

**West Virginia Board of Public Works**  
**Tuesday, July 26, 2022 – 10:00 a.m.**  
**Governor’s Cabinet and Conference Room**  
**Minutes**

**Attendees:**

Members

Jim Justice, Governor  
Patrick Morrissey, Attorney General  
Kent Leonhardt, Commissioner of Agriculture  
Riley Moore, State Treasurer  
Mac Warner, Secretary of State by teleconference line  
John B. McCuskey, State Auditor by teleconference line  
Steve Connolly for State Auditor John B. McCuskey  
Clayton Burch, State Superintendent of Schools by teleconference line

Guests

Chad Toney, Division of Highways  
Nathaniel Tawney, Department of Transportation  
Jennifer Greenlief, Comm. Of Agriculture’s Office  
Brian Abraham, Governor’s Office  
Berkeley Bentley, Governor’s Office  
Kenneth Adkins, Wayne Co. Commission  
Jim Boggs, Wayne Co. Commission  
James Maddox, Wayne Co. Commission  
Kathy Schultz, Attorney General’s Office  
Will Ballard, Attorney General’s Office  
Frank Capehart, Tax Department  
Deanna Sheets, Tax Department  
Lindsay Marchio, Treasurer’s Office  
Chuck Flannery, Secretary of State’s Office  
Chris Alder, Secretary of State’s Office  
Maureen Lewis, Secretary of State’s Office

The West Virginia Board of Public Works met on Tuesday, July 26, 2022 at 10:00 a.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Governor Justice. A quorum of members was established.

The first item on the agenda was the approval of minutes from the March 11, 2022 West Virginia Board of Public Works meeting. Treasurer Moore made a motion to approve the minutes. Attorney General Morrissey seconded. The motion carried.

The second item on the agenda was consideration of utility requests for relief from erroneous assessment pursuant to W. Va. Code §11-6-12a from Baron's Bus Lines for Lakefront Lines Inc. and Central Cab Company fka Coach USA.

Kathy Schultz addressed the Board. She explained that both companies received their assessment and failed to file a timely appeal. With regard to Central Cab Company, the Board needs documentation to determine whether or not they were in business for the tax year in which they are being taxed. The information that has been submitted states that they are no longer in business, but that is incomplete information. She recommended asking the company to provide documentation of what property they had and what business they were doing in the tax years in question, so that it can be evaluated as to whether it properly falls under an exoneration. With regards to Baron's Bus Lines, their situation is different. They are claiming that they pay taxes to the IRP, which is an international group that requires DMV registration compliance. West Virginia gets paid based upon the proportion of travel within the state. Although it has been requested, the Board does not have documentation that their was actually a payment made. She continued that for either company to get an exoneration from the Board, they have to show that the assessments were a mistake or a clerical error. Both companies are requesting this even though they failed to exercise their appeal process. The Secretary of State sends all of the companies notices of the tax assessment, the Auditor sends another letter, and the Attorney General's office gets involved on the back end by sending letters and contacting the companies. That is when these companies were prompted to send their requests. Better documentation is needed from both companies about what business they were involved in, in the tax years in question for verification purposes. Brian Abraham asked, since more information is needed, if she is recommending tabling this item until the next meeting. Ms. Schultz responded that both requests should be tabled. More information is needed from both companies so that the Board can determine whether or not an exoneration is appropriate. Commissioner Leonhardt asked if there is knowledge of any assets of either of the two companies remaining in the state. Ms. Schultz replied that needs to be reviewed as well.

Steve Connolly made a motion to table both considerations until the next meeting. Commissioner Leonhardt seconded. The motion carried.

The third item on the agenda was consideration of the following deeds listed 1 through 15 seeking approval by the Board of Public Works.

1. Between the West Virginia University Board of Governors and the West Virginia Department of Transportation, Division of Highways, dated April 12, 2022, approved as to form by the Attorney General's office May 23, 2022.
2. Between the West Virginia Higher Education Policy Commission and the West Virginia Department of Transportation, Division of Highways, dated February 10, 2022, approved as to form by the Attorney General's office July 6, 2022.

3. Between the Board of Education of Greenbrier County, WV and the West Virginia Department of Transportation, Division of Highways, dated March 22, 2022, approved as to form by the Attorney General's office June 14, 2022.
4. Between McDowell County Economic Development Authority and the West Virginia Department of Transportation, Division of Highways, parcel no. 4, dated January 21, 2022, approved as to form by the Attorney General's office July 6, 2022.
5. Between McDowell County Economic Development Authority and the West Virginia Department of Transportation, Division of Highways, parcel no. M4, dated January 21, 2022, approved as to form by the Attorney General's office July 6, 2022.
6. Between Mingo County Redevelopment Authority and the West Virginia Department of Transportation, Division of Highways, dated May 19, 2022, approved as to form by the Attorney General's office July 20, 2022.
7. Between State of West Virginia, Department of Commerce, Division of Natural Resources and the West Virginia Department of Transportation, Division of Highways, dated July 19, 2022, approved as to form by the Attorney General's office July 20, 2022.
8. Between West Virginia Department of Transportation, Division of Highways and the West Virginia Department of Transportation, Division of Multimodal Transportation Facilities, (tract 3.5) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
9. Between West Virginia Department of Transportation, Division of Highways and the West Virginia Department of Transportation, Division of Multimodal Transportation Facilities, (tract 3.4) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
10. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission, (tracts 3.93 and 3.94) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
11. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission, (tract 3.5) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
12. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission,

(tract 3.3) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.

13. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission, (tract 3.44.7) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
14. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission, (tract 3.54) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.
15. Between West Virginia Department of Transportation, Division of Multimodal Transportation Facilities and Wayne County Commission, (tract 3.4) dated July 22, 2022, approved as to form by the Attorney General's office July 22, 2022.

Governor Justice stated that full details regarding the deeds had been distributed. He asked if members would prefer to vote on each of the deeds one by one or listen to the information and vote on all of them at the same time.

Treasurer Moore made a motion to consider all of the deeds in a block together. Attorney General Morrissey seconded. The motion carried.

Chad Toney addressed the Board. The first deed with the WVU Board of Governors is for the Campus Drive/Beechurst Avenue intersection improvement project. Deed 2 with the Higher Education Policy Commission is for phase 2 of the Jefferson Road project, it is the old Carbide plant. Deed 3 is with the Board of Education of Greenbrier County. It is for a turn lane for Lewisburg Elementary. Deeds 4 and 5 are related, one is a mineral deed, and one is a surface deed, for the Coalfields Expressway in McDowell County. Deeds 6 and 7 are also related. Number 6 is with the Mingo Co. Redevelopment Authority, and 7 is with the DNR, for the Twin Branch Access Road. Deeds 8 through 15 are all related. This is the Prichard Intermodal Facility, also known as Heartland Intermodal. Deeds 8 and 9 had to first be put in the correct name of Division of Multimodal Transportation Facilities, which was created on July 1, 2022. The rest are similar deeds with the Wayne County Commission.

Commissioner Leonhardt made a motion to approve all 15 deeds. Attorney General Morrissey seconded. The motion carried.

The next item on the agenda was a potential Executive Session for discussions involving an update on proposed post collection activities, and the review of a settlement proposal from a taxpayer.

Attorney General Morrissey made a motion that the Board go in to Executive Session to talk about Capitol Telephone and Williams Transport, development of those two matters. Treasurer Moore seconded. The motion carried.

The Board came out of Executive Session. Governor Justice stated that no decisions had been made during the Executive Session.

Attorney General Morrissey made a motion for approval to obtain services of appropriate people to help effectuate the sale of the real property pertaining to Capitol Radio Telephone, where there is a judgement order in the amount of \$486,000. Treasurer Moore seconded. The motion carried.

With no further business, Attorney General Morrissey made a motion to adjourn the meeting. Commissioner Leonhardt seconded. The motion carried. The meeting adjourned.



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Mac Warner, Secretary of State and Ex-  
Officio Secretary of the WV Board of Public  
Works