reflect the date, time and place of the meeting? W. Va. Code § 6-9A-5(1)
- ✓ Do the minutes reflect the name of each member of the governing body who was present and absent? W. Va. Code § 6-9A-5(2)
- ✓ Are all motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing same, and their disposition, reflected in the minutes? W. Va. Code § 6-9A-5(3)
- ✓ If a matter was acted upon that was not on the meeting agenda (or meeting notice in the case of a special meeting), or if the meeting was an emergency meeting, are the facts and circumstances of the emergency explained in the minutes?

- ✓ Are the results of all votes reflected in the minutes? W. Va. Code § 6-9A-5(4)
- ✓ If a member requested a roll call vote on a particular matter, pursuant to applicable rules of the governing body, is the vote of each member by name reflected in the minutes? W. Va. Code § 6-9A-5(4)
- ✓ If a public comment period is provided at any time during the meeting, are members of the public allowed to address the governing body without being required to register more than 15 minutes before the start of the meeting? W. Va. Code § 6-9A-3
- ✓ Are members of the public and media permitted to record or broadcast the open portion of a meeting, so long as their filming or recording does not unduly interfere with the conduct of the meeting? W. Va. Code § 6-9A-9(a) & (b)
- ✓ Does a quorum of the members of the governing body refrain from meeting to discuss and deliberate toward a decision on matters requiring official action at a "work session" or other gathering, unless proper notice of that gathering has been issued, and it is open to the public and media?
- ✓ If the governing body elects to convene with one or more members participating by telephone, are the members telephonically participating audible to all those personally present, including the public and media?

## West Virginia Ethics Act

# GIFT GUIDELINES

### < SOLICITATION OF GIFTS >

**General Rule:** *A public official or employee may not solicit a gift unless the solicitation is for a charitable purpose.*

The Ethics Act states that public servants may not solicit a gift, unless it is for a charitable purpose from which they and their immediate family members derive no direct personal benefit. They may not directly solicit a subordinate for any gift - not even a gift for a charitable purpose. The Act's prohibition against solicitation of gifts does not apply to solicitation of political contributions. However, WV Code 3-8-12(h) dealing with the regulation and control of elections provides "No person shall solicit any [political] contribution from any nonelective salaried employee of the state government or of any of its subdivisions."

### < ACCEPTANCE OF GIFTS >

**General Rule:** *There are significant restrictions on the gifts which a public official or employee may accept.*

The Ethics Act places restrictions upon the acceptance of gifts from lobbyists or interested persons. Interested persons are those who:

- Seek or do business with the public servant's agency;
- Are engaged in activities regulated or controlled by their agency; or,
- Have financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of their official duties.

Certain gifts may be accepted, even if the gift is from a lobbyist or interested person. An overview of acceptable gifts is provided on page two.

### < REPORTING OF GIFTS >

The Ethics Act requires that the following individuals must file a financial disclosure form: (1) all elected statewide and county officials, and in some instances municipal elected officials if the municipality has elected by ordinance to be covered by the disclosure provisions; (2) all members of state boards, commissions and agencies appointed by the governor, and, (3) executive branch secretaries of departments, commissioners, deputy commissioners, assistant commissioners, directors, deputy directors, assistant directors, department heads, deputy department heads and assistant department heads. If you file a financial disclosure form, on the form there is a section entitled gifts. You must disclose all gifts, including meals, which are more than \$ 100.00, received from a person having a direct and immediate interest in a governmental activity, and are not required to be reported by a lobbyist. For example, if a constituent, who is not a lobbyist, takes you to dinner, and the value of your dinner is in excess of \$ 100.00, then you must report the name of the individual who took you to dinner.

## < GIFTS WHICH MAY BE ACCEPTED >

### Meals and Beverages

There is no monetary limitation on the value of a meal or beverage. For example, you can either accept a hot dog at the ball-park or dinner at the Greenbrier. The only limitation is that the interested party must be present. Gift certificates for meals are not acceptable.

### Ceremonial Gifts or Awards of Insignificant Value.

There is no monetary limit placed on a ceremonial gift or award as long as it is reasonable and the gift has an overriding intrinsic, as opposed to fair market value. The gift must be given for a ceremonial purpose. For example the Commission has ruled that commemorative plaques as gifts had an insignificant value even though they cost \$ 35.00 to \$ 40.00 each. Likewise most plaques or gifts which are personalized with an engraving have an insignificant value as they have no real fair market value due to the personalization.

### Gifts of Nominal Value

These gifts are permissible provided that the total value of any one item or items given to a public official or employee do not total more than \$ **25.00** for any one year. For example, you could accept a t-shirt and a coffee mug provided that the items, when totaled together, do not cost more than \$ 25.00. Once again the \$ 25.00 limitation does not apply to meals when the person purchasing the meal is present.

### Reasonable expenses for food, travel and lodging of the official or employee for a meeting at which the official or employee participates in a panel or speaking engagement at the meeting.

If you are speaking at an event or are a member of a panel, then you may accept reasonable expenses for food, travel and lodging. You cannot accept expenses for amenities at the event such as free golf or spa treatments, unless these amenities are part of the room package for all guests staying at the hotel. The Commission has also held that you may accept reasonable expenses for your spouse or significant other to attend.

### Free tickets to charitable, cultural or political events. These tickets are acceptable when the purpose of such gift or admission is a courtesy or ceremony customarily extended to the office.

There is no limitation on the value of a ticket to a charitable, cultural or political event. The test is whether public officials are customarily invited. An example would be a concert (a cultural event) given annually by a local community band. If the local community band or a person or company sponsoring the event customarily provides tickets to elected or appointed officials, then you may accept. This rule does not apply to sporting events.

### Sporting events

You may accept a free ticket to a sporting event if the ticket is less than \$ 25.00. If the price of entrance is greater than \$ 25.00 you may only accept a ticket if the ticket is incidental to the conduct of your official or ceremonial duties. For instance, if you are asked to crown the homecoming queen or throw out the opening ball, then you can accept a ticket as you are performing a ceremonial duty.

### Purely private and personal gifts and gifts from relatives.

These gifts are acceptable.

WV Ethics Commission  
210 Brooks Street, Suite 300 , Charleston WV 25301  
304-558-0664



## **West Virginia Ethics Commission**

### **Frequently Asked Questions**

#### **DOOR PRIZES, GIFTS AND GIVEAWAYS AT CONFERENCES**

**OVERVIEW:** From time-to-time public employees or officials may win a prize at a conference, or be asked to plan a conference for their agency or an association. This guideline is intended to give clear guidance on accepting, soliciting or giving door prizes, gifts or giveaways in these circumstances.

**If my agency has sent me to a conference and I put my name in a drawing at a vendor's booth, if I win a prize, may I keep it?**

You may only keep the prize if the fair market value is less than \$25.00. Even if the vendor who donated the prize has no relationship with your agency, i.e. is not a vendor or a regulated party, you may **not** keep a prize with a fair market value in excess of \$25.00, since you are attending the conference in your official capacity as a public employee or official.

**If I am at a work-related conference and I win a prize with a fair market value in excess of \$25.00, what should I do?**

You may give the prize back or donate it to your agency or a non-profit entity. If you donate the prize to your agency or a non-profit, you may not take a charitable tax deduction. Moreover, you must write a letter to your supervisor documenting the fact that you donated the prize. You may only donate the prize to the agency if the prize is something which may be used by the agency, e.g. a microwave oven. On the other hand, if you win a trip to Myrtle Beach, you must give the gift back or donate it to a charity.

**I am helping to plan a conference which is being hosted, in whole or part, by my agency or an association comprised of public officials. What limitations apply? May we ask the conference attendees to bring door prizes or gifts for exchange? May we ask vendors for gifts?**

You may afford conference attendees the opportunity to bring a gift for a gift exchange or social event. The rules which apply are: (1) you must make it clear that participation is voluntary; (2) you must inform the attendees that they must use **personal**, not **public**, funds; (3) you and/or the conference participants/public servants may **not** solicit anyone, including local businesses or persons for any gifts. For example, you may not go to a local golf course and ask them to donate a gift certificate for a round of golf; and, (4) the fair market value of any gift may not exceed \$25.00. This last limitation recognizes that some conference participants may be interested parties from the private sector.

**My agency is helping to plan a conference. May we use public funds to purchase door prizes, gifts or giveaways? May we use public funds to purchase items for welcome bags for attendees?**

A public agency may **not** use public funds to purchase door prizes, gifts or giveaways. A public agency **may** use a reasonable amount of public funds to purchase items such as tote bags, pens, pencils or sticky notes to provide to conference attendees, but the fair market value of all such items provided to each participant may not exceed \$25.00.

**My agency is hosting a conference. May we ask vendors to contribute items for welcome bags for attendees?**

You may ask vendors or conference sponsors to donate items of nominal value so long as they derive some commercial value from it. For example, a vendor may give a notepad with the company's logo. No one vendor may contribute an item which has a fair market value in excess of \$25.00.

**My agency is hosting a conference. May we solicit vendors for door prizes or giveaways?**

**No.** A public agency may **not** solicit private entities for door prizes, gifts or giveaways. It may solicit nominal items with commercial logos in accordance with the guidance rendered in the preceding paragraph governing welcome bags.

**We want to use public funds to purchase incentives to encourage audience participation. May we do that?**

For some conference sessions, the presenter may want to encourage audience participation by giving participants candy or other small tokens for participating or answering questions correctly. In these situations, a reasonable amount of public funds may be used to purchase incentives of a nominal value, i.e. a fair market value of \$25.00 or less.

**What if I belong to an association? Do these same rules apply?**

Public servants may belong to associations comprised of public servants and persons from the private sector. Examples include the Troopers Association, Association of Counties, County Commissioners Association, or Municipal League. The same rules/limitations apply to door prizes, gifts or giveaways at any such association event.

**What about wellness programs or events promoting wellness. May public funds be used to purchase incentives for these events?**

Yes. Public funds may be used for this purpose in accordance with A.O. 2012-20. Any agency seeking to use funds for this purpose should first review this opinion, and contact the Ethics Commission with any questions.

**What other advice do you have for me?**

The \$25.00 gift limit applies to all gifts from a single source in a calendar year. For example, if at a conference you receive an item with a fair market value of \$15.00, you may not accept another gift with a fair market value of \$15.00 from that same vendor in the same calendar year since the total fair market value would exceed the \$25.00 limit. See *also* Ethics Commission Gift Guidelines.

If your agency is hosting a conference, either by itself or in conjunction with an association comprised of public servants, you may have conference sponsors. In your materials, you should inform sponsors that they may not give items with a fair market value that exceeds \$25. If you have participants at the conference who are public employees or officials from other States, in your conference material you may want to remind them that they should check with their Ethics Commission(s) regarding any limitations on them accepting door prizes, gifts or giveaways at conferences.

**Relevant law:** W.Va. Code § 6B-2-5(c), Title 158, Series 7, Advisory Opinions 90-172A, 95-20, 96-36, 2006-07, 2010-11 and 2012-20.

# Robert's Rules of Order



Presented By

**John J. Sorrenti**  
jsorrenti5@comcast.net

West Virginia State Auditor's Office  
Glen B. Gainer III, State Auditor  
wvsao.gov

## **WHAT IS PARLIAMENTARY PROCEDURE?**

**IT IS A SET OF RULES FOR THE  
CONDUCT OF MEETINGS THAT  
ALLOWS EVERYONE TO BE HEARD  
AND TO MAKE DECISIONS  
WITHOUT CONFUSION.**

# Simplified Rules of Order

## Principles of Parliamentary Procedure

---

1. The purpose of parliamentary procedure is to make it easier for people to work together effectively and to help groups accomplish their purposes. Rules of procedure should assist a meeting, not inhibit it.
2. A meeting can deal with only one matter at a time. The various kinds of motions have therefore been assigned an order of precedence.
3. All members have equal rights, privileges and obligations. One of the chairperson's main responsibilities is to use the authority of the chair to ensure that all people attending a meeting are treated equally – for example, not to permit a vocal few to dominate the debates.
4. A majority vote decides an issue. In any group, each member agrees to be governed by the vote of the majority. Parliamentary rules enable a meeting to determine the will of the majority of those attending a meeting.
5. The rights of the minority must be protected at all times. Although the ultimate decision rests with a majority, all members have such basic rights as the right to be heard and the right to oppose. The rights of all members – majority and minority – should be the concern of every member, for a person may be in a majority on one question, but in the minority on the next.
6. Every matter presented for decision should be discussed fully. The right of every member to speak on any issue is as important as each member's right to vote.
7. Every member has the right to understand the meaning of any question presented to a meeting, and to know what effect a decision will have. A member always has the right to request information on any motion he or she does not thoroughly understand. Moreover, all meetings must be characterized by fairness and by good faith. Parliamentary strategy is the art of using procedure legitimately to support or defeat a proposal.

# Simplified Rules of Order

## Sample Order of Business

---

Here is the sample order of business for a regular business meeting. It is not intended that this is the final word on how an agenda should be presented. Each chairperson should follow an order that is satisfactory to him or her and to the organization.

### The Order of Business

The chairperson of a meeting should prepare in advance a list of the order of business or an agenda for the meeting. A sample order of business follows:

1. Preliminaries
2. Call to Order
3. Minutes
4. Treasurer's Report
5. Correspondence (listed)
6. Unfinished Business
7. Committee Reports
8. New Business
9. Announcements
10. Adjournment

## Excerpt From Robert's Rules of Order Newly Revised

### Procedure in Small Boards

- o Members are not required to obtain the floor before making motions or speaking, which they can do while seated.
- o Motions need not be seconded.
- o There is no limit to the number of times a member can speak to a question, and motions to close or limit debate generally should not be entertained.
- o Informal discussion of a subject is permitted while no motion is pending.
- o The chairperson need not rise while putting questions to vote.
- o The chairperson can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly allowed regardless of how many members are present), the chair usually can make motions and usually votes on all questions.

Robert's 405-406

Robert, Sarah Corbin, Robert's Rules of Order Newly Revised, Glenview, Illinois: Scott, Foresman and Company, 1970.

# Simplified Rules of Order

## Conducting Commission Meetings

---

1. The President calls the meeting to order and follows the order of the agenda.
2. The agenda may be prepared by the President or a secretary.
3. The County Clerk takes and is in charge of the minutes.
4. Motions do not need a second.
5. There is no limit on debate.
6. Informal discussion is permitted while no motion is pending.
7. The presiding officer can take motions, discuss motions, and should vote on all questions.
8. Voting is done by a show of hands or voice vote.
9. A member should disqualify himself or herself from voting where there is a conflict of interest or an ethical question involved, in the item of business before the commission.

# Simplified Rules of Order

## Minutes

---

### What to Include in Minutes

1. Name of the organization, date, time, place of meeting, regular, special or adjourned.
2. The presence of the regular presiding officer and the secretary, or the name of their substitutes.
3. What action was taken on the minutes of the previous meeting (approved or corrected).
4. Body of minutes contains the fact that the report of officers, board, standing and special committees were given, and what action was taken.
5. All the final wording of all main motions with amendments incorporated, any motion to rescind, what happened to each motion – was it adopted, lost, or temporarily disposed of, but not if it is withdrawn.
6. The name of the maker of the motion is included but not the person who seconds the motion.
7. Announcements: For example, any previous notice of bylaw changes, or any motion to be made at a later meeting or if the meeting time or place is different for each meeting.
8. Last paragraph contains hour of adjournment.
9. Minutes are closed with signature and title of person who took the minutes.
10. Nothing is erased from the minutes. Corrections are made in the margin. If material is expunged, a line is drawn through the words that are to be expunged.
11. When minutes are approved, the word “approved” and the secretary’s initials and date of their approval are written below the minutes.

**I**

**MOVE**

**THAT.....**

# Simplified Rules of Order

## Motions That Bring a Question Again

### Take From the Table

---

Before a meeting can consider a matter that has been tabled, a member must move:

“That the question concerning \_\_\_\_\_ be taken from the table.” Such a motion may not interrupt another speaker, must be seconded, is not debatable, is not amendable, cannot be reconsidered, and requires a majority vote.

If a motion to take from the table passes, the meeting resumes debate on the original question (or any amendments to it). If a considerable period of time has elapsed since the matter was tabled, it is often helpful for the first speaker to review the previous debate before proceeding to make any new points.

### Reconsider

### Rescind

# Simplified Rules of Order

## Incidental Motions

### Point of Order

---

This motion permits a member to draw the chair's attention to what he/she believes to be an error in procedure or a lack of decorum in debate. The member will rise and say: "I rise to a point of order," or simply "Point of order". The chair should recognize the member, who will then state the point of order. The effect is to require the chair to make an immediate ruling on the question involved. The chair will usually give his/her reasons for making the ruling. If the ruling is thought to be wrong, the chair can be challenged.

A point of order can interrupt another speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered.

# Simplified Rules of Order

## Privileged Motions

### Recess

---

A member can propose a short intermission in a meeting even while business is pending, by moving to recess for a specified length of time.

A motion to take a recess may not interrupt another speaker, must be seconded, is not debatable, can be amended (for example, to change the length of the recess), cannot be reconsidered, and requires a majority vote.

---

### Question or Point of Privilege

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If a situation is affecting the comfort, convenience, integrity, rights or privileges of a meeting or of an individual member (for example, noise, inadequate ventilation, introduction of a confidential subject in the presence of guests, etc.), a member can *raise a point of privilege*, which permits him/her to interrupt pending business to make an urgent statement, request or motion. (If a motion is made, it must be seconded.) The motion might also concern the reputation of a member, a group of members, the assembly, or the association as a whole.

If the matter is not simple enough to be taken care of informally, the chair rules as to whether it is admitted as a question of privilege and whether it requires consideration before the pending business is resumed.

A point of privilege may also be used to seek permission of the meeting to present a motion of an urgent nature.

# Simplified Rules of Order

## Procedures Used in Meetings

### Subsidiary Motions

#### Amend

---

An *amendment* is a motion to change, to add words to, or omit words from, an original motion. The change is usually to clarify or improve the wording of the original motion and must, of course be related to that motion.

An amendment cannot interrupt another speaker, must be seconded, is debatable, may itself be amended by an *amendment to the amendment*, can be reconsidered, and requires a majority vote.

The chair should allow full discussion of the amendment (being careful to restrict debate to the amendment, not the original motion) and take a vote on the amendment only, making sure everyone understands the vote is not on the main motion.

If the amendment is defeated, another amendment may be proposed, or discussion proceeds on the original motion.

An amendment to an amendment is a motion to change, to add words to, or omit words from the first amendment. This motion cannot be amended.

Sometimes a main motion is worded poorly, and several amendments may be presented to improve the wording. In such cases it is sometimes better to have a substitute motion rather than try to solve the wording problem with amendments.

# Simplified Rules of Order

## Procedures Used in Meetings

### Debate on Motions

---

Technically, a meeting should not consider any matter unless it has been placed before the meeting in the form of a motion. In practice, however, it is sometimes advantageous to permit limited discussion of a general topic before the motion is introduced. This discussion can sometimes lead to a properly worded motion that will indicate exactly what the group wants to do. This departure from strict parliamentary procedure must be used with caution. The chair must be careful not to let the meeting get out of control.

Normally, a member may speak only once on the same question, except for the mover of the motion, who has the privilege of "closing" the debate. If an important part of a member's speech has been misinterpreted by a later speaker, the first speaker might speak again for clarification, but no new material should be introduced.

The member who made the motion claims the floor, even though he or she has already spoken on the question, the member is entitled to be recognized before other members.

The mover of a motion may not speak against his or her own motion, although the mover may vote against it. The mover need not speak at all, but when speaking, it must be in favor of the motion. If during the debate, the mover changes his or her mind, he or she can inform the meeting of the fact by asking the meeting's permission to withdraw the motion.

# Order of Precedence of Motions

|                    | Rank | Motion                        | May interrupt Speaker | Second Required | Debatable      | Amendable      | May be reconsidered | Majority required | 2/3 majority required |
|--------------------|------|-------------------------------|-----------------------|-----------------|----------------|----------------|---------------------|-------------------|-----------------------|
| Privileged motions | 1.   | Fix time to adjourn           |                       | X               |                |                |                     |                   |                       |
|                    | 2.   | Adjourn                       |                       | X               |                | X              | X                   | X                 |                       |
|                    | 3.   | Recess                        |                       | X               |                |                |                     |                   |                       |
|                    | 4.   | Question of privilege         |                       | X               |                | X              |                     | X                 |                       |
|                    | 5.   | Orders of the day             | X                     | X <sup>1</sup>  | X              | X              | X                   | X                 |                       |
| Subsidiary motions | 6.   | Table                         | X                     |                 |                |                |                     |                   |                       |
|                    | 7.   | Previous Question             |                       | X               |                |                |                     |                   | X <sup>2</sup>        |
|                    | 8.   | Limit/extend limits of debate |                       | X               |                |                | X <sup>3</sup>      | X                 |                       |
|                    | 9.   | Postpone to a certain time    |                       | X               |                | X              | X                   |                   | X                     |
|                    | 10.  | Refer                         |                       | X               | X <sup>4</sup> |                | X                   |                   |                       |
|                    | 11.  | Amend                         |                       | X               | X <sup>6</sup> | X              | X <sup>7</sup>      | X <sup>5</sup>    | X <sup>5</sup>        |
|                    | 12.  | Postpone indefinitely         |                       | X               | X              | X <sup>8</sup> | X                   | X                 | X <sup>9</sup>        |
|                    | 13.  | Main position                 |                       | X               | X              | X              | X <sup>10</sup>     | X                 |                       |



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



Name: Lyn Widmyer.

Department or Organization: [Click here to enter text.](#)

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: May 29

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: June 5

Subject (*Wording to be placed on agenda*): Assure Planning Commission has one representative from each magisterial district

Please provide the County Commission with a description of your request or presentation, including any background information:  
[Click here to enter text.](#)

Is this a funding request? Y/N No.

If so, how much? \$[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to approve appointment policy for Planning Commission to assure there is at least one representative from each magisterial district.

Attach supporting documents for request, or request may be denied.

If not attached, explain: The Planning Commission currently has no representative from the Harpers Ferry magisterial district. This effectively excludes a significant part of the county from key planning decisions. All magisterial districts should be represented. I am proposing the commission adopt a policy for appointments to the Planning Commission that requires at least one resident from each magisterial district.

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



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



Name: Paul Bragg, Fire Chief

Department or Organization: **City of Martinsburg Fire Department**

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

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

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

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

Subject (*Wording to be placed on agenda*): **Renewal of Mutual Aid Agreement between the City of Martinsburg and Jefferson County.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move approval of the renewal of the Mutual Aid agreement between the City of Martinsburg and Jefferson County as presented, effective July 1, 2014.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number: 304-264-2111

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

# CITY OF MARTINSBURG FIRE DEPARTMENT

PAUL E. BRAGG  
FIRE CHIEF



200 NORTH RALEIGH STREET  
MARTINSBURG, WEST VIRGINIA 25401

PHONE NUMBERS  
FIRE & EMERGENCY  
911

OFFICIAL BUSINESS  
FIRE INSPECTIONS  
304-264-2111  
FAX 304-264-2115

28 May 2013

Mr. Walt Pellish, President  
The Commission of Jefferson County  
P.O. Box 250  
Charles Town, West Virginia 25414

Dear Mr. Pellish:

It is time to renew the Mutual Aid Agreement between the City of Martinsburg and Jefferson County. Enclosed is the Agreement adopted by the City Council on 8 May 2014 with an effective date of 1 July 2014.

If you desire any changes to the Agreement, please feel free to contact me at (304) 264-2111. Once the Commission has signed the Agreement, make yourself a copy, and return the signed original to me.

Sincerely,

  
Paul E. Bragg, Fire Chief  
Martinsburg Fire Department

cc: Mark S. Baldwin, City Manager

**Received**  
**MAY 20 2014**  
Jefferson County Commission

# MUTUAL AID AGREEMENT

## FIRE, EMERGENCY MEDICAL SERVICES, SPECIALIZED RESCUES, AND DISASTERS

BETWEEN THE CITY OF MARTINSBURG

AND JEFFERSON COUNTY, WEST VIRGINIA

This AGREEMENT made and entered into this 1<sup>st</sup> day of July, 2014, by and between the CITY OF MARTINSBURG, WEST VIRGINIA AND JEFFERSON COUNTY, WEST VIRGINIA.

WITNESSETH:

WHEREAS, each of the parties hereto has an interest in the control of fires, emergency medical services, specialized rescues, disasters and/or other emergency support; and,

WHEREAS, in the event of a major fire, mass casualty event, specialized rescue, disaster or other emergency, either party may need the assistance of the other party to this Agreement, to provide supplemental fire suppression, emergency medical services equipment and personnel, specialized rescue personnel, and/or other emergency support; and,

WHEREAS, the CITY OF MARTINSBURG, and JEFFERSON COUNTY are desirous of providing more adequate protection within their respective territories in the event of a major fire, mass casualty event, specialized rescue, disaster and/or other emergency.

NOW THEREFORE, in consideration of the respective covenants and promises herein, the parties agree as follows:

1. DEFINITIONS: as used herein:

- (a) "Requesting Party" shall mean that party requesting aid; and,
- (b) "Responding Party" shall mean that party affording or responding to a call for aid.

2. AUTHORITY TO REQUEST AID:

- (a) Each party authorizes their respective fire chiefs, agency directors, or in their absence the senior officer or other member in charge to request and afford mutual aid from and to the other party upon request.

(b) Each party agrees that the request for mutual aid shall comply with the following guidelines:

- (1) The Requesting Party must have personnel on scene at the emergency incident at the time of the request; or,
- (2) The Requesting Party must have all their resources involved on another emergency incident at the time of the request; or,
- (3) The Requesting Party must be requesting a special piece of equipment or expertise the Requesting Party does not have; or,
- (4) The Requesting Party is responding to an emergency that from information received during the initial dispatch it is believed that the incident will overwhelm the resources of the Requesting Party.

3. LIABILITY:

- (a) Each party agrees that the Requesting Party shall assume liability for and hold the Responding Party harmless from all liabilities which arise out of command decisions and judgments.
- (b) Each party agrees to assume responsibility for liabilities arising out of the actions of its' own personnel and to hold the other party harmless as to the actions relating to performance.

4. INSURANCE:

- (a) Each party agrees to maintain adequate insurance coverage for its' own personnel and equipment.

5. COMPENSATION:

- (a) Each party agrees that it will not seek from the other party compensation for services rendered under this Agreement.
- (b) Each party shall at all times be responsible to its' own personnel for payment of wages and other compensation and for carrying worker's compensation upon said personnel.
- (c) Each party shall be responsible for its' own equipment and shall bear the risk of loss or damage.
- (d) However, if fire suppression chemicals are utilized by the Responding Party, the Requesting Party shall compensate the other party for the replacement cost of such chemicals.
- (e) Each party agrees that this agreement does not prevent either party from billing third parties for services when such billing is appropriate.

6. TRAINING:

- (a) Each party agrees that personnel of the Responding Party answering a request for mutual aid under this Agreement will meet all training requirements of the West Virginia State Fire Commission, the West Virginia Office of Emergency Medical Services, and/or any other state or federal requirements that may apply.

7. INCIDENT MANAGEMENT:

- (a) Each party agrees that the Requesting Party shall assume management of the emergency incident; unless, they specifically request the Responding Party to assume management responsibility. The Responding Party has the right to accept or reject this request.
- (b) Each party agrees that the management system to be used during the emergency incident shall be based on the National Incident Management System (NIMS), which is endorsed by the Department of Homeland Security.
- (c) Each party agrees that personnel of the Responding Party answering a request for mutual aid shall be trained in the use of the National Incident Management System (NIMS).
- (d) Each party agrees that personnel from the Responding Party shall work directly under a supervisor from their own department; but, that the supervisor shall be operating within the National Incident Management System (NIMS).

8. SAFETY:

- (a) Each party agrees that SAFETY is the number one priority at any incident.
- (b) Each party agrees that if members of the Responding Party feel an unsafe act is taking place or is about to take place they can withdraw from participation in the operation.

9. OBLIGATION TO RESPOND:

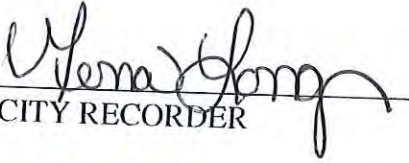
- (a) Each party agrees that provisions of this agreement shall not be construed to impose an obligation to respond to a request for mutual aid. At any time the Responding Party may, for any reason, deem it advisable not to respond and may so inform the Requesting Party.
- (b) Each party agrees that the Responding Party shall determine the amount of apparatus and personnel to send to a request for aid.

10) TERMINATION:


- (a) This agreement shall remain in full force and effect until the first day of July of each year. At which time, if desirable by both parties, the Agreement with any agreed upon changes can be renewed by the two parties.
- (b) A party desiring to terminate this Agreement prior to the first day of July shall serve in written notice upon the other party of its' intention to terminate this Agreement. Such notice shall be served not less than thirty calendar days prior to the termination date set forth in said written notice.

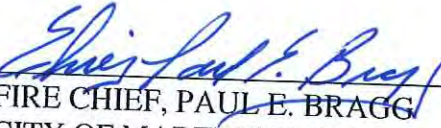
The Jefferson County Commission shall act as an agent for all Jefferson County Volunteer Fire Departments and Jefferson County Emergency Medical Services.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement the day and year first above written.

ATTEST:   
CITY RECORDER

DATE: 5/15/14

BY:   
MAYOR, GEORGE KAROS  
CITY OF MARTINSBURG

BY:   
FIRE CHIEF, PAUL E. BRAGG  
CITY OF MARTINSBURG  
FIRE DEPARTMENT

ATTEST: \_\_\_\_\_  
COUNTY ADMINISTRATOR

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
COUNTY COMMISSION  
PRESIDENT, WALT PELLISH  
JEFFERSON COUNTY

BY: \_\_\_\_\_  
JEFFERSON COUNTY  
EMERGENCY SERVICES  
DIRECTOR,  
DOUG PITTINGER

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



Name: **Jessica Carroll, Executive Assistant**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **appointment Dan Fritsch to the Property Safety Enforcement Agency Board**

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

**Motion to appointment Dan Fritsch to the Property Safety Enforcement Agency Board due to the resignation of Fire Chief Ben Money for a 1.5 year tem ending December 31, 2015**

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text.

To: Whom it may Concern

From: Benjamin L. Money

Reference: Fire Chief

I have submitted my letter of resignation as the Fire Chief of Citizens Fire Company INC. effective midnight on May 09, 2014. I apologize for any inconvenience that this may have caused. I am no longer able to devote the necessary time that the position requires. Assistant Chief Dan Fritsch will be taking over until an official election can be held. Thank you

Respectfully,

Benjamin L. Money

*Citizens Fire Company, Inc.*

*P.O. Box 927*

*Charles Town, W. Va. 25414*

*Phone: 304-725-2814*

*Fax: 304-725-4029*

*Strictly Volunteer --- Organized July 15, 1884*

To: Roger Goodwin

From: Ronald L. Fletcher, President

Reference: Property Safety Board


Date: May 15, 2014

Mr. Goodwin,

As you are aware, Benjamin Money will no longer be acting as a member on the Property Safety Board. I am requesting that Dan Fritsch be placed on the board as Ben's replacement. Dan, as Assistant Chief, will be stepping in to fulfill Ben's obligation as Fire Chief, therefore I would like to have Dan step in to that board spot.

If you should have any questions, please feel free to contact me at anytime.

Thanks again,

A handwritten signature in black ink, appearing to read 'Ronald L. Fletcher', with a long horizontal flourish extending to the right.

Ronald L. Fletcher, President  
Citizens Fire Company, Inc.

As of 8/27/2013

JEFFERSON COUNTY PROPERTY SAFETY ORDINANCE  
ENFORCEMENT AGENCY

County Health Officer  
Serves by State Code & County Ordinance  
Designated Representative  
Bill Zaleski, Sanitarian  
304-728-3313  
email: [Bill.H.Zaleski@wv.gov](mailto:Bill.H.Zaleski@wv.gov)  
1948 Wiltshire Road Suite 1  
Kearneysville, WV 25430

Jefferson County Chief Engineer  
Roger Goodwin  
P.O. Box 338  
Charles Town, WV 25414  
304-728-3228  
email: [rgoodwin@jeffersoncountywv.org](mailto:rgoodwin@jeffersoncountywv.org)

Peter Dougherty, Sheriff of Jefferson County (Non-voting member)  
Serves by State Code & County Ordinance  
102 Industrial Blvd.  
Kearneysville, WV 25430  
304-728-3205  
email: [pdougherty@jcsdww.com](mailto:pdougherty@jcsdww.com)

Benjamin (Ben) Money, Fire Chief  
Citizen's Fire Company  
PO Box 927  
Charles Town, WV 25414  
station - 304-725-2814 cell 540-771-4384  
1.5 year term Appointed by: County Commission  
Exp: 6/30/14  
email: [firechief@citizensfirecompany.com](mailto:firechief@citizensfirecompany.com)

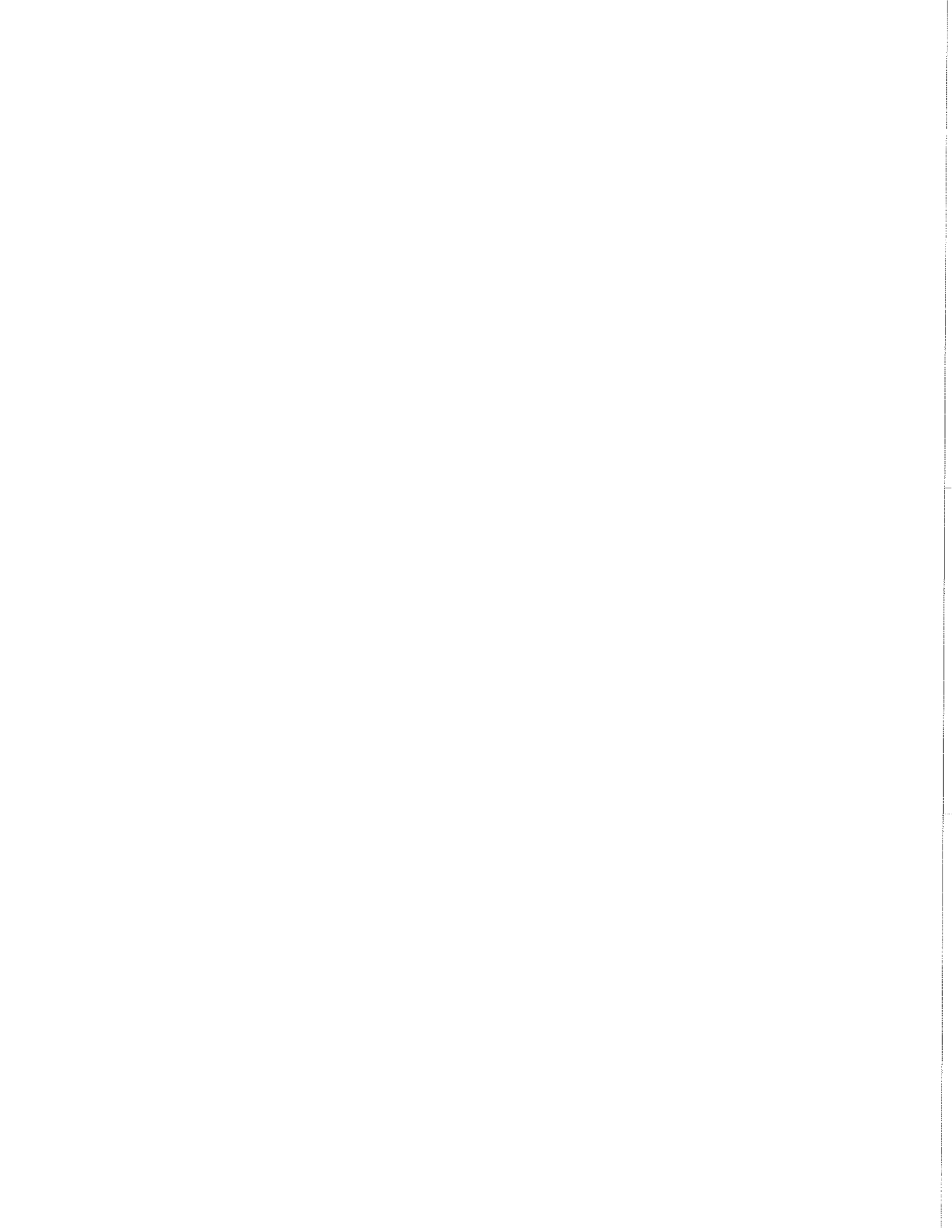
Vacant - Citizen Volunteer  
email: [fredblackmer@aol.com](mailto:fredblackmer@aol.com)  
2 year term Appointed by: County Commission (resigned 07/12 Blackmer)  
Exp: 2/8/2013

Melinda Keuroglan  
286 Hite Road  
Kearneysville, WV 25430  
h: 728-1034 Cell 571-245-4822  
2 year term Appointed by: County Commission  
Exp: 2/8/2015  
email: [mlkeuroglan@aol.co](mailto:mlkeuroglan@aol.co)

## **ARTICLE 3. ENFORCEMENT AGENCY**

### **Section 3.0 Membership**

**The Enforcement Agency shall consist of the following members: County Engineer, County Health Officer or his or her designee, a Fire Chief from a county fire company and two members of the general public. The Sheriff of Jefferson County shall serve as an ex-officio member of the Enforcement Agency. The County Commission shall select and appoint two members of the general public to serve two year terms and shall select and appoint a Fire Chief from a county fire company to serve a 1.5 year term.**



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



Name:

Department or Organization: **Jefferson County Commission**

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

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

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

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

Subject (*Wording to be placed on agenda*): **Approval of the Resolution to enter into an agreement with the Transportation, Division of Highways for the construction of a shared-use bike path.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

## RESOLUTION

**WHEREAS**, the West Virginia Department of Transportation, Division of Highways, and the Jefferson County Commission propose to enter into an agreement for the construction of a shared-use path which is an eligible project for funding under the Transportation Alternative Program and the Recreational Trails Program as appropriated in the Moving Ahead for Progress in the 21<sup>st</sup> Century Act, and

**WHEREAS**, the total eligible project cost as set by the agreement is six hundred sixty-two thousand five hundred dollars and the amount of funds available for reimbursement from the funding sources is six hundred and ten thousand dollars. The remaining funds will be paid by the Corporation of Shepherdstown and the Jefferson County Commission, and

**BE IT THEREFORE RESOLVED**, that the Jefferson County Commission accepts the terms and conditions of the agreement and authorizes the President of the Commission to sign the same.

County Commission of Jefferson County

---

Walt Pellish, President

**AGREEMENT**

**STATE PROJECT: U319-SHE/PH-8.00**

**FEDERAL PROJECT: DESIGN TERT-2014 (060)DTC  
CONSTRUCTION TERT-2014(061)D**

**SHEPHERDSTOWN BIKE PATH**

**JEFFERSON COUNTY**

**THIS AGREEMENT**, executed in quadruplicate, made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, by and between the West Virginia Department of Transportation, Division of Highways, hereinafter called "**DEPARTMENT**" and the **CORPORATION OF SHEPHERDSTOWN** and the **JEFFERSON COUNTY COMMISSION**, hereinafter collectively called "**SPONSORS**".

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**WITNESSETH** that,

**WHEREAS**, **DEPARTMENT** and **SPONSORS** have determined that a project for the design and construction of a shared-use path in the Corporation of Shepherdstown and Jefferson County is an eligible project for funding under the Transportation Alternative Program and the Recreational Trails Program as appropriated in the Moving Ahead for Progress in the 21st Century Act (MAP-21); and

**WHEREAS**, **DEPARTMENT** desires to cooperate with **SPONSORS** in accomplishing the project; and

**WHEREAS**, by Resolution bearing the date of the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, the **CORPORATION OF SHEPHERDSTOWN** directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof;

**WHEREAS**, by Resolution bearing the date of the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_, the **JEFFERSON COUNTY COMMISSION** directed the proper authorities to execute, acknowledge and deliver this Agreement, a copy of which Resolution is affixed hereto and made a part hereof;

NOW THEREFORE, it is mutually agreed as follows:

A. That DEPARTMENT, in coordination with, and after receiving input from the SPONSORS, shall contract with an on-call consultant for the following work elements:

1. Design;
2. Engineering; and
3. Plans, specifications and estimates package (and any other bid related documentation) for the project. The DEPARTMENT's consultant shall submit such designs to DEPARTMENT and SPONSORS for review and written approval by the DEPARTMENT and SPONSORS prior to any construction. The Sponsors may then contract with a qualified contractor for construction of those project elements approved within the design plan, which may include:

A new shared-use path constructed to the American Association of State Highway and Transportation Officials (AASHTO) specifications and the West Virginia Division of Highways (WVDOT) specifications including design exceptions, which are incorporated herein by reference;

Minor drainage improvements as necessitated by the project; and

Installing signage, landscaping and other bicycle and pedestrian amenities along Kearneysville Pike (West Virginia Route 480) from Minden Street (West Virginia County Route 480/1) to Morgan Grove Park and connecting to the existing shared use path along Potomac Farms Drive (West Virginia Alternate Route 45).

The above described scope of work is to hereafter be referred to as "PROJECT".

B. That ~~SPONSORS~~ JEFFERSON COUNTY COMMISSION shall provide for, or cause to be provided for, the future maintenance of PROJECT for a period of no less than fifteen (15) years once the work under this Agreement is completed. Further it is acknowledged and agreed that all future maintenance of project elements constructed under this Agreement will be

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the sole responsibility of JEFFERSON COUNTY  
COMMISSIONSPONSORS.

- C. That the total eligible project cost as set by this Agreement is six hundred sixty-two thousand five hundred dollars (\$662,500) and the amount of funds available for reimbursement from DEPARTMENT shall be a maximum reimbursement of six hundred ten thousand dollars (\$610,000). SPONSORS shall be responsible for the remaining local match of the eligible project costs that are expended, in addition to all costs deemed ineligible by DEPARTMENT. SPONSORS will also be responsible, at the one hundred percent (100%) level, for any and all costs in excess of the total eligible project cost as set by this Agreement including any deficiencies found upon inspection/final inspection of the project or deviation from the plans and specification approved by DEPARTMENT. SPONSORS'S local match for the estimated total eligible project cost is fifty-two thousand five hundred dollars (\$52,500).
- D. That SPONSORS will submit to DEPARTMENT, as the minimum match, a check payable to the West Virginia Division of Highways for the sum of fifty-two thousand five hundred dollars (\$52,500). The check shall be submitted with the Agreement upon execution by the SPONSORS.
- E. That SPONSORS may submit invoices to DEPARTMENT, on no more often than a monthly basis, for up to one hundred percent (100%) reimbursement to SPONSORS for the performance of work set forth herein, and certify that the invoices properly represent approved work that has been satisfactorily completed. Each invoice must be accompanied by an up-to-date progress report detailing work undertaken and percentage of completion that reflects the reimbursement sought.
- F. That when using a contractor, SPONSORS will comply, and insure compliance, with established provisions of the West Virginia Prevailing Wage Code and Federal Davis-Bacon Act Wage Codes. When both wage rates apply, the higher of the two must be paid.
- G. Materials Control on this project will consist of purchasing from certified vendors (with listings provided to SPONSORS from DEPARTMENT) and regular inspection from DEPARTMENT to verify acquisition, suitability and placement of project materials according to the scale of the project.

H. That the following attachment(s) is incorporated herein and made a part hereof as though fully set out herein: Attachment A-1 — “Grant Program General Clauses and Covenants (March 19, 2013).”

IN WITNESS WHEREOF, the parties hereto have caused their respective names to be signed by their duly authorized officers.

**WEST VIRGINIA DEPARTMENT  
OF TRANSPORTATION,  
DIVISION OF HIGHWAYS**

**ATTESTED BY:**

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(title)*

\_\_\_\_\_  
*(title)*

**CORPORATION OF  
SHEPHERDSTOWN**

**ATTESTED BY:**

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(title)*

\_\_\_\_\_  
*(title)*

**JEFFERSON COUNTY  
COMMISSION**

**ATTESTED BY:**

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(signature)*

\_\_\_\_\_  
*(title)*

\_\_\_\_\_  
*(title)*

(To be executed in quadruplicate)

**Distribution:**

Corporation of Shepherdstown  
Jefferson County Commission  
Planning Division  
Legal Division

ATTACHMENT A-1  
TRANSPORTATION ALTERNATIVE GRANT PROGRAM  
RECREATIONAL TRAILS GRANT PROGRAM  
GENERAL CLAUSES AND COVENANTS  
(MARCH 19, 2013)

1. The SPONSORS, by signature on the attached Agreement, confirms that it that they have the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including meeting the responsible charge responsibilities) to manage federal assistance; funds sufficient to pay the non-Federal share of project costs and to ensure proper planning, management and completion of the project described in this Agreement.
  
2. The SPONSORS shall not begin work, or cause any work to begin, for which costs the SPONSORS intends to seek reimbursement, until such time that the SPONSORS receives written notice to proceed from the **DEPARTMENT**.
  
3. The SPONSORS ~~is~~ is responsible for **PROJECT** oversight and inspection (i.e. have a person in responsible charge, defined as a full time public employee who is accountable for a project. This person is expected to be able to perform the following duties and functions; Administers inherently governmental project activities, including those dealing with cost, time, adherence to contract requirements, construction quality and scope of Federal-aid projects; maintains familiarity of day to day project operations, including project safety issues; makes or participates in decisions about changed conditions or scope changes that require change orders or supplemental agreements; visits and reviews the project on a frequency that is commensurate with the magnitude and complexity of the project; reviews financial processes, transactions and documentation to ensure that safeguards are in place to minimize fraud, waste, and abuse; and directs project staff, agency or consultant, to carry out project administration and contract oversight, including proper documentation and is aware of the qualifications, assignments and on-the-job performance of the agency and consultant staff at all stages of the project) including materials procurement and control during any and all phases of construction, as well as for obtaining all necessary permits. SPONSORS shall provide and maintain competent and adequate supervision at the construction site to ensure that the completed work conforms with the **DEPARTMENT** approved plans and specifications and shall furnish progress reports and/or such other information as may be required by **DEPARTMENT** as well as

maintaining/retaining project documentation concerning vendor selection, material acquisition, consultant procurement and contractor selection.

4. The **SPONSORS** agrees, as between the **DEPARTMENT** and the **SPONSORS**, that the **SPONSORS** shall be responsible for any and all suits, claims, liability, losses, liens and demands, fines, costs, criminal and civil penalties, causes of action or any other obligations arising out of or in any manner connected with the work performed by the **SPONSORS**, its their agents, employees or contractors, under this Agreement, during or any time after such work is being or has been performed, including (without limitation) liability involving bodily injury, death, property damage or any violation or alleged violation of any Federal, State or local law or regulation, except for any liability or damages due to the willful or intentional unlawful acts or the negligence of the **DEPARTMENT**, its employees, agents or contractors.
  
5. The **SPONSORS**, unless otherwise noted in the attached agreement, shall erect a sign, made of a durable material, at least four foot by eight foot (4' x 8') in size, at the site of the **PROJECT** where it can be viewed by persons in the area of the **PROJECT**. It will, at minimum, contain the following information in letters clearly legible:

|                                                                                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>(NAME OF PROJECT)</b>                                                                                                                                                                                                                 |
| This project includes funding from the Federal Highway Administration's<br>Transportation Enhancement Program and Recreational Trails Program<br>administered by the West Virginia Department of Transportation,<br>Division of Highways |
| <b>Transportation Alternative Funds</b>                                                                                                                                                                                                  |
| \$ _____                                                                                                                                                                                                                                 |
| <b>Recreational Trails Funds</b>                                                                                                                                                                                                         |
| \$ _____                                                                                                                                                                                                                                 |

Such sign is to be placed at the site immediately following the **SPONSORS'** receipt of notice to proceed and remain at the site until the **PROJECT'S** final inspection by the **DEPARTMENT**.

6. The **SPONSORS** shall establish safeguards to prohibit employees from using their positions for a purpose that constitutes, or presents the

appearance of, either personal or organizational conflict of interest, or personal gain.

7. The SPONSORS shall comply with and ensure compliance with all Federal Statutes relating to the Anti-Lobbying Requirement, Pub. L. 101-121, Section 319, 31 U.S.C. § 1352, that prohibits the recipient, or any lower tier subrecipients, of a Federal contract, grant, loan or cooperative Agreement from expending Federal funds to pay any person for influencing or attempting to influence a Federal agency or the Congress in connection with the awarding of any Federal contract, the making of any Federal grant or loan or the entering into of any cooperative Agreement.
8. The SPONSORS agrees to establish a proper accounting system in accordance with generally accepted accounting standards or agency directives, and shall be responsible for insuring that its consultant(s) and/or contractor(s)/subcontractor(s) maintain all books, document papers, records, supporting cost proposals, accounting records, employees time cards, payroll records and other evidence pertaining to costs incurred in the **PROJECT** and agrees to make such materials available at all reasonable times during the contract period and for four (4) years after the date of **DEPARTMENT'S** closing of the project, for inspection and/or audit by **DEPARTMENT**, Federal Highway Administration, or any other authorized representative of either the State or Federal government.
9. The SPONSORS, unless otherwise noted in the attached Agreement, agrees to begin the **PROJECT** within nine (9) months of, and complete said **PROJECT** within two (2) years after, the date the Notice to Proceed is issued by the **DEPARTMENT**. Failure to meet this deadline, without good and acceptable cause, may cancel the **DEPARTMENT'S** participation in said **PROJECT**, at the sole discretion of **DEPARTMENT**, and any remaining funds may be forfeited by the SPONSORS; repayment of the **PROJECT'S** Federal share may also be required. It is the express responsibility of the SPONSORS to inform the **DEPARTMENT**, in an expeditious manner, if any condition(s) arise which may result in this deadline not being met.
10. The SPONSORS acknowledges that construction contracts are required to be advertised and awarded to the lowest responsible and responsive bidder through the competitive bidding process, while consulting services are to be chosen by solicitation of letter of qualifications, interview of candidate, and selection based on qualification, rather than price per the

**DEPARTMENT'S** consultant selection procedures. Any usage of a **SPONSOR'S** consultant's selection process or deviation from these processes requires prior written approval by **DEPARTMENT**. In addition, the **SPONSOR** acknowledges and agrees that no contract shall be made to parties listed on the General Services Administration's List of Parties Excluded from Federal Procurement or Non-procurement Programs in accordance with Executive Orders 12549 and 12689, "Debarment and Suspension" and 49 CFR 29.

11. The **SPONSORS** must retain a copy of all newspaper advertisements for requests for proposals for consultant and/or contractor/subcontractor bids, and a copy of all proposals and bids received for consideration. The documents must be kept on file by the **SPONSORS** pending Final Audit by **DEPARTMENT**. In addition, copies of these documents shall be provided to **DEPARTMENT** as generated as part of the **DEPARTMENTS** project record.
12. The **SPONSORS** must retain a copy of the contract for the consultant(s) and/or contractor(s)/subcontractor(s) chosen. To ensure compliance with requirements, all bid documents and request for proposal/consultant documents must be kept on file by the **SPONSORS** pending Final Audit by the **DEPARTMENT**. In addition, copies of these documents shall be provided to the **DEPARTMENT** as generated as part of the **DEPARTMENT'S** project record.
13. The **SPONSORS**, if it is a non-Federal entity and has received five hundred thousand dollars (\$500,000) or more in Federal funds in the prior fiscal year, shall furnish to the **DEPARTMENT** a single or program-specific audit conducted for that year in accordance with the provisions of the Office of Management and Budget Circular No. A-133.
14. The **SPONSORS** shall notify the **DEPARTMENT**, at least thirty (30) days in advance, of any ceremonies or "ribbon-cutting" celebrations commemorating the **PROJECT**.
15. The **SPONSORS** shall recognize both the **DEPARTMENT** and the Federal Highway Administration in all press releases, announcements, brochures, websites and/or literature concerning the **PROJECT**.
16. **SPONSORS** shall ensure that:

- a. No person, on the grounds of age, race, religion, color, sex, national origin or disability shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the use of said **PROJECT**.
  - b. Discrimination against the public shall not be practiced in accommodations operated within the area of use.
  - c. The property shall be used in compliance with all other requirements imposed by the **DEPARTMENT** pursuant to Title 49, CFR, Part 21, including amendments.
17. The **SPONSORS** shall comply, and ensure compliance by ~~its~~ their consultant(s) and contractor(s)/subcontractor(s), with the provisions of the West Virginia Prevailing Wage Code regarding labor standards for Federally assisted construction, the Copeland "Anti-Kickback" Act (40 U.S.C. § 276C and 18 U.S.C. § 874), the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), "Equal Employment Opportunity" Executive Orders 11246 and 11375 and 41 CFR 60, the Drug Free Workplace Act of 1988, the "Buy American" requirements concerning the purchase of steel for Federally funded projects (23 CFR 635.410 (b)), Worker Visibility Regulations that require that all persons working within the right-of-way of a Federal Aid Highway wear highly visible safety apparel that meets the Performance Class 2 or 3 requirements of ANSI/ISEA 107-204 publication entitled, "American National Standard for High-Visibility Safety Apparel and Headwear," and if applicable Davis-Bacon Act Wage Codes (40 U.S.C. §§ 276a to 276a-7).
18. The **SPONSORS** shall notify and shall furnish **PROJECT** plans to utilities known to have facilities within the **PROJECT** limits and/or affected by the **PROJECT**; and shall arrange for any necessary relocation or adjustment of affected utilities.
19. The **SPONSORS** shall ensure that all property and/or right-of-way necessary to construct this **PROJECT** shall be acquired in accordance with all applicable Federal and State laws, policies and procedures, which include but are not limited to Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and Federally assisted programs.

These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

20. The SPONSORS shall comply with, and ensure compliance by ~~its~~their consultant(s) and contractor(s)/subcontractor(s) with, all Federal statutes, executive orders, rules, and regulations regarding the "Americans With Disabilities Act," 28 CFR 35 and 29 CFR 1830 and with the "General Prohibitions Against Discrimination," 28 CFR 35 and all other regulations under Title II of "The Americans With Disabilities Act" which are applicable.
21. The SPONSORS shall comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234) which requires recipients in a special flood hazard area to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
22. It is the policy of the DEPARTMENT that Disadvantaged and Women-owned Business Enterprises shall have the maximum opportunity to participate in the performance of contracts financed in whole or in part with Federal funds.
23. The DEPARTMENT shall review the PROJECT'S applicability to both Federal Highway Administration and State requirements for a Federally funded project and if the PROJECT qualifies, will complete the appropriate documents for compliance with the National Environmental Policy Act (NEPA).
24. The SPONSORS shall adhere to all existing agreements with State and Federal resource agencies that relate to National Environmental Policy Act (NEPA) compliance. Any special provisions and/or mitigation measures will be strictly followed and monitoring may be required.
25. The SPONSORS shall be responsible for any additional documentation, actions, or permits necessary for compliance with the NEPA and the 106 process, which include but are not limited to documentation, actions, or permits involving: historic and archaeological surveys, 4(f) statements, noise assessment and abatement, air quality impact assessment and abatement, water quality impact assessment and abatement, hazardous waste/underground toxic assessment and abatement, navigable stream impact assessment and mitigation, wetland impact assessment and

mitigation, endangered species impact assessment and mitigation, wild and scenic river impact assessment and mitigation, and/or any other environmental, cultural, or natural impact statement and mitigation as applicable.

26. The **SPONSORS**, in consultation with the **DEPARTMENT**, shall secure all necessary approvals, permits and licenses from all other governmental agencies as may be required to complete the **PROJECT**. This obligation shall include the responsibility for the preparation or revision of environmental impact statements, environmental assessments, environmental reports or other documents required by law and/or environmental litigation; and the defense of environmental litigation resulting from the planning, design and/or construction of the **PROJECT**. At the **DEPARTMENT'S** request, the **SPONSORS** shall furnish to the **DEPARTMENT**, prior to advertising and letting **PROJECT**, evidence of the approvals, permits, licenses and approved environmental documents.
27. The **SPONSORS** shall comply with, and ensure compliance by its consultant(s) and contractor(s)/subcontractor(s) with, all applicable standards, executive orders or regulations, if applicable, issued pursuant to the Clean Air Act (42 U.S.C. §§ 7401 et. seq.), the Federal Water Pollution Control Act (33 U.S.C. §§ 1251 et. seq.), and the Energy Policy and Conservation Act (Pub. L. 94-163).
28. The **SPONSORS** shall administer all contracts/subcontracts and be responsible for insuring that all work shall be performed and purchases made in a manner satisfactory to the **DEPARTMENT** and in accordance with the established practices and procedures of the **DEPARTMENT**, and all Federal and State laws, rules, regulations, executive orders, policies and procedures which include, but are not limited to, those included in the Transportation Enhancement Program and Recreational Trails Program Revised Guidelines and Application Package, the Federal Aid Policy Guide 23 CFR 633A and entitled "PART 633 — REQUIRED CONTRACT PROVISIONS", and the Rules and Regulations of the West Virginia Department of Transportation, Division of Highways, Series I Section 8 entitled Procurement Procedures for Negotiated Contracts, as applicable.
29. The **SPONSORS** acknowledges and agrees that the **DEPARTMENT** and the Federal Highway Administration reserve a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, for governmental purpose(s):

- a. the copyright of any work developed under this grant, subgrant or contract under this grant or subgrant; and
  - b. any rights of copyright to which a grantee, subgrantee, consultant, or contractor acquires or purchases ownership with support from this grant.
30. The **DEPARTMENT** shall bear one hundred percent (100%) of all administrative costs incurred by the **DEPARTMENT**, such as reviewing and processing invoices from the **SPONSORS**.
31. The **SPONSORS** acknowledges and agrees that the future sale, lease, transfer of title or modification in use of any property either purchased with, or receiving improvements funded through, this Agreement and occurring within the specified maintenance term requires prior approval by the **DEPARTMENT** and/or the Federal Highway Administration and could require repayment, by the **SPONSORS**, of Federal funds involved.
32. The **SPONSORS** acknowledges and agrees that failure to adhere to and comply with, and ensure compliance by its consultant(s), contractor(s) and subcontractor(s) with any item in the attached Project Agreement may result in the repayment, by the **SPONSORS**, of any and all Federal funds expended on the project. It will be at the sole discretion of the Federal Highway Administration and/or the **DEPARTMENT** to determine if the violation warrants repayment and the amount to be repaid. Prior to any obligation of repayment, the **SPONSORS** shall be provided with a written notice of any alleged violation and allowed a reasonable opportunity to cure said violation.
33. By entering into this Agreement the **SPONSORS** assures and certifies, with respect to this **PROJECT**, that they will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this project. Performance under this Agreement shall be governed by and in compliance with the following requirements as applicable to the type of organization of the **SPONSORS**. The applicable provisions to the Agreement include but are not limited to the following:

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



Name: **Lyn Widmyer**

Department or Organization: Click here to enter text.

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: **May 29**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): Resolution of appreciation to AHA/Jefferson County Arts Council for Artomatic event

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

**As the County Commission learned from the presentation by AHA/Jefferson County Arts Council, the month long Artomatic event was a tremendous success in terms of promoting local arts, helping local artisans and attracting visitors. The Commission should show our appreciation by approving a resolution of thanks.**

Is this a funding request? Y/N NO

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Request staff to prepare a resolution of appreciation for the Artomatic event.**

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

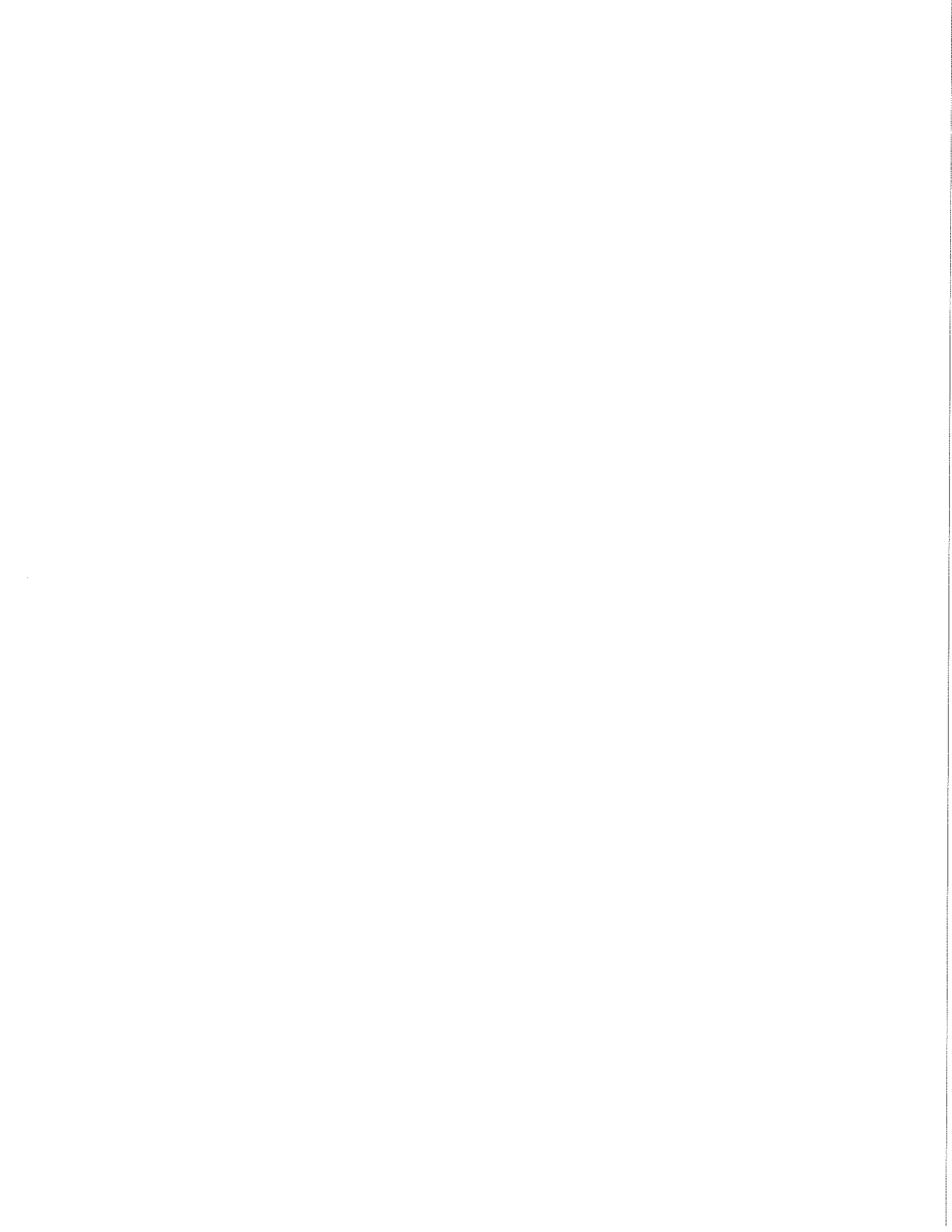
Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



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



Name: **Patsy Noland, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Discussion of Broker of Record**

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

Is this a funding request? Y/N [Click here to enter text.](#)

If so, how much? \$[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N [Click here to enter text.](#) Internet/Wi Fi Y/N [Click here to enter text.](#)

Telephone for conference call Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

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



Name: **Tim Stanton, Finance Director**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **May 29, 2014**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): **Finance Update**

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

Is this a funding request?  Y/N [Click here to enter text.](#)

If so, how much? \$[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector  Y/N [Click here to enter text.](#) Internet/Wi Fi  Y/N [Click here to enter text.](#)

Telephone for conference call  Y/N [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

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



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: May 29, 2014

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

Date Requested – 2<sup>nd</sup> Choice: June 5, 2014

Subject (*Wording to be placed on agenda*): Review proposed Wellness Plan for Jefferson County employees for potential cost reduction/cost avoidance of long term health care costs. It's a program which can easily be maintained year after year, requiring little funding, to promote a healthy culture for County employees.

Please provide the County Commission with a description of your request or presentation, including any background information:  
I move to approve the proposed 2014/2015 Wellness Program, allocating \$1,500 toward incentives for the program.

Is this a funding request? Y/N Yes. \$1,500 from the County Commission budget  
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
Attach supporting documents for request, or request may be denied.  
If not attached, explain: Attached

Is equipment needed? Projector  Y/N. Internet/Wi Fi  Y/N. Telephone for conference call  Y/N

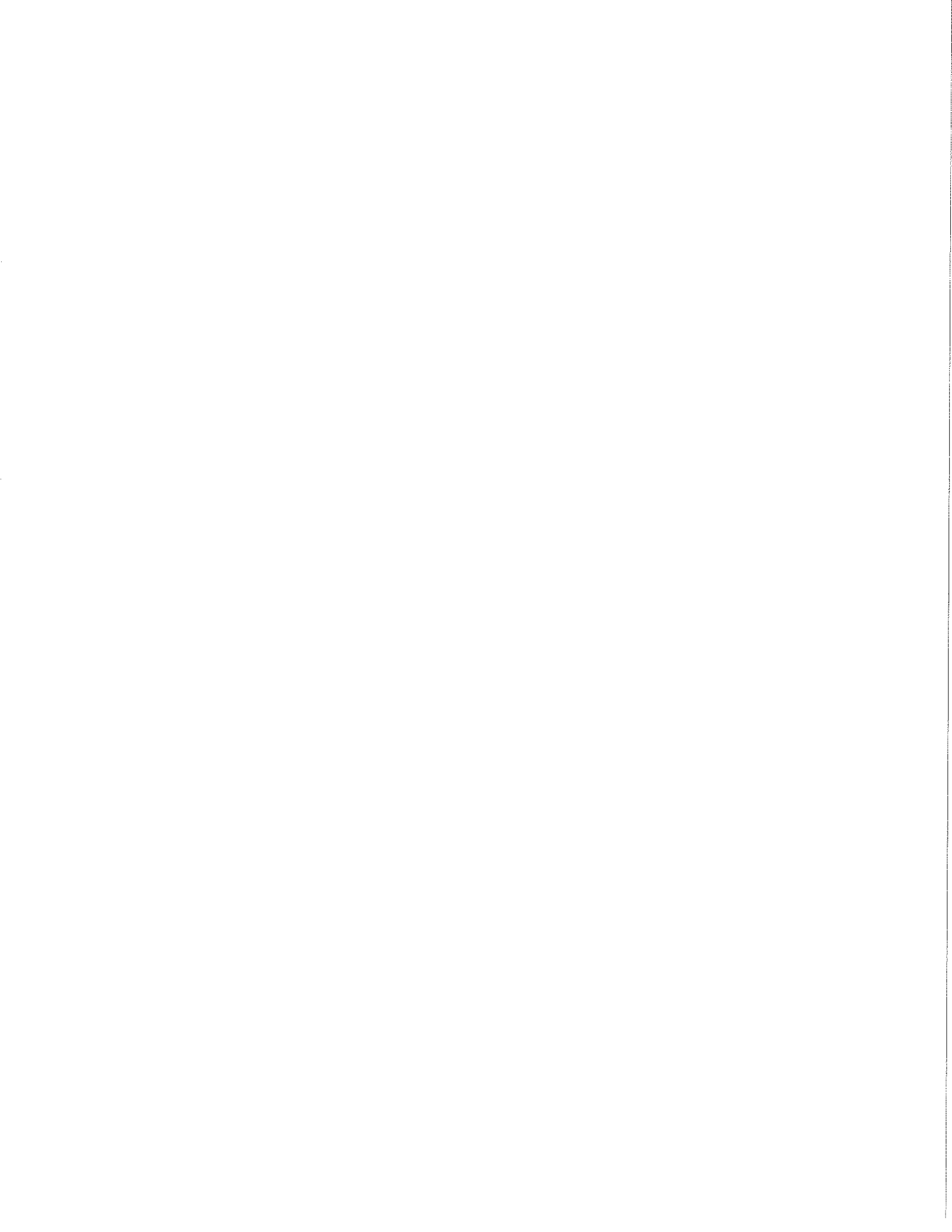
Contact information:

Email address:.

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Financial Impact – \$1500 from Commission budget from potential health care savings.



**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a public hearing on **Thursday, May 29, 2014 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 Jefferson County Emergency Services Ordinance.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

You can view the Ordinance at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County  
Walt Pellish  
President

**AN ORDINANCE FOR TO DISSOLVE AND  
RECONSTITUTE  
THE JEFFERSON COUNTY  
EMERGENCY SERVICES AGENCY**

WHEREAS, by Ordinance dated September 7, 1995 the Jefferson County Commission created the Jefferson County Emergency Ambulance Service Authority pursuant to Chapter Seven, Article Fifteen, Section One, et. seq. of the Code of West Virginia, as amended, which statute is also known as the "Emergency Ambulance Service Act of 1975"; and

WHEREAS, on March 27, 2008 the Commission adopted a technical correction amendment conforming the name of the agency to the Jefferson County Ambulance Authority (JCAA) to conform the name of the agency with common convention and usage; and

WHEREAS, this agency has operated successfully and continuously over the intervening years; and

WHEREAS, the Commission recognizes the need to augment the paid JCAA ambulance service with paid fire service to meet the current and future needs of the citizens of Jefferson County; and

WHEREAS, the West Virginia legislature has recognized those needs by adopting Senate Bill 224 during the 2008 legislative session authorizing the Commission to create a joint emergency services agency providing both ambulance and fire services;

WHEREAS, in 2008 the Jefferson County Commission created a joint Emergency Services Agency but did not enact an Ambulance Fee nor a Fire Fee as permitted by West Virginia Code, but funded both services out of general revenue of the County;

WHEREAS, in 2014, the Jefferson County budget cannot continue to support the Agency from general revenue;

WHEREAS, at this time budget considerations require the consideration of an Ambulance Fee upon users of emergency ambulance services;

WHEREAS, at this time, citizens are circulating a petition to authorized imposition of a Fire Fee;

WHEREAS the current Emergency Services Agency Board composition is cumbersome and less suitable to the changed economic conditions and needs to be reconstituted to handle the future needs of Jefferson County, especially in light of the potential need to handle separate ambulance and fire fees;

NOW THEREFORE, be it enacted and ordained by the Jefferson County Commission as follows:

**Section 1. ~~Creation of Jefferson County Emergency Services Agency; Dissolution of the current Jefferson County Ambulance Authority Emergency Services Agency and Creation of a new Jefferson County Emergency Services Agency~~**

~~1) Pursuant to S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the Jefferson County Emergency Services Agency (hereinafter referred to as "the agency"), a public corporation, is hereby created. The Agency shall be a joint emergency services agency to provide ambulance services, fire protection services, and emergency medical services in the incorporated and unincorporated areas of Jefferson County.~~

~~2) 1) The current Jefferson County Ambulance Authority Emergency Services Agency (created in 2008) and its Board shall be considered dissolved and shall cease to exist and operate as of the date of creation of the successor Agency and the appointment of its new board. Existing debt obligations, assets and any property owned by the current Emergency Services Agency Ambulance Authority shall be transferred to the new Agency. All employees currently employed by the current Emergency Services Agency Ambulance Authority will become employees of the new Agency and shall receive the same or comparable salary and benefits until such time as the Agency Board deems a modification in employment, employee salary, benefits, or job classification is warranted.~~

~~3) 2) Effective upon the dissolution of the prior Agency and Board, Pursuant to S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the new Jefferson County Emergency Services Agency (hereinafter referred to as "the Agency"), a public corporation, is hereby created and reconstituted. The Agency shall be a joint emergency services agency authorized to provide ambulance services, fire protection services, and emergency medical services in the incorporated and unincorporated areas of Jefferson County.~~

**Section 2. Powers**

1) The Agency shall possess all the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law or this ordinance, including, but not limited to:

(a) The management and control of the operations, business and affairs of the Agency, including hiring and firing employees of the Agency;

(b) Preparing Budgets and financial statements as required in Section 7 herein;

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(c) Spending and distributing funds within its budget as the Agency determines best to provide for most effective and efficient provision of emergency ambulance and fire protection services to businesses and residents of Jefferson County, West Virginia.

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(d) The ability to contract services and/or enter into mutual aid agreements with volunteer fire companies.

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(e) The Agency shall consult with existing fire departments, with the Jefferson County E911 Center, with the West Virginia Office of Emergency Medical Services, State Fire Marshall and with other appropriate Agencies and Officials to establish regulations for the orderly dispatch of all emergency ambulance and fire protections services in Jefferson County. In the event of a dispute between responders, the Agency shall control the dispatch and response;

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(f) In the event an Ambulance Fee and/or a Fire Fee is imposed by the County Commission, the County Commission shall have the sole authority to set the rate of said fee(s). The Agency shall submit any and all information required by the County Commission for that body to periodically review the appropriate level of said fee(s) to cover the reasonable and actual costs of the provision of the emergency services for which said fees are instituted.

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(a) In the event an Ambulance Fee and/or a Fire Fee is/are imposed by the County Commission, the Agency may send out periodic billing for any fees imposed, including late payment notices and notices of the imposition of late fees. However, the Agency may not institute collection actions but shall refer All delinquent accounts shall be referred to the County Commission which retains sole discretion and authority to institute collection actions in the Courts of this State.

(g)

2) To the extent an conflict exists between the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities and those conferred upon county fire associations and county fire boards, the Agency shall be deemed to possess the broader of the two powers.

### Section 3. Joint Emergency Services Board

1) The prior Jefferson County Emergency Services Board being abolished as set forth in Section 1, There is hereby created a Joint Emergency Services Board to oversee the management and control of the Agency.

2)

- ~~3) The Board of Directors of the Agency shall consist of eleven members appointed by the County Commission who are residents of Jefferson County constituted as follows:~~
- ~~4)~~
- ~~5) One member of the Jefferson County Commission;~~
- ~~6) Five citizen members who are not currently employed with or affiliated with the Jefferson County Commission or with an emergency medical service, ambulance service, or fire protection service in Jefferson County;~~
- ~~7) Two representatives of the emergency medical services community in Jefferson County;~~
- ~~8) Two representatives of the fire protection services community in Jefferson County;~~
- ~~9) A representative appointed by the Jefferson County Fire and Rescue Association and approved by the County Commission.~~
- ~~10) The medical director of the EMS program shall serve as a permanent ex-officio, non-voting member.~~
- ~~11) No more than three of the members of the Board may be from the same magisterial district. No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.~~
- ~~12) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation, association engaged in the business of providing ambulance or fire services, nor in the manufacture, sale or lease of ambulance or fire equipment of facilities.~~
- ~~13)~~
- ~~14) Initially, the County Commission will appoint the members which currently serve on the Jefferson County Ambulance Authority and whose terms have not yet expired to the Agency. Thereafter, Ambulance Authority members may either be reappointed or replaced as each member's current Ambulance Authority term expires. Accordingly, the members will serve staggered terms with three of the members' terms expiring in November 2009 and the remaining three members' terms expiring in November 2010. In addition to the six members serving on the Jefferson County Ambulance Authority, the Commission will appoint three additional members, two of which shall be representatives from the fire protection services community and one of which shall be a citizen member. Each of these initial appointees will serve a full term of three years.~~
- ~~15)~~
- ~~16) Successor board members shall serve three-year terms. In the event of a vacancy, a successor shall be appointed from same class of membership as their predecessor represented. Members shall continue to serve until their successors have been appointed.~~
- ~~17)~~
- ~~18) A majority of the voting members of the board constitutes a quorum.~~
- ~~19)~~
- ~~20) Annually the Board shall elect one of its appointed members as chairman and another as vice chairman, and shall appoint a secretary and treasurer (or a secretary-treasurer).~~

Comment [SG1]: Directly from WV Code

1) there is hereby created a new Joint Emergency Services Board which has full lawful authority to oversee, manage and control the Jefferson County Emergency Services Agency.

2) The new Joint Emergency Services Board (the "Board") shall consist of six members appointed by the County Commission who are citizens of the United States, registered voters in and official residents of Jefferson County constituted as follows:

a) One member of the Jefferson County Commission (who shall only be eligible to serve on the Board so long as they remain a member of the County Commission);

b) One representative of the emergency medical services community in Jefferson County;

c) One representative of the fire protection services community in Jefferson County;

d) Three citizen members of the board;

e) President of Fire & Rescue Association, shall be a non-voting Board member.

f) No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.

g) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation association engaged in the business of providing ambulance or fire services, nor in the manufacture, sale or lease of ambulance or fire equipment of facilities.

h) Four members of the Board constitute a Quorum;

i) After appointment, each member shall take an oath of office before they may serve.

j) The initial members will serve staggered terms. Two of citizen members' initial terms shall expire on June 30<sup>th</sup>, 2015. The third citizen member's initial term shall expire on June 30<sup>th</sup>, 2016. ~~The initial term of the County Commissioner shall expire on June 30<sup>th</sup>, 2016.~~ The County Commissioner shall be appointed each January at the organization meeting of the Commission. - The initial terms of the appointee from the emergency medical services community and of the appointee from the fire protection services community shall expire on June 30<sup>th</sup>, 2016.

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k) After the expiration of the initial staggered terms in item “i” above, every position on the Board shall have a three-year term.

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l) Notwithstanding the limitation on length and number of successive terms, Board Members whose terms have expired shall continue to serve until their successors have been appointed and sworn in.

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m) In the event of a vacancy on the Board, the County Commission shall appoint a replacement member to serve for the amount of time remaining in the now-vacant term. The replacement shall be from the same category of member as the person being replaced.

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n) The Board shall serve without compensation, but may, with prior approval of the Board, be reimbursed for all reasonable and necessary expenses actually incurred in the discharge of their duties. The members shall submit a written verified request for reimbursement at least quarterly and at least five days before a regularly scheduled meeting. Any expense not submitted within 180 days of being incurred may not be reimbursed.

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o) Annually the Board shall elect one of its appointed members as chairman and another as vice chairman, and shall appoint a secretary and treasurer (or a secretary-treasurer).

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p) Board members are limited to two consecutive three year terms.

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#### Section 4. **Bylaws and Standards of Operation**

~~1)~~ The Bylaws for governance of the Agency (and the Agency’s Standards of Operation) shall be submitted to, and approved by, the Jefferson County Commission.

~~2)~~  
~~1)~~

2) The County Commission shall retain continuing jurisdiction with respect to amendment and adoption of such Bylaws and Standards, and the Agency shall otherwise remain subject to the authority of the County Commission.

~~3)~~

3) The Board and Agency shall comply with the requirements of the West Virginia Ethics Act and the WV Open Meetings Act and shall attend training on the same within 90 days of their appointment.

Section 5. ~~\_\_\_\_\_~~ Borrowing Money

~~Neither t\_\_\_\_\_ Any obligations by the Agency nor its s-b Board of directors to may borrow money or to raise funds by the , pledge assets as security, issuance and and sale of revenue bonds or otherwise encumber assets or income of the Agency shall require without the advanced formal the approval of the County Commission. Any authority to obtain funds funding or fund raising, other than by donation, foundation, or grants, shall require the advanced approval of the County Commission.~~

Section 6. Limitations

~~The Agency shall in all respects allowed by law remain subject to the jurisdiction and authority of the Jefferson County Commission.~~

Section 7. Fiscal Year and Required Accounts

~~\_\_\_\_\_ The fiscal year for the Agency shall commence on July 1.~~

~~(a) The fiscal year for the Agency shall commence on July 1.~~

~~(b) On or before September 1, 2014 and each year thereafter, the Board shall provide to the County Commission an audited financial statement of the Agency showing income and expenditures from the past fiscal year, including the actual costs associated with providing emergency services broken down by type of service provided, agency which provided said services, fund collected from every source and all other income and outlets of the Agency. The report shall be published as a Class 1 legal advertisement in a newspaper with circulation in Jefferson County.~~

~~(c) The Agency shall make a quarterly written report to the County Commission containing an itemized statement of the receipts and expenditures of the Agency.~~

~~(d) On or before January 15<sup>th</sup>, 2015, and each year thereafter, the Board shall provide to the County Commission a formal written budget request for the Agency for the fiscal year beginning July 1, of said year. In preparing the formal budget the Board shall conduct a Public Hearing with notice with a Class 1 legal advertisement of meeting in a newspaper with circulation in Jefferson County.~~

Comment [SG2]: WV Code 7-17-17

(e) In the event that an Emergency Ambulance Fee is instituted, the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency ambulance service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and annual budget request shall show a separate accounting of income and expenditure of associated with said fee.

(f) In the event that an Emergency Fire Fee is instituted the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency fire service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and budget request, shall show a separate accounting of income and expenditure of associated with said fee.

(g) The Board shall only allocate funds to emergency ambulance service and fire protection providers based on their ability to serve demonstrated public need for emergency ambulance and fire protection services and based upon the actual and reasonable cost of providing said services.

(h) To properly account for the expenditure of public funds and to most effectively target public funding, the Agency shall fully account for expenditures and revenue generated by public expenditures.

(i) The Agency may bill and collect the actual and reasonable costs of ambulance services the Agency provides directly to members of the public. For residents and businesses of Jefferson County that have paid the applicable Ambulance Fee, the Agency may only collect to the extent that insurance, private or public, will reimburse providers of such services. e.g., the Agency shall bill and collect for ambulance services provided to a patient treated and transported to a hospital to the extent such patient has insurance coverage, public or private.

(j) The Agency may bill and collect the actual and reasonable costs of fire protection services the Agency provides directly to members of the public. For residents and businesses of Jefferson County that have paid the applicable Fire Fee, the Agency may only collect to the extent that insurance, private or public, will reimburse providers of such services. e.g., in the event of an emergency fire call, the Agency shall bill and collect for the cost of such fire protection services but only to the extent provided has

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insurance coverage. In any event, the charge for fire protection services shall not exceed \$500 or the amount covered by insurance whichever is less.

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(k) The Agency shall require a written financial accounting from every person, agency, association, corporation or business which provides emergency ambulance services or fire protection services (a "recipient") which receives assets, money, resources or services of any kind, including but not limited to provision of paramedics, EMT's or other personnel, (all considered "funds") from the Agency. Said accounting shall be provided periodically, as the Agency shall direct, and shall be a verified written financial statement of the recipient's total operations including an accounting for the use of all funds provided to the recipient by the Agency.

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(l) The Agency shall require every recipient to provide periodically, as the Agency shall direct, a verified written account to the Agency for any revenue received by recipient attributable in whole or in part to funds provided by the Agency.

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(m) When a recipient provides emergency ambulance or fire protection services in whole or in part with funds provided by the Agency and collects a fee, or otherwise receives revenue for said services, the Agency shall determine the actual portion of said revenues attributable to the funds provided by the Agency. The Agency shall recover that portion of the revenue attributable to funds provided by the Agency as a fee upon said recipients, as users of ambulance and/or fire protection services, and shall charge the recipient provider of emergency services a fee accordingly. ~~In recovering any such revenue, in addition to other collection methods, funds shall be shall~~ Uncollected revenue from service providers shall be deducted from current or future funds the Agency would otherwise provide to said service provider.

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(n) If a recipient fails to provide any verified written account as directed by the Agency, the Agency shall stop funding allocations to the recipient until the recipient provides the required accounts.

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(o) Any purchase of or contract for supplies, equipment and materials for the Agency or for the construction, or improvement of, facilities of the Agency which exceeds the sum of \$10,000.00 (Ten Thousand Dollars) shall be based upon competitive sealed bids obtained by public notice published as a Class II legal advertisement within Jefferson County as required by WV Code §7-15-16 or as otherwise required by law.

**Section 8. Severability and Construction**

~~4)~~ The provisions of this ordinance shall be liberally construed to effectively carry on its purposes in the interest of promoting and protecting the public health, safety and welfare.

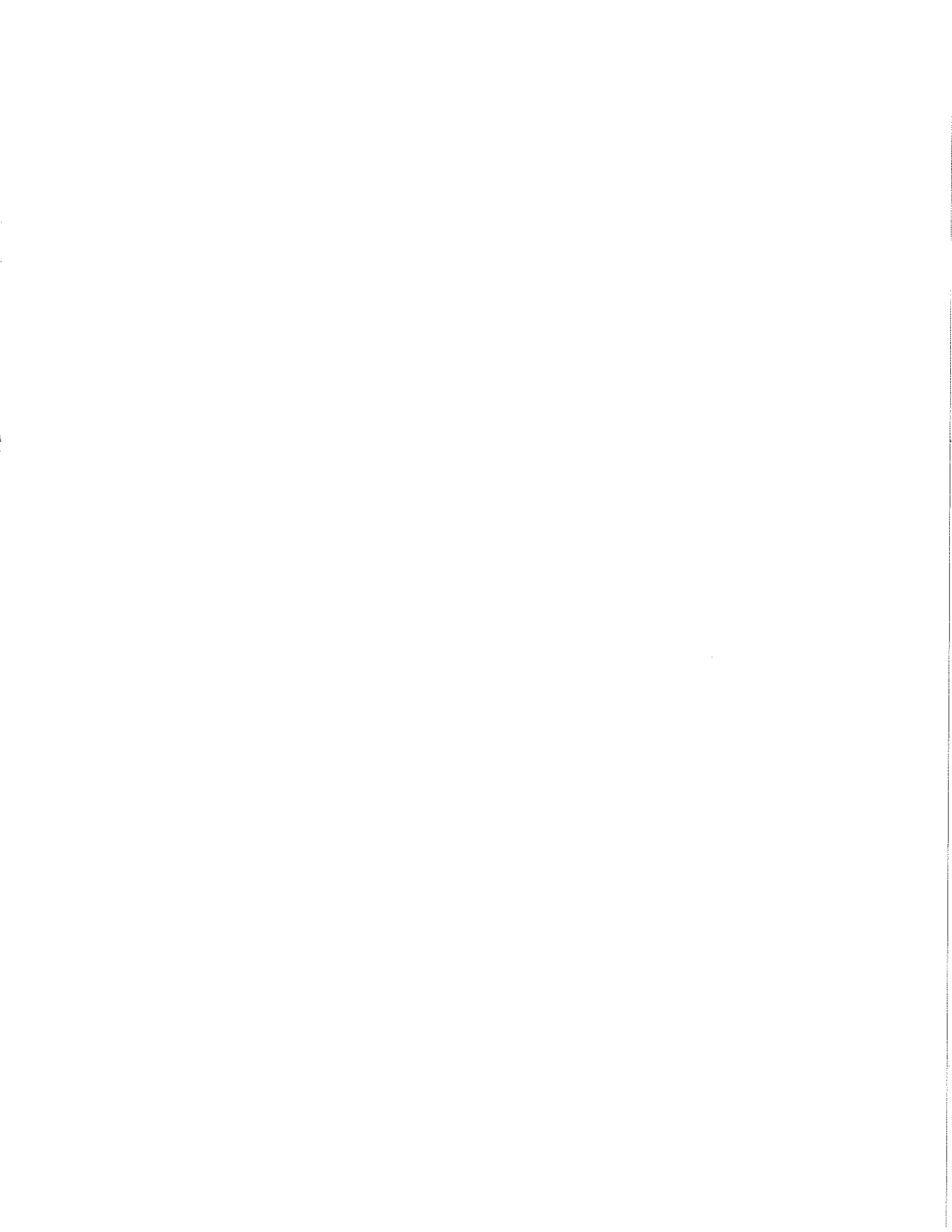
~~1)~~ ~~2)~~  
~~H~~

~~3)2)~~ If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, 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.

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

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

\_\_\_\_\_  
Walt Pellish, President



**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a public hearing on Thursday, May 29, 2014 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 Jefferson County Emergency Services Ordinance.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

You can view the Ordinance at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County  
Walt Pellish  
President

**NOTICE OF PUBLIC HEARING  
PROPOSED INCREASE  
EMERGENCY 911 LAND LINE FEE**

The County Commission of Jefferson County will hold a public hearing on Wednesday, June 11, 2014, in the County Commission Meeting Room located in the Old Charles Town Library, 200 East Washington Street, Charles Town, West Virginia beginning at 7:00 p.m.

The purpose of the meeting will be to hear public comment on the proposed increase in the Emergency 911 Wireline Fee (land line only) from the current fee of \$2.90 monthly to the proposed new monthly fee of \$5.00. The public is invited to provide written or oral comment at this hearing.

Written comments can be emailed to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

All comments will be accepted until June 18<sup>th</sup>, 2014 at 5:00 p.m.

You may view the Ordinance at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

A decision will be made at the June 19<sup>th</sup>, 2014 County Commission Regular Meeting.

**By Order of The County  
Commission of Jefferson County  
Walt Pellish, President**

County Commissioners

May 20, 2014,

I attended the board meeting for the Public Service District on May 5. I quickly learned that our new ratepayer board member, Mr. Weese, represents himself. He is a developer as well as Mr. Strider and opted for a 15 million dollar sewer project plan (alternative 8) over a 3 million dollar plan alternative (alternative 9, or 3b modified) that would take care of any current and future growth for 5-10 years, according to the Pentree representative Zane Summerfield (Audio Regular session minutes, 5-5-2014, 40:36-41:36), not to mention that we just funded the new Tusawilla sewer plant which will also provide services for at least 5-10 years (15% increase to rates). In reality, there are few immediate maintenance needs and those should be affordable with our current rates.

Reasons for approving the 15 million dollar plan, according to Mr. Weese, was to fix all the sewer problems caused by piecemealing of the current sewer system so we can "make money," his exact words, (audio 1:12:18-27). Commissioner Manual can verify that no consideration for the ratepayers was ever discussed at this meeting--*thank you for coming, Commissioner Manual* (audio 1:09:58-1:12:02). Does Mr. Weese not know that the PSD is not an agency that works for profit? Or was he referring to his own profit through development? Will he and Mr. Strider's properties benefit from infrastructure paid for by the rate payer? Has anyone looked into this? We know that the JCPSD, County, and the State are broke, and the developer that came to the meeting for BC Partners saying they are building again, but did not offer any commitments to help offset these infrastructure costs, so that leaves the ratepayer to bear the sole burden, again.

It is clear that Commissioners Patsy Noland, Jane Tabb, and Walt Pellish are for the growth of this county because they chose a developer over two very qualified residential ratepayers who did not stand to gain one thin dime. Mr. Milliron was the only applicant that responded in the original time frame for the posted position, but was discriminated against because his wife has been defending her rights to pay reasonable water and sewer rates. The application period was "extended" at the County Commission meeting by these same Commissioners, without posting this in the newspapers. Another applicant came forward, who has served already on a sewer board, but was still not chosen and Mr. Weese was. Please understand, growth is not the scary part for us ratepayers, it is the increased rates. We are already paying way too much and it's killing us! (enclosed is a copy of my last bills so you know I'm not making this stuff up). *We simply want the County and the Developers to pay for their own business ventures.*

This "if you build it, they will come" mentality will work exactly opposite, "If we build it (and place the sole burden on a select few), they will move" is closer to the truth. This is exactly what is happening. We have 13 homes for sale in our neighborhood alone, according to Todd Milliron's public comment on May 5th. The Public Service Commission reviewed the growth needs for this area recently and found the same thing and disallowed the building of the Flowing Springs Waste Water Treatment Plant (we just added another 3% on top of the 15% increase to pay for the engineering on that failed plant). When I moved here in 2007, our sewer rates were \$10.71 per thousand gallons and now we pay \$15.38 per thousand gallons, almost a 50% increase, and I'm not even talking about the price gouging we are getting with our water service at the same time. With my large family, I pay about \$250-300 a month in water and sewer bills, as a customer of Jefferson Utilities, Inc. and the PSD. I use paper products to help reduce our water consumption and therefore, our bills. Sadly, it is actually cheaper to do that.

I hope our newer County Commissioners realize that it is illegal to have current rate payers to pay for future infrastructure (WV 24-2-2b) and that our rates are supposed to be "reasonable" (WV 24-2-2a). Obviously, the word "reasonable" is the subject of debate but there is no debate about how high our rates are compared to all the surrounding counties as well as within our *own* county, as resale customers of Charles Town. We are the winners by a mile! The County as well as the Developers stand to profit by the growth, so they should fund it.

I get that the County sewer problems are big and costly and no one is going to like the expensive solution, but we need a strategic plan, so we have direction and focus in our growth. The PSD has still not done this, as ordered by the Public Service Commission Order in CASE NO. 12-05 13-PSD-42T-PC, Order 3-29-2013, p. 22, "2. In order to pay the Stipulated Pentree Obligation and to meet the District's immediate needs totaling \$413,000 for the relining of a wet well, the replacement of pump station 5/3, the purchase of a new truck, and the hiring of an engineer to **prepare a strategic plan...**" -bold added). While we are planning for the growth of this county, we desperately need a plan for sewer services.

The solution I see is to dissolve bankrupt PSD's, consolidate services in the county and expand the board to encompass the towns that are represented, not just a 3 person board, where one person can sway all the decisions. Then we need to apply for need based grants based on the County's medium household income, followed up by spreading the remaining costs over the whole county, not just the 2,000 or so existing customers of the PSD.

Sincerely,

A handwritten signature in cursive script that reads "Heidi Parker". The signature is written in black ink and is positioned to the right of the word "Sincerely,".

Heidi Parker, 32 Buckskin Court, Charles Town, WV

Jefferson County Public Service District  
 340 Edmond Road, Suite A  
 Kearneysville, WV 25430

|                  |             |
|------------------|-------------|
| STATEMENT DATE   | May 5, 2014 |
| DUE DATE         | 6/02/2014   |
| AVAILABLE CREDIT | 0.00        |
| TOTAL DUE        | \$186.10    |

Parker, Heidi  
 Charles Town, WV 25414

|                         |
|-------------------------|
| <b>SERVICE LOCATION</b> |
| [REDACTED]              |
| <b>ACCOUNT #</b>        |
| [REDACTED]              |

**DETACH AND MAIL ABOVE PORTION WITH PAYMENT. KEEP BOTTOM PORTION FOR YOUR RECORDS**  
 ACCOUNT NUMBER: [REDACTED] JEFFERSON COUNTY PSD SEWER UTILITY BILL

| Date                         | Billing Item      | Consumption | Amount        |
|------------------------------|-------------------|-------------|---------------|
| Previous Balance             |                   |             | 155.34        |
| Previous Payment             |                   |             | 155.34        |
| <b>CURRENT CHARGES:</b>      |                   |             |               |
| 5/15/2014                    | Residential Sewer | 12100       | 186.10        |
| <b>TOTAL CURRENT CHARGES</b> |                   |             | <b>186.10</b> |
| Available Credits            |                   |             | 0.00          |
| <b>NOW DUE</b>               |                   |             | <b>186.10</b> |

| Prior | Current | Consumed |
|-------|---------|----------|
| 319   | 440     | 12100    |

| Current | 30 Days | 60 Days | 90 Days | Total  |
|---------|---------|---------|---------|--------|
| 186.10  | 0.00    | 0.00    | 0.00    | 186.10 |

"Due to a November 4, 2013 resolution of the Board of Jefferson County PSD, the District will no longer reduce sewer bills for pool fillings. If you do not want the water used for pool filling and other outside uses added to your sewer bill, please contact your water department for a separate water tap."  
 The next board meeting will be held on June 2, 2014, 7:00 PM at the Jefferson County PSD. **NOTICE: THE CURRENT BILL IS DUE 06/02/14\*\* PAST DUE BALANCE IS DUE IMMEDIATELY**

MAKE CHECKS PAYABLE AND MAIL TO : JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

OFFICE HOURS: 8 AM TO 5 PM MONDAY THRU FRIDAY FOR INFORMATION CALL 304-725-4647  
 THIS UTILITY IS REGULATED BY THE PUBLIC SERVICE COMMISSION OF WEST VIRGINIA  
 SERVICE RATES AVAILABLE UPON REQUEST



270 INDUSTRIAL BLVD. • KEARNEYSVILLE, WV 25430  
304-728-2077 • FAX: 304-728-7326 • www.juiwater.net

Amount Now Due **\$113.35**

Payment Due Upon Receipt

After May 27, 2014  
Pay-- \$124.69

Service Location: [REDACTED]

MAKE CHECKS PAYABLE TO:  
JEFFERSON UTILITIES, INC.

HEIDI PARKER

[REDACTED]

CHARLES TOWN WV 25414

If Change of Address (see back)

AMOUNT REMITTED

|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|
|  |  |  |  |  |  |  |  |  |  |
|--|--|--|--|--|--|--|--|--|--|

TEAR ALONG DOTTED LINE —△

RETURN THIS PORTION WITH PAYMENT

**Customer Information**

Account Number: [REDACTED]  
Name: HEIDI PARKER  
Service Location:  
[REDACTED]

Billing Date: May 05, 2014  
Service Period:  
Mar 20, 2014 to Apr 22, 2014  
33 Service Days

**Meter Information**

Serial Number: [REDACTED]  
Present - Actual 44000  
Previous - Actual 31900  
Consumption 12100

Average Daily Water Cost - \$3.07  
Average Daily Usage - 367  
Last Period Usage - 10,100  
Same Period Last Year - 8,300

**Account Summary**

Balance from Last Bill 101.45  
BBT ONLINE PYMT 101.45-  
Remaining Balance \$0.00

**Your Current Activity**

Water Charge 101.35  
Water Surcharge 12.00  
Total Current Activity \$113.35

Account Balance **\$113.35**

**Total Payment Due \$113.35**

If payment is received after May 27, 2014  
Add late payment penalty 11.34  
Amount Due after May 27, 2014 124.69

Current Charges will be Delinquent After  
May 27, 2014

\*\*E-BILLING IS NOW AVAILABLE!  
CALL ARE OFFICE FOR MORE INFO\*

PAY YOUR BILL ONLINE WITH VISA, MASTERCARD,  
OR DISCOVER @ WWW.JUIWATER.NET

SEE REVERSE SIDE FOR IMPORTANT INFORMATION

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

| <b>Week Ending Date</b>                                  | <b>Week Ending</b>         |
|----------------------------------------------------------|----------------------------|
|                                                          | May 10, 2014               |
|                                                          | FY14                       |
| <b>To be Deposited on:</b>                               | May 19, 2014               |
| <b>Amount Played</b>                                     | <b>58,152,633.33</b>       |
| <b>Amount Won</b>                                        | <b>52,037,404.76</b>       |
| <b>Amount Promo</b>                                      | <b>207,341.00</b>          |
| <b>MWAP Contribution</b>                                 | <b><u>3,747.64</u></b>     |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>5,904,139.93</u></b> |
| <b>Administrative Costs @ 4%</b>                         | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>236,165.59</u></b>   |
| <b>Net Terminal Revenue</b>                              | <b><u>5,667,974.34</u></b> |
| <b>Surcharge @ 10%</b>                                   | <b>566,797.43</b>          |
| <b>State Share Excess @ 58%</b>                          | <b>328,742.51</b>          |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>238,054.92</b>          |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | <i>228532.72</i>           |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | <i>9522.20</i>             |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>5,101,176.91</u></b> |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>2,142,494.30</b>        |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>0.00</b>                |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>2,091,482.58</b>        |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>408,094.15</b>          |
| <b>Workers' Compensation Debt Reduction @ 7% / 0%</b>    | <b>0.00</b>                |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>25,505.88</b>           |
| <b>Greyhound Development @ .75%</b>                      | <b>38,258.83</b>           |
| <b>Thoroughbred Development @ .75%</b>                   | <b>38,258.83</b>           |
| <b>Racing Commission @ 1%</b>                            | <b>51,011.76</b>           |
| <b>County/Municipality @ 2%</b>                          | <b>102,023.52</b>          |
| <b>3% Funds:</b>                                         |                            |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>70,141.18</b>           |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>19,129.41</b>           |
| <b>Research Challenge Fund @ .5%</b>                     | <b>25,505.88</b>           |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>35,070.59</b>           |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>3,188.24</b>            |
| <b>1% Funds:</b>                                         |                            |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>0.00</b>                |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>0.00</b>                |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>51,011.76</u></b>    |
|                                                          | <b><u>5,101,176.91</u></b> |

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2014

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/06/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/13/13   | \$ 128,060.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/03/13                   | \$ 116,180.80                | \$ 116,180.80             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/10/13                   | \$ 120,078.64                | \$ 120,078.64             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/17/13                   | \$ 124,888.56                | \$ 124,888.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/24/13                   | \$ 118,284.44                | \$ 89,882.12              | \$ 28,402.32         | \$ 2,252.30      | \$ 11,332.53              | \$ 616.33                 | \$ 9,565.90      | \$ 4,635.26                 |
| 08/31/13                   | \$ 117,826.36                | \$ 58,913.18              | \$ 58,913.18         | \$ 4,671.81      | \$ 23,506.36              | \$ 1,278.42               | \$ 19,841.96     | \$ 8,614.63                 |
| 09/07/13                   | \$ 135,517.48                | \$ 67,758.74              | \$ 67,758.74         | \$ 5,373.27      | \$ 27,035.74              | \$ 1,470.36               | \$ 22,821.14     | \$ 11,058.23                |
| 09/14/13                   | \$ 106,748.44                | \$ 53,374.22              | \$ 53,374.22         | \$ 4,232.58      | \$ 21,296.31              | \$ 1,158.22               | \$ 17,976.44     | \$ 8,710.67                 |
| 09/21/13                   | \$ 108,555.88                | \$ 54,277.94              | \$ 54,277.94         | \$ 4,304.24      | \$ 21,656.90              | \$ 1,177.83               | \$ 18,280.81     | \$ 8,858.16                 |
| 09/28/13                   | \$ 109,763.00                | \$ 54,881.50              | \$ 54,881.50         | \$ 4,352.10      | \$ 21,897.72              | \$ 1,190.93               | \$ 18,484.09     | \$ 8,956.66                 |
| 10/05/13                   | \$ 111,901.48                | \$ 55,950.74              | \$ 55,950.74         | \$ 4,436.89      | \$ 22,324.35              | \$ 1,214.13               | \$ 18,844.21     | \$ 9,131.16                 |
| 10/12/13                   | \$ 111,675.84                | \$ 55,837.92              | \$ 55,837.92         | \$ 4,427.95      | \$ 22,279.33              | \$ 1,211.68               | \$ 18,806.21     | \$ 9,112.75                 |
| 10/19/13                   | \$ 122,654.40                | \$ 61,327.20              | \$ 61,327.20         | \$ 4,863.25      | \$ 24,469.55              | \$ 1,330.80               | \$ 20,655.00     | \$ 10,008.60                |
| 10/26/13                   | \$ 105,708.12                | \$ 52,854.06              | \$ 52,854.06         | \$ 4,191.33      | \$ 21,088.77              | \$ 1,146.93               | \$ 17,801.25     | \$ 8,625.78                 |
| 11/02/13                   | \$ 115,087.08                | \$ 57,543.54              | \$ 57,543.54         | \$ 4,563.20      | \$ 22,959.87              | \$ 1,248.70               | \$ 19,380.66     | \$ 9,391.11                 |
| 11/09/13                   | \$ 109,333.52                | \$ 54,666.76              | \$ 54,666.76         | \$ 4,335.07      | \$ 21,812.04              | \$ 1,186.27               | \$ 18,411.76     | \$ 8,921.62                 |
| 11/16/13                   | \$ 112,991.92                | \$ 56,495.96              | \$ 56,495.96         | \$ 4,480.13      | \$ 22,541.89              | \$ 1,225.98               | \$ 19,027.84     | \$ 9,220.14                 |
| 11/23/13                   | \$ 97,257.24                 | \$ 48,628.62              | \$ 48,628.62         | \$ 3,856.25      | \$ 19,402.62              | \$ 1,055.24               | \$ 16,378.12     | \$ 7,936.19                 |
| 11/30/13                   | \$ 119,291.32                | \$ 59,645.66              | \$ 59,645.66         | \$ 4,729.90      | \$ 23,798.62              | \$ 1,294.31               | \$ 20,088.66     | \$ 9,734.17                 |
| 12/07/13                   | \$ 94,612.48                 | \$ 47,306.24              | \$ 47,306.24         | \$ 3,751.38      | \$ 18,875.19              | \$ 1,026.55               | \$ 15,932.74     | \$ 7,720.38                 |
| 12/14/13                   | \$ 58,458.04                 | \$ 29,229.02              | \$ 29,229.02         | \$ 2,317.66      | \$ 11,662.38              | \$ 634.27                 | \$ 9,844.33      | \$ 4,770.18                 |
| 12/21/13                   | \$ 89,162.04                 | \$ 44,581.02              | \$ 44,581.02         | \$ 3,535.27      | \$ 17,787.83              | \$ 967.41                 | \$ 15,014.89     | \$ 7,275.62                 |
| 12/28/13                   | \$ 124,234.28                | \$ 62,117.14              | \$ 62,117.14         | \$ 4,925.89      | \$ 24,784.74              | \$ 1,347.94               | \$ 20,921.05     | \$ 10,137.52                |
| 01/04/14                   | \$ 125,927.76                | \$ 62,963.88              | \$ 62,963.88         | \$ 4,993.04      | \$ 25,122.59              | \$ 1,366.32               | \$ 21,206.23     | \$ 10,275.70                |
| 01/11/14                   | \$ 75,871.88                 | \$ 37,935.94              | \$ 37,935.94         | \$ 3,008.32      | \$ 15,136.44              | \$ 823.21                 | \$ 12,776.82     | \$ 6,191.15                 |
| 01/18/14                   | \$ 98,837.28                 | \$ 49,418.64              | \$ 49,418.64         | \$ 3,918.90      | \$ 19,718.04              | \$ 1,072.38               | \$ 16,644.20     | \$ 8,065.12                 |
| 01/25/14                   | \$ 85,441.60                 | \$ 42,720.80              | \$ 42,720.80         | \$ 3,387.76      | \$ 17,045.60              | \$ 927.04                 | \$ 14,388.37     | \$ 6,872.03                 |
| 02/01/14                   | \$ 95,363.20                 | \$ 47,881.60              | \$ 47,881.60         | \$ 3,781.15      | \$ 19,024.96              | \$ 1,034.69               | \$ 16,059.16     | \$ 7,781.64                 |
| 02/08/14                   | \$ 90,869.04                 | \$ 45,434.52              | \$ 45,434.52         | \$ 3,602.96      | \$ 18,128.37              | \$ 985.93                 | \$ 15,302.35     | \$ 7,414.91                 |
| 02/15/14                   | \$ 82,152.16                 | \$ 41,076.08              | \$ 41,076.08         | \$ 3,257.33      | \$ 16,389.36              | \$ 891.35                 | \$ 13,834.42     | \$ 6,703.62                 |
| 02/22/14                   | \$ 123,047.96                | \$ 61,523.98              | \$ 61,523.98         | \$ 4,878.85      | \$ 24,548.07              | \$ 1,335.07               | \$ 20,721.28     | \$ 10,040.71                |
| 03/01/14                   | \$ 115,489.56                | \$ 57,744.78              | \$ 57,744.78         | \$ 4,579.16      | \$ 23,040.17              | \$ 1,253.06               | \$ 19,448.44     | \$ 9,423.95                 |
| 03/08/14                   | \$ 100,879.88                | \$ 50,439.94              | \$ 50,439.94         | \$ 3,999.69      | \$ 20,125.53              | \$ 1,094.55               | \$ 16,988.17     | \$ 8,231.80                 |
| 03/15/14                   | \$ 108,829.32                | \$ 54,414.66              | \$ 54,414.66         | \$ 4,315.08      | \$ 21,711.45              | \$ 1,180.80               | \$ 18,326.86     | \$ 8,880.47                 |
| 03/22/14                   | \$ 101,469.24                | \$ 50,734.62              | \$ 50,734.62         | \$ 4,023.26      | \$ 20,243.11              | \$ 1,100.94               | \$ 17,087.42     | \$ 8,279.89                 |
| 03/29/14                   | \$ 102,349.20                | \$ 51,174.60              | \$ 51,174.60         | \$ 4,058.15      | \$ 20,418.67              | \$ 1,110.49               | \$ 17,235.60     | \$ 8,351.69                 |
| 04/05/14                   | \$ 110,459.80                | \$ 55,229.90              | \$ 55,229.90         | \$ 4,379.73      | \$ 22,036.73              | \$ 1,198.49               | \$ 18,601.43     | \$ 9,013.52                 |
| 04/12/14                   | \$ 97,306.36                 | \$ 48,653.18              | \$ 48,653.18         | \$ 3,858.20      | \$ 19,412.62              | \$ 1,055.77               | \$ 16,386.39     | \$ 7,940.20                 |
| 04/19/14                   | \$ 108,938.44                | \$ 54,469.22              | \$ 54,469.22         | \$ 4,319.41      | \$ 21,733.22              | \$ 1,181.98               | \$ 18,345.23     | \$ 8,889.38                 |
| 04/26/14                   | \$ 103,274.36                | \$ 51,637.18              | \$ 51,637.18         | \$ 4,094.63      | \$ 20,603.23              | \$ 1,120.53               | \$ 17,391.40     | \$ 8,427.19                 |
| 05/03/14                   | \$ 109,515.44                | \$ 54,757.72              | \$ 54,757.72         | \$ 4,342.29      | \$ 21,848.33              | \$ 1,188.24               | \$ 18,442.40     | \$ 8,936.46                 |
| 05/10/14                   | \$ 102,023.52                | \$ 51,011.76              | \$ 51,011.76         | \$ 4,045.23      | \$ 20,353.69              | \$ 1,106.86               | \$ 17,180.76     | \$ 8,325.12                 |
| Subtotal                   | \$ 4,857,693.04              | \$ 2,884,878.26           | \$ 1,972,814.78      | \$ 156,444.21    | \$ 787,153.12             | \$ 42,810.08              | \$ 664,443.99    | \$ 321,963.38               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

**VIDEO LOTTERY REPORT**

| FY 2010      |            | FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date         | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 07/04/2009 * | 128,262.42 | 7/3/2010   | 115,402.58 | 7/1-2/2011 | 69,824.12  | 7/7/2012   | 161,637.92 | 7/6/2013   | 123,196.88 |
| 7/11/2009    | 168,815.08 | 7/10/2010  | 205,731.64 | 7/9/2011   | 171,717.28 | 7/14/2012  | 129,458.04 | 7/13/2013  | 128,060.40 |
| 7/18/2009    | 160,652.98 | 7/17/2010  | 161,386.76 | 7/16/2011  | 143,019.52 | 7/21/2012  | 130,037.00 | 7/20/2013  | 115,128.84 |
| 7/25/2009    | 158,869.08 | 7/24/2010  | 160,368.28 | 7/23/2011  | 146,508.00 | 7/28/2012  | 137,164.44 | 7/27/2013  | 123,049.56 |
| 8/1/2009     | 174,493.08 | 7/31/2010  | 157,802.08 | 7/30/2011  | 144,510.28 | 8/4/2012   | 132,931.16 | 8/3/2013   | 116,180.80 |
| 8/8/2009     | 138,408.80 | 8/7/2010   | 136,494.98 | 8/6/2011   | 151,495.28 | 8/11/2012  | 134,212.88 | 8/10/2013  | 120,078.64 |
| 8/15/2009    | 81,222.14  | 8/14/2010  | 78,376.68  | 8/13/2011  | 117,350.38 | 8/18/2012  | 110,241.90 | 8/17/2013  | 124,888.56 |
| 8/22/2009    | 76,260.31  | 8/21/2010  | 76,199.02  | 8/20/2011  | 71,614.12  | 8/25/2012  | 66,209.90  | 8/24/2013  | 89,882.12  |
| 8/29/2009    | 80,472.92  | 8/28/2010  | 72,460.03  | 8/27/2011  | 63,432.14  | 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  |
| 9/5/2009     | 80,798.15  | 9/4/2010   | 76,362.84  | 9/3/2011   | 80,837.76  | 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  |
| 9/12/2009    | 86,286.92  | 9/11/2010  | 82,969.36  | 9/10/2011  | 84,845.80  | 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  |
| 9/19/2009    | 70,010.15  | 9/18/2010  | 67,638.78  | 9/17/2011  | 66,748.62  | 9/22/2012  | 56,996.90  | 9/21/2013  | 54,277.94  |
| 9/26/2009    | 69,316.87  | 9/25/2010  | 70,435.06  | 9/24/2011  | 68,929.80  | 9/29/2012  | 61,611.40  | 9/28/2013  | 54,881.50  |
| 10/3/2009    | 72,286.04  | 10/2/2010  | 71,013.86  | 10/1/2011  | 68,871.64  | 10/6/2012  | 62,715.20  | 10/5/2013  | 55,950.74  |
| 10/10/2009   | 69,650.63  | 10/9/2010  | 69,311.50  | 10/8/2011  | 70,866.90  | 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  |
| 10/17/2009   | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  |
| 10/24/2009   | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  | 10/26/2013 | 52,854.06  |
| 10/31/2009   | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/3/2012  | 56,545.30  | 11/2/2013  | 57,543.54  |
| 11/7/2009    | 63,741.59  | 11/6/2010  | 61,337.62  | 11/5/2011  | 70,673.88  | 11/10/2012 | 56,110.96  | 11/9/2013  | 54,666.76  |
| 11/14/2009   | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  | 11/16/2013 | 56,495.96  |
| 11/21/2009   | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  | 11/23/2013 | 48,628.62  |
| 11/28/2009   | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/1/2012  | 50,243.34  | 11/30/2013 | 59,645.66  |
| 12/5/2009    | 51,006.51  | 12/4/2010  | 53,215.08  | 12/3/2011  | 59,429.94  | 12/8/2012  | 50,770.96  | 12/7/2013  | 47,306.24  |
| 12/12/2009   | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  | 12/14/2013 | 29,229.02  |
| 12/19/2009   | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  | 12/21/2013 | 44,581.02  |
| 12/26/2009   | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  | 12/28/2013 | 62,117.14  |
| 1/2/2010     | 92,980.40  | 1/1/2011   | 85,152.12  | 12/31/2011 | 94,661.00  | 1/5/2013   | 71,673.52  | 1/4/2014   | 62,963.88  |
| 1/9/2010     | 55,020.46  | 1/8/2011   | 54,301.30  | 1/7/2012   | 74,863.40  | 1/12/2013  | 50,416.30  | 1/11/2014  | 37,935.94  |
| 1/16/2010    | 60,551.28  | 1/15/2011  | 54,005.90  | 1/14/2012  | 58,901.92  | 1/19/2013  | 51,211.88  | 1/18/2014  | 49,418.64  |
| 1/23/2010    | 69,943.53  | 1/22/2011  | 60,924.74  | 1/21/2012  | 61,819.92  | 1/26/2013  | 46,966.26  | 1/25/2014  | 42,720.80  |
| 1/30/2010    | 48,527.75  | 1/29/2011  | 48,036.94  | 1/28/2012  | 62,898.78  | 2/2/2013   | 52,067.92  | 2/1/2014   | 47,681.60  |
| 2/6/2010     | 37,155.14  | 2/5/2011   | 60,777.44  | 2/4/2012   | 72,154.66  | 2/9/2013   | 52,222.20  | 2/8/2014   | 45,434.52  |
| 2/13/2010    | 44,334.00  | 2/12/2011  | 67,471.84  | 2/11/2012  | 66,429.04  | 2/16/2013  | 64,243.52  | 2/15/2014  | 41,076.08  |
| 2/20/2010    | 76,946.12  | 2/19/2011  | 72,018.54  | 2/18/2012  | 77,455.88  | 2/23/2013  | 64,115.70  | 2/22/2014  | 61,523.98  |
| 2/27/2010    | 72,024.40  | 2/26/2011  | 75,544.02  | 2/25/2012  | 77,611.78  | 3/2/2013   | 62,602.74  | 3/1/2014   | 57,744.78  |
| 3/6/2010     | 76,936.85  | 3/5/2011   | 74,535.34  | 3/3/2012   | 75,963.86  | 3/9/2013   | 59,213.26  | 3/8/2014   | 50,439.94  |

|           |           |           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 3/13/2010 | 71,007.37 | 3/12/2011 | 66,979.48 | 3/10/2012 | 76,808.62 | 3/16/2013 | 62,366.36 | 3/15/2014 | 54,414.66 |
| 3/20/2010 | 74,335.38 | 3/19/2011 | 73,113.26 | 3/17/2012 | 76,883.92 | 3/23/2013 | 59,841.02 | 3/22/2014 | 50,734.62 |
| 3/27/2010 | 69,941.88 | 3/26/2011 | 68,490.80 | 3/24/2012 | 72,108.36 | 3/30/2013 | 57,567.98 | 3/29/2014 | 51,174.60 |
| 4/3/2010  | 70,636.28 | 4/2/2011  | 70,846.58 | 3/31/2012 | 74,244.22 | 4/6/2013  | 63,108.84 | 4/5/2014  | 55,229.90 |
| 4/10/2010 | 69,692.79 | 4/9/2011  | 67,076.78 | 4/7/2012  | 75,382.98 | 4/13/2013 | 56,849.30 | 4/12/2014 | 48,653.18 |
| 4/17/2010 | 69,335.92 | 4/16/2011 | 64,698.56 | 4/14/2012 | 71,065.34 | 4/20/2013 | 55,432.12 | 4/19/2014 | 54,469.22 |
| 4/24/2010 | 68,714.11 | 4/23/2011 | 67,674.14 | 4/21/2012 | 68,055.08 | 4/27/2013 | 58,612.74 | 4/26/2014 | 51,637.18 |
| 5/1/2010  | 68,799.06 | 4/30/2011 | 66,807.50 | 4/28/2012 | 72,880.66 | 5/4/2013  | 61,102.92 | 5/3/2014  | 54,757.72 |
| 5/8/2010  | 67,403.54 | 5/7/2011  | 66,379.74 | 5/5/2012  | 71,582.30 | 5/11/2013 | 57,428.70 | 5/10/2014 | 51,011.76 |
| 5/15/2010 | 70,186.32 | 5/14/2011 | 66,699.76 | 5/12/2012 | 63,357.92 | 5/18/2013 | 61,172.80 |           |           |
| 5/22/2010 | 64,695.71 | 5/21/2011 | 63,210.44 | 5/19/2012 | 78,984.36 | 5/25/2013 | 57,131.24 |           |           |
| 5/29/2010 | 67,157.40 | 5/28/2011 | 64,724.06 | 5/26/2012 | 67,396.24 | 6/1/2013  | 65,920.66 |           |           |
| 6/5/2010  | 77,371.80 | 6/4/2011  | 74,952.34 | 6/2/2012  | 76,959.44 | 6/8/2013  | 55,233.74 |           |           |
| 6/12/2010 | 66,106.29 | 6/11/2011 | 62,203.12 | 6/9/2012  | 63,584.86 | 6/15/2013 | 54,067.52 |           |           |
| 6/19/2010 | 64,888.48 | 6/18/2011 | 61,200.76 | 6/16/2012 | 59,436.12 | 6/22/2013 | 54,690.28 |           |           |
| 6/26/2010 | 63,950.29 | 6/25/2011 | 65,470.44 | 6/23/2012 | 55,921.30 | 6/29/2013 | 55,991.38 |           |           |
| 6/30/2010 | 29,667.19 | 6/30/2011 | 34,351.16 | 6/30/2012 | 58,207.40 | 6/30/2013 | 11,509.54 |           |           |

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|               |                   |                   |                  |                   |                     |
|---------------|-------------------|-------------------|------------------|-------------------|---------------------|
| <b>TOTALS</b> | <b>4041141.56</b> | <b>4016541.01</b> | <b>4124906.8</b> | <b>3580645.18</b> | <b>2,884,878.26</b> |
|---------------|-------------------|-------------------|------------------|-------------------|---------------------|

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## Table Game Revenue

| <u>Date</u>            | <u>Amount</u>    | <u>Date</u>            | <u>Amount</u>     | <u>Date</u>            | <u>Amount</u>     | <u>Date</u>            | <u>Amount</u>    |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|------------------------|------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        | July, 2013             | 99,274.36        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        | August, 2013           | 111,427.75       |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        | September, 2013        | 80,857.74        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        | October, 2013          | 81,066.09        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        | November, 2013         | 79,853.94        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        | December, 2013         | 79,617.31        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        | January, 2014          | 75,093.81        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        | February, 2014         | 75,170.90        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        | March, 2014            | 78,201.51        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        | April, 2013            | 105,545.23        | April, 2014            | 72,380.72        |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        | May, 2013              | 109,747.38        |                        |                  |
|                        |                  | June, 2012             | 129,235.38        | June, 2013             | 104,803.37        |                        |                  |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2012-2013</b> | <b>1530462.31</b> | <b>Total 2013-2014</b> | <b>832944.13</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|
| July, 2011             | 425,154.03          | July, 2012             | 415,990.92          | July, 2013             | 297,823.08          |
| August, 2011           | 412,421.76          | August, 2012           | 399,737.49          | August, 2013           | 334,283.25          |
| September, 2011        | 331,125.75          | September, 2012        | 382,597.20          | September, 2013        | 242,573.22          |
| October, 2011          | 372,821.82          | October, 2012          | 379,446.06          | October, 2013          | 243,198.27          |
| November, 2011         | 363,356.61          | November, 2012         | 403,331.79          | November, 2013         | 239,561.82          |
| December, 2011         | 421,529.79          | December, 2012         | 440,033.75          | December, 2013         | 238,851.93          |
| January, 2012          | 413,438.04          | January, 2013          | 397,951.05          | January, 2014          | 225,281.43          |
| February, 2012         | 428,310.03          | February, 2013         | 381,857.07          | February, 2014         | 225,512.70          |
| March, 2012            | 455,536.38          | March, 2013            | 447,100.86          | March, 2014            | 234,604.53          |
| April, 2012            | 383,586.78          | April, 2013            | 316,635.69          | April, 2014            | 217,142.18          |
| May, 2012              | 413,715.39          | May, 2013              | 329,242.14          |                        |                     |
| June, 2012             | 387,706.12          | June, 2013             | 314,410.11          |                        |                     |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> | <b>Total 2012-2013</b> | <b>4,608,334.13</b> | <b>Total 2013-2014</b> | <b>2,498,832.41</b> |