

AGENDA FOR THURSDAY, SEPTEMBER 6, 2007

Y/ N/ N/A

APPOINTMENTS:

- 1. 9:00 a.m. - County Commission Workshop
- 2. 9:30 a.m. - Pledge of Allegiance
Approval of Minutes
Approval of Purchase Orders
Approval of Accounts Payable
- 3. 9:40 a.m. - Bonding and Activity Report
- Planning Commission President - Subdivision Variance
Regulations
- 4. 9:45 a.m. - Public Comment
- 5. 10:00 a.m. - Mike Thompson - Prosecuting Attorney - Introduction of New
Employee - Modification of Space for New Clerical Position
- 6. 10:15 a.m. - Charlotte Porter - Books for Babies
- 7. 10:30 a.m. - Kirk E. Davis - Approval of Low Bidder for Sheriff's Office
Construction
- 8. 10:45 a.m. - Kellie Boles - Information on the Harewood Easement
- 9. 11:00 a.m. - Jennifer S. Maghan - County Clerk's Report
- Request for Approval of Budget Revision in the Amount of
\$202.01 from General County To Elections
- 10. 11:15 a.m. - Mike Thompson, Ginger Bordier, Patsy Noland, Ed Boober -
Compensation Request
- 11. 11:30 a.m. - David Hammer - Baldau Decision
- 12. 11:45 a.m. - Brandon Sims - Legal Update and Report
- Mutual Aid Agreement
- 13. 12:00 p.m. - Wallace C. Eckles - Application for Farm Use Valuation Form
- 13. 1:30 p.m. - County Commission Workshop - Legislative Issues
- 14. 2:30 p.m. - County Commission Workshop - IT

OLD BUSINESS:

1. Appointment of Alternate Member to the Board of Zoning Appeals
2. Appointment to the Jefferson County Board of Health
3. Legislative Issues
4. Kendig Keast/Ordinance Rewrite Discussion
5. Request for County Commission Involvement in the Bakerton Fire Department TEFRA Hearing and Proposal
6. County Administrator told Commission in recent meeting that letters of denial had been sent to all seventy applicants to HR Director position. Some such applicants have, in fact, not been notified. Administrator to provide proof of sent out letters or emails.
7. Status Report from County Administrator on course of action to resolve \$38,000 discrepancy between official video lottery monies sent to the County from the state and the amount recorded in the County's published General Fund statement for the period from 1998 thru July 1, 2006. Administrator was tasked with looking into this three months ago.
8. Status Report from County Administrator on County Commission Instruction to Develop Employee Evaluation Forms and Policy.
9. Order County Administrator to Provide County Commission for Thursday IT Workshop With Complete and Current List, signed by the Administrator, showing all County Employees and all Employees of SSI with Privileged Access to Information on County Computers. Any Existing Agreements Between the County and SSI With This Information Shall Also be Provided to the Commission At That Time.
10. Task County Administrator, IT Administrator and Prosecuting Attorney to Develop a Non-Disclosure Agreement Form to be Signed by All Personnel With Privileged Access to County Computers. Form Should Specify Person's Name, Job Title, Access To Which Server(s), Access To Which Applications, and Which Level of Permissions Is Being Granted.
11. Mountain Water Agreement With Dunn Engineering: Last December, the Commission Committed To This Study and Tasked County Engineer Roger Goodwin To Be the Lead On The Project Because of His Training. County Administrator was Instructed by the Commission to Prepare a Letter to Send to Dunn Engineering. When No Letter Was Written For Two Months By the Administrator, A Member of the Mountain Water Committee Provided the

Commission With Such a Draft In March, Which Was Sent Out. Assistant Prosecuting Attorney and The Commission More Recently Tasked Asst Prosecuting Attorney James Casimiro To Review the Returned Agreement. He Recommended in His Cover Letter That Mr. Goodwin Should be The Lead On The Project. The County Commission Was Never Given Mr. Casimiro's Letter By the County Administrator the Primary Point of Contact, In Place of Mr. Goodwin and This Change Was Not Brought to the Attention of the Commission. Explanation Requested from County Administrator As To The Whereabouts of Mr. Casimiro's Legal Recommendation and Why We Weren't Shown This Letter Prior To Voting on the Agreement. Re-Vote to Change The Agreement To Re-Instate Mr. Goodwin as Lead on Project.

- 12. Day Book File
 - a. That For a Three-Month Trial Period, All Communications Between the County Administrator, In Her Capacity As Representing the Will of The County Commission, And All County Department Heads (DPZE, 911/Addressing, Maintenance, Facilities Planning, Animal Control, County Commission) Be in Email Form and CC'd In The Original Email To All County Commissioners; F. Morgan, Corliss, R. Morgan, Manuel, and Surkamp.
 - b. All Communications Between Attorneys Sims, Casimiro and Grove and County Department Heads Be in Email Form and CC'd to All County Commissioners.

NEW BUSINESS:

- 1. Corporation of Shepherdstown - Invitation to Hold an Open Forum
- 2. Renewal of Maintenance Contracts with SSI - Sheriff and Circuit Clerk
- 3. Schedule a Public Hearing on the Resolution for Possible Harpers Ferry Park Expansion
- 4. Shenandoah Valley Science Symposium - October 15-16, 2007
- 5. Grant Resolution and Contract - Governor's Community Participation Program - Good Shepherd Interfaith Volunteer Caregivers - \$5,000
- 6. Grant Resolution and Contract - Governor's Community Participation Program - Good Shepherd Interfaith Volunteer Caregivers - \$2,000
- 7. Budget Revision - Aimed at Equalizing the Current Salary Inequities in the 2007-2008 Budget
- 8. Reconsider Motion to Provide a Day File With Outgoing and Incoming

Correspondence

- 9. Discuss with the Director of Impact Fees the Possibility of a Delay of School Impact Fees for the Elderly that Wish to Build a Retirement Home
- 10. Spruce Hill Bonding - Request for Special Accommodation as to Timing
- 11. Inappropriate and Hostile Treatment of Commissioner, Employees and Appointees by Assistant Prosecuting Attorney
- 12. Explanation As To Why PA's Office Did Not Follow Up On Complaints Directed To It Last Fall Concerning An Employee Repeatedly And Daily Threatening Numerous Other Employees To Vote One Way In November Elections In Violation of Criminal State Law
- 13. That Mr. Casimiro, As Counsel to the County Commission, Shall Make Planning Annexation His Top Priority Concerns At All Times. That Other Assistant Prosecuting attorneys Are Forbidden From Interfering With His Duties as Our Attorney Either in Verbal Abuse Or Insisting On Rewriting His Legal Opinions. Attorneys Grove, Sims and Casimiro Report Each Directly To the County Commission, Each Is Expected To be Present At Our Thursday Meetings When Needed By the Commission. They Will Be Tasked Only By a Majority Vote of the County Commission Either Using or Not Using Recommendation of Legal Staff.
- 14. Executive Session Recommended On Relief for County Commission RE Legal Matters
- 15. Hiring Independent Legal Counsel
- 16. Request for Legal Review: In the Summer, 2006, Software Systems Inc. Purchased Over \$15,000 In Camera Equipment and Subsequently Billed the County Well Over \$30,000 in Subsequent "Contractual Services." West Virginia Code 5A-3-10(a) and (b) states: "...a Purchase of and Contract for Commodities, Printing and Services Shall Be Based, whenever possible, on competitive bids. "State Government Requires Competitive Bid On Equipment in Excess of \$15,000 and Services in Excess of \$25,000." There Was No Competitive Bid Sought By Our County Administrator for the purchase of Cameras. SSI Primary Business is Main Frame Computers. It also Provides Support for PCs and Now Cameras. If the County Has Rules Governing Competitive Bidding Requirements Like the State's, SSI does Not Qualify as a "Sole Source" Entitled to Exemption Because the Cameras Could Have Been Provided By Any Company And They Did Not have to Be Tied Into the Existing Server. Since SSI Merely Bought Equipment It Found on the Web, (SSI Includes with Their Invoice Xeroxes of a Web Site Equipment ad, Showing they Were Also Not the Manufacturer of the Cameras.)

- 17. **Request for Legal Review: Software Systems, on several occasions in 2006, made Service Visits on The Same Date to both Berkeley County and Jefferson County to Service Computers. A review of invoices for Jefferson County Shows Full Billing To Us, At Least, For the Mileage For a Round Trip To and From Morgantown Where SSI is Based.**
- 18. **County Commission Reports**

INFORMATION:

- 1. **Notice received of a Subdivision Work Session on September 7, 2007 from the Department of Planning.**
- 2. **Memorandum received from the Department of Capital Planning and Management concerning School Impact Fee Monies.**
- 3. **Acceptance of bond for SPARC Training Campus in the amount of \$955,370.**
- 4. **Information received from Barbara Miller concerning the availability of agriculture disaster loans due to drought conditions.**
- 5. **Signed copies of legislative issues from Jefferson, Berkeley and Morgan Counties.**
- 6. **Memorandum received from Roger Goodwin, Chief County Engineer, concerning training and vacation leave.**
- 7. **Correspondence received from the Fire and Rescue Association concerning a proposed Middleway Volunteer Fire Company.**
- 8. **Correspondence received from the Fire and Rescue Association concerning funds budgeted.**
- 9. **Correspondence received from the Berkeley County Commission concerning drought conditions.**
- 10. **Correspondence received from Senator Byrd concerning the proposed electric transmission line.**
- 11. **Correspondence received from Senator Byrd concerning gypsy moth.**
- 12. **Correspondence received from Senator Byrd concerning the Old Standard Quarry.**
- 13. **Information received from Paul Rosa concerning an aquatic facility.**

- 14. Correspondence received from Comcast concerning an update on Comcast's progress.
- 15. Correspondence received from the Eastern Panhandle Free Clinic concerning the Robert Wood Johnson Final Narrative Report.
- 16. Press Release received concerning the Wilson Web Art Exhibit at South Jefferson Public Library.
- 17. Correspondence received from the Department of Environmental Protection concerning local water quality.
- 18. Correspondence received from West Virginia Division of Homeland Security and Emergency Management concerning FY 2008 Hazard Mitigation Funding Notice of Intent.
- 19. Correspondence received from Governor Joe Manchin concerning correspondence received from the Commission.
- 20. Correspondence received from the Division of Highways concerning the grant application for the Shepherdstown Battlefield.
- 21. Invitation received from the Berkeley County Commission to attend a presentation by Senator Brooks McCabe on the topic of Joint Government on Tuesday, September 11, 2007, at 7:00 p.m.
- 22. Notice received of the Dining for Dollars Fundraiser for the Jefferson County 4-H Leaders Association.
- 23. Invitation received to attend the Charles C. Marcus Field Dedication and Opening Day Festivities on September 9, 2007, at 9:30 a.m.
- 24. Invitation received to attend the Anna Mae Reedy Senior Center Senior Picnic on September 14, 2007.
- 25. Invitation to attend a groundbreaking ceremony for the new Summit Point Training Campus on September 26, 2007, at 3:00 p.m.
- 26. Audit report received from the Jefferson County Development Authority for the fiscal year ending June 30, 2006.
- 27. West Virginia Legislature Interim Committee Schedule received.
- 28. Notice received from the County Commissioners' Association of the Fall Board and Legislative Committee Meeting on September 23-25, 2007.

- 29. Weekly update received from the County Commissioners' Association.
- 30. Copy of a newspaper article received from the Association of Counties concerning annexation.
- 31. Copy of a newspaper article received from the Association of Counties concerning automatic vote recount.
- 32. The County Legislative Line received from the Association of Counties.
- 33. Stage Whispers newsletter received from the Old Opera House.
- 34. Community Bulletin received from the Harpers Ferry National Historical Park.
- 35. Public Hearing Notices received from Loudoun County.
- 36. West Virginia Ethics Reporter received.
- 37. E-911 fees received.
- 38. Weekly settlement reports received from the West Virginia Lottery for the Charles Town Races and Slots.
- 39. Impact Fee Status Report for August 2007 received.
- 40. Miscellaneous

CORRESPONDENCE

- 1. Correspondence received from Maral P. Strathearn concerning the proposal to expand the boundaries of Harpers Ferry National Historical Park.