

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

JENNIFER S. MAGHAN, in her official capacity  
as Clerk of the County Court of Jefferson County,  
West Virginia,

*Petitioner,*

v.

CIVIL ACTION NO. 09-C-299  
(Judge David H. Sanders)

JEFFERSON COUNTY COMMISSION, et al.,

*Respondents.*

**MEDIATED SETTLEMENT AGREEMENT**

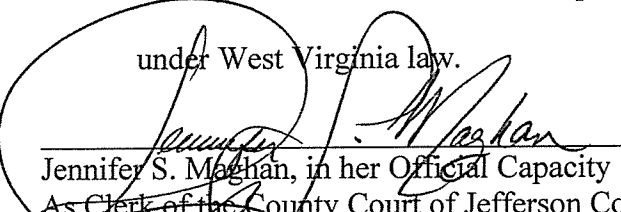
The parties, Jennifer S. Maghan, in her official capacity of Clerk of the County Court of Jefferson County, and the Jefferson County Commission and individual Commissioners in their official capacity agree to the following terms to resolve the above-captioned civil action:

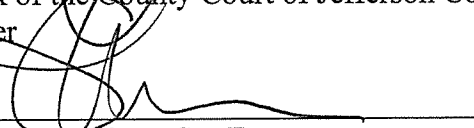
1. Neither party admits fault or breach of legal duty owed to the other and that this dispute was resolved during mediation.
2. The Jefferson County Commission will make a budget revision to the Fiscal Year 2010 Budget to increase the County Clerk's 402 budget for line item Salary and Wages from \$400,000.00 to 448,188.00. The County Clerk intends to utilize a portion of this increase to make additional wage payments to current employees and shall submit a budget revision to transfer a portion of these funds into the professional services line item for the payment of legal fees incurred in this matter.
3. The Jefferson County Commission shall set the County Clerk's Salary and Wage line item for Fiscal Year 2011 at \$448,188.00. Additionally, the Jefferson County Commission acknowledges that there will be an associated increase in FICA, Medicare, and other related costs and that corresponding line items will be increased appropriately.
4. The parties acknowledge that while the terms of this settlement are public record, the parties agree to issue the attached joint press release (attached as Exhibit A) and both

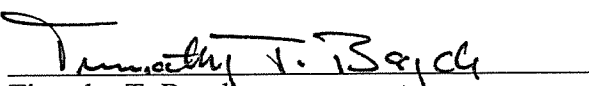
parties and their respective attorneys and will make no additional statements related to this lawsuit unless compelled to do so by legal process.

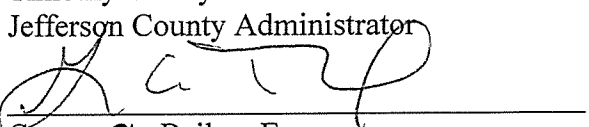
5. Each party shall bear its respective attorney's fees incurred in this matter.
6. Petitioner shall dismiss the Petition for Writ of Mandamus currently pending in this matter and both parties agree to dismiss claims either may have against the other arising from the facts set forth in Petitioner's Petition for Writ of Mandamus.
7. The County Administrator will contact the State Auditor's office to request an appropriate budget workshop to be conducted by the State Auditor's Office regarding the budgetary process which will be made available for the benefit of all elected officials and department heads involved in the budgetary process.
8. The parties acknowledge that the terms agreed to herein are not final until the Jefferson County Commission votes to accept the terms during a public meeting as is required

under West Virginia law.

  
\_\_\_\_\_  
Jennifer S. Mahan, in her Official Capacity  
As Clerk of the County Court of Jefferson County  
Petitioner

  
\_\_\_\_\_  
Sherman L. Lambert, Sr., Esq.  
Counsel for Petitioner

  
\_\_\_\_\_  
Timothy T. Boyde  
Jefferson County Administrator

  
\_\_\_\_\_  
Gregory A. Bailey, Esq.,  
Counsel for Respondent

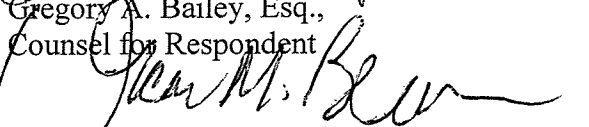
  
\_\_\_\_\_  
Oscar M. Bean, Esq. Mediator

Exhibit A – Agreed Press Release

The Jefferson County Commission and Jefferson County Clerk settled their differences at mediation. The parties agree that they reached a workable solution to their budgetary differences and that they have agreed to dismiss the lawsuit currently pending in the Jefferson County Circuit Court. The parties expect to work collaboratively going forward to serve the citizens of Jefferson County.