

**West Virginia Board of Public Works
Monday, September 30, 2013 – 2:00 p.m.
Governor’s Cabinet and Conference Room
Minutes**

Attendees:

Members

State Auditor Glen B. Gainer III
Secretary of State Natalie E. Tennant
Attorney General Patrick Morrissey
State Treasurer John D. Perdue
State Superintendent of Schools Dr. James Phares
Peter Markham, General Counsel for Governor Earl Ray Tomblin
Chris Ferro for Commissioner of Agriculture Walt Helmick

Guests

Kathy Schultz, Attorney General’s Office
Jeff Amburgey, Tax Department
Scott McNeil, Tax Department
John McHugh, Division of Highways
Eric Hudnall, Division of Highways
Danny Ellis, Treasurer’s Office
Mack Parsons, Auditor’s Office
Phil Kabler, WV Gazette
Ashley Summitt, Secretary of State’s Office
Judy Cooper, Secretary of State’s Office
Curt Zickefoose, Secretary of State’s Office
Bradley Harris, Secretary of State’s Office

The West Virginia Board of Public Works met on Monday, September 30, 2013 at 2:00 p.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. This meeting was held pursuant to the provisions of Chapter 11, Article 6, Section 11 of the West Virginia Code. Due to the absence of Governor Tomblin, the meeting was called to order and chaired by Auditor Gainer. A quorum of elected officials was established.

The first item on the agenda was the approval of minutes from the June 17, 2013 West Virginia Board of Public Works meeting. Treasurer Perdue moved to approve the minutes with Attorney General Morrissey seconding the motion. The motion carried.

The second item on the agenda was a presentation by the State Tax Department concerning tentative assessments for public utility companies for tax year 2014. Jeff Amburgey, Director of the Property Tax Division, addressed the Board. The Department of Tax and Revenue issued notices of tentative assessed values to public utility companies operating in West Virginia on September 13, 2013. For Tax Year 2014, the total of all of the utility assessments in the State was \$9,129,740,500. This represents an increase of \$179,133,100 over the final assessed values

set by the Board of Public Works for tax year 2013. Mr. Amburgey explained that the increase this year is attributable to an increase of taxable investment in West Virginia in certain industries; mainly the electric industry, pipeline industry and continued growth in the cellular industry. The electric industry has been replacing property as they do every year. Some companies in the pipeline industry are investing in additional assets to move the Marcellus gas. The cellular industry continues to grow and expand as more customers switch from land line phone service to wireless service. The increases have been offset this year by a decline in the coal industry, a decline in natural gas prices from 2011-2012 and a decrease in the land line phone industry. The decline in the coal industry has led to the closing of some coal powered power plants with a couple more scheduled to close in 2015. Those assets are being written off by the electric companies. The down turn in the coal industry has also affected the railroad industry. If the tentative values become finalized, this would result in an increase in property tax revenue of approximately 4 million dollars compared to last year. Treasurer Perdue made a motion to accept the tentative assessments for public utilities for tax year 2014 with Secretary Tennant seconding. The motion carried.

The next item on the agenda was consideration of placing drafted procedural rule 212CSR1, outlining the operation procedures of the WV Board of Public Works, out for public comment. Secretary Tennant addressed the Board. She explained that W. Va. Code §29A-3-3 requires governing boards to have a procedural rule in place. She continued that she would like the board to review the rule prior to putting it out for public comment. She added that this is an opportunity for people to learn more about the Board of Public Works as well as for agencies to learn the procedure for placing items on the agenda. Treasurer Perdue asked if the Attorney General had assessed the rule yet. Attorney General Morrissey said he had not. He stated he thought it would be beneficial to put off voting on any specifics until the next meeting. He added that he would come back with a couple of recommendations in time for the next meeting. Secretary Tennant stated that was the purpose of placing this item on the agenda, to open up the discussion and consider input from all of the members. Auditor Gainer asked the Attorney General for guidance on a particular issue. The issue of proxy voting has been debated by the board multiple times over the years. He stated that he and the Treasurer are statutorily allowed to appoint somebody to represent them. He's not sure if that is true for all constitutional officers. He would like to know whether or not members are allowed to send representatives and whether or not you truly have a quorum if you don't have a majority of the constitutional officers present. Attorney General Morrissey stated that was one of the issues he already planned to look in to. The Attorney General made a motion to hold this agenda item over until the next meeting with Treasurer Perdue seconding. The motion carried. The item will be placed on the agenda for the next meeting.

The final item on the agenda was discussion of the following deeds listed 1 through 5 seeking approval by the Board of Public Works.

1. Between the West Virginia Department of Transportation, Division of Highways and Benedum Airport Authority, dated October 25, 2012, approved as to form by the Attorney General's Office August 26, 2013.

2. Between Preston County Economic Development Authority and the West Virginia Department of Transportation, Division of Highways, dated January 3, 2013, approved as to form by the Attorney General's Office August 26, 2013.
3. Between the Jefferson County Board of Education and the West Virginia Department of Transportation, Division of Highways, dated July 22, 2013, approved as to form by the Attorney General's Office September 23, 2013.
4. Between the West Virginia Department of Health and Human Resources and the West Virginia Department of Transportation, Division of Highways, dated August 20, 2013, approved as to form by the Attorney General's Office September 23, 2013.
5. Between the City of Clarksburg Board of Park Commissioners and the West Virginia Department of Transportation, Division of Highways, dated November 27, 2012, approved as to form by the Attorney General's Office September 26, 2013.

John McHugh addressed the Board concerning deed number 1. This transfer was requested by the Benedum Airport Authority. There is a road at the end of the runway that goes to lighting towers. They need the road for access to the lighting towers. The conveyance includes 2 tracts totaling 2.4 acres. Dr. Phares made a motion to approve deed number 1 with Treasurer Perdue seconding. The motion carried.

John McHugh addressed the Board concerning deed number 2. This transfer involves the construction of an industrial access road that supports the DOH trucking facility. The road has already been built. This conveys the property back to Highways. Treasurer Perdue made a motion to approve deed number 2 with Secretary Tennant seconding. The motion carried.

John McHugh addressed the Board concerning deed number 3. This deed involves property located adjacent to Harpers Ferry Middle School and US 340 Alternate. More room was needed to get the school buses in and out. The Board of Education constructed an increase in turning radius. They are conveying it to Highways, and Highways will maintain it. Treasurer Perdue made a motion to approve deed number 3 with Attorney General Morrisey seconding. The motion carried.

John McHugh addressed the Board concerning deed number 4. This property is one of the parcels from the improvement to Route 10 project. Treasurer made a motion to approve deed number 4 with Secretary Tennant seconding. The motion carried.

John McHugh addressed the Board concerning deed number 5. This involves the relocation of WV 98. Property has been exchanged for the construction of the new VA park bridge. Construction has already been completed. Treasurer Perdue made a motion to approve deed number 5 with Secretary Tennant seconding. The motion carried.

With no further business, Secretary Tennant made a motion to recess the meeting until November 13, 2013 with Treasurer Perdue seconding. The motion carried. The meeting recessed.

A handwritten signature in black ink, reading "Natalie E. Tennant". The signature is written in a cursive style with a horizontal line underneath the name.

Natalie E. Tennant, Secretary of State and
Ex-Officio Secretary of the West Virginia
Board of Public Works