

**West Virginia Board of Public Works
Friday, September 29, 2023 – 1:30 p.m.
Governor’s Cabinet and Conference Room
Minutes**

Attendees:

Members

Patrick Morrissey, Attorney General
Mac Warner, Secretary of State
Michele Blatt, State Superintendent of Schools
Kent Leonhardt, Commissioner of Agriculture
Russ Rollyson for State Auditor J. B. McCuskey
Ann Urling for Governor Jim Justice
Sarah Canterbury for Treasurer Riley Moore

Guests

Chad Toney, Division of Highways
Matthew Irby, Commissioner, Tax Division
Frank Capehart, Tax Division
Ting Zhu, Tax Division
April Robertson, Dept. of Health and Human Resources
Lindsay Marchio, Treasurer’s Office
Sean Whelan, Attorney General’s Office
Steve Adams, Ogden Newspapers
Donald Kersey, Secretary of State’s Office
Maureen Lewis, Secretary of State’s Office

The West Virginia Board of Public Works met on Friday, September 29, 2023 at 1:30 p.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Attorney General Patrick Morrissey. A quorum of members was established.

The first item on the agenda was the approval of minutes from the May 24, 2023 West Virginia Board of Public Works meeting. Commissioner Leonhardt made a motion to approve the minutes. Secretary Warner seconded. The motion carried.

The second item on the agenda was the formal receipt of the tentative assessments for public utility companies for tax year 2024 for review, as required by W. Va. Code §11-6-11. Commissioner Irby addressed the Board. He explained that the Property Tax Division prepared the tentative assessments for 2024 and delivered them to Board members on September 15th. They represent an approximate 957 million dollar increase from the prior year. He explained that this is another year of significant inflation impacting values. Attorney General Morrissey asked what the principal changes are with the taxes and tax rates based upon this year’s review. Commissioner Irby replied that significant increases were seen in electric utilities due to expansions in some of the companies. Railroad utilities also increased due to the increased movement of natural resources through the State. Attorney General Morrissey asked Commissioner Irby to explain the formal opportunities for companies to protest or object to their assessment. Commissioner Irby responded that the Tax Division issues tentative appraisals by September 15th. The Board accepts those and offers the opportunity for any

company to petition them and protest those values. He continued that what often occurs is the company contacts the Tax Division and they review the value that was produced based on the submitted financial statements. Many times the company will provide additional information that may result in some adjustments. The Tax Division will sometimes recommend adjustments outside of the formal process. He stated that they also provide the Board with all of the communications they have with companies to keep the Board apprised of those conversations. There were no further questions.

Commissioner Leonhardt made a motion to formally receive the tentative 2024 public utility assessments. Secretary Warner seconded. The motion carried.

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

1. Between the City of Morgantown and the West Virginia Department of Transportation, Division of Highways, dated April 18, 2023, approved as to form by the Attorney General's office August 18, 2023.
2. Between County Commissioners of Hancock County, WV and the West Virginia Department of Transportation, Division of Highways, dated June 5, 2023, approved as to form by the Attorney General's office August 18, 2023.
3. Between the Board of Education of the County of Nicholas and the West Virginia Department of Transportation, Division of Highways, dated March 30, 2023, approved as to form by the Attorney General's office August 18, 2023.
4. Between the West Virginia Department of Transportation, Division of Highways and the City of Keyser, dated August 31, 2023, approved as to form by the Attorney General's office September 18, 2023.
5. Between the West Virginia Department of Health and Human Resources, State Board of Controls of West Virginia and the City of Beckley, dated July 28, 2023, approved as to form by the Attorney General's office September 20, 2023.

Chad Toney addressed the Board regarding deeds 1 through 4. He explained that deed number 1 is part of the West Run Road widening project in Morgantown. Deed number 2 involves the straightening of Route 2 in Hancock County and the removal of two railroad crossings along the main line. Deed number 3 is a right-of-way for Webster Road widening in Nicholas County. Deed number 4 is the sale of an approximately 300 square foot property to the City of Keyser for part of a wastewater facility.

Commissioner Leonhardt made a motion to approve deeds 1 through 4. Secretary Warner seconded. The motion carried.

April Robertson addressed the Board regarding deed number 5. She explained that this involves a building situated on the parcel of property that is part of the Jackie Withrow Hospital in Beckley. It has been used as a homeless shelter by the City via a 501(c)(3) corporation, the Raleigh County Community Action Association, for many years under a lease with the DHHR. The DHHR has no anticipated future use for the building. The building is old and in need of repairs, which will be burdensome for the State to continue taking care of. The corporation would like to purchase the building in order to use the collateral to seek loans and grants to improve it themselves. The City agreed to have the property transferred to them in order to maintain the homeless shelter where it is currently located. Attorney General Morrisey asked if the nonprofit will be refurbishing the building. Ms. Robertson replied yes. It is viewed as a continued benefit to the City and the residents there. Commissioner Leonhardt asked if they were going to need right-of-way access. Ms. Robertson responded that it is surrounded by roads already being used.

Commissioner Leonhardt made a motion to approve deed number 5. Secretary Warner seconded. The motion carried.

With no further business, Commissioner Leonhardt made a motion to recess the meeting until the public hearing for the public utility tax assessments. Secretary Warner seconded. The motion carried. The meeting recessed.



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