

**West Virginia Board of Public Works  
Monday, June 17, 2013 – 2:00 p.m.  
Governor's Cabinet and Conference Room  
Minutes**

**Attendees:**

Members

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

Guests

Kathy Schultz, Attorney General's Office  
Russ Rollyson, Auditor's Office  
Bob Paulson, Department of Administration  
Tony O'Leary, Department of Administration  
Secretary Taylor, Department of Administration  
Melvin Jones, West Virginia State University  
Tom Bennett, West Virginia State University  
David Neil, Division of Highways  
Eric Hudnall, Division of Highways  
Alma Simpson, Department of Education  
Joe Garcia, Governor's Office  
Ashton Marra, WV Public Radio  
Phil Kabler, WV Gazette  
Ashley Summitt, Secretary of State's Office  
Sheryl Webb, Secretary of State's Office  
Curt Zickafoose, Secretary of State's Office  
Bradley Harris, Secretary of State's Office  
Michael Garcia, Secretary of State's Office  
J.R. Hamilton, Secretary of State's Office  
Claire Burgess, Secretary of State's Office  
Kristin Ross, Secretary of State's Office

The West Virginia Board of Public Works met on Monday, June 17, 2013 at 2:00 p.m. in the Governor's Cabinet and Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Governor Tomblin. A quorum of members was established.

The first item on the agenda was the approval of the minutes from the April 4, 2013 West Virginia Board of Public Works meeting. Auditor Gainer moved to approve the minutes. The motion carried.

The second item on the agenda was a presentation by the State Department of Education for consideration and approval of the following Instructional Material Bonds pursuant to WV Code §18-2A-4:

<b>Publisher</b>	<b>Bond Number</b>
<b>Contracts and Bonds for Social Studies Adoption</b>	
1. American Institute for History Education (AIHE)	LSM0474770
2. Cengage Learning, Inc.	K08590758
3. Cengage Learning, Inc. dba National Geographic Learning	K08590795
4. Center for Democracy and Citizenship Education	10665
5. Clairmont Press, Inc.	1000826637
6. Holt McDougal, a division of Houghton Mifflin Harcourt Publishing Company	K08817546
7. Houghton Mifflin Harcourt Publishing Company	K08817509
8. McGraw-Hill Education, by its School Education Group	15039342
9. Pearson Education, Inc. publishing as Prentice Hall	K0868943A
<b>Contracts and Bonds for Off-Cycle Math Adoption</b>	
10. Carnegie Learning, Inc.	41261020
11. Houghton Mifflin Harcourt Publishing Company	K08817662
12. Houghton Mifflin Harcourt Publishing Company	K08817625
13. McGraw-Hill Education, by its School Education Group	15039341
14. Pearson Education, Inc., publishing as Prentice Hall	K08689477
15. Pearson Education, Inc., publishing as Scott Foresman	K08689519
16. Scholastic, Inc.	15037816

Alma Simpson, instructional materials coordinator for the WV Department of Education, addressed the Board. She presented the contracts and bonds for the publishers who bid materials for the social studies and off-cycle math adoption. The materials have been reviewed and approved as to form by the Attorney General's office. Attorney General Morrissey asked what curriculum year the materials are for. Ms. Simpson replied that they will go into effect in the fall of 2013. They will stay in effect for six years. The Attorney General asked for information

about the materials such as common core and proposed guidelines. Ms. Simpson replied that the textbooks are for social studies. There are no common core state standards for social studies. The department has next generation standards for social studies which include the literacy standards as well as the content specific requirements. The materials were reviewed for alignment with the department's next generation standards which are not common core. The Attorney General asked if the textbooks are West Virginia specific. Ms. Simpson responded that they are. She explained that for almost any book developed with specific criteria, the department does not use national standards. For any subject area, the department brings in teachers who develop the criteria and the department reviews it based on their criteria. She continued by explaining that almost every book designed for a large population, the focus is common core. In West Virginia, common core is not the only standard used for developing criteria. They use West Virginia objectives and standards. Commissioner Helmick made a motion to approve the contracts and bonds with Auditor Gainer seconding. The motion carried.

The third 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 the City of Charles Town, dated September 25, 2012, approved as to form by the Attorney General's Office March 18, 2013.
2. Between the West Virginia Department of Transportation, Division of Highways and the County Commission of Wood County, West Virginia, dated April 17, 2013, approved as to form by the Attorney General's Office April 3, 2013.
3. Between the West Virginia Department of Administration, Real Estate Division and West Virginia State University, dated May 6, 2013, approved as to form by the Attorney General's Office May 13, 2013.
4. Between the West Virginia Department of Administration, Real Estate Division and The County Commission of Marion County, dated June 4, 2013, approved as to form by the Attorney General's Office June 7, 2013.
5. Between The West Virginia Board of Education and the City of Romney Building Commission, dated June 13, 2013, approved as to form by the Attorney General's Office June 13, 2013.

David Neil addressed the Board concerning deed number 1. The DOH is conveying to the City of Charles Town .15 acres for the installation of a back-up generator to provide power to the city's water plant in the event of an electrical outage. The deed contains a reverter clause. Secretary Tennant asked if they have begun to prepare the site for the generator. Mr. Neil replied they are ready to start construction upon approval of the transfer. Attorney General Morrissey made a motion to approve the transfer with Commissioner Helmick seconding. The motion carried.

David Neil addressed the Board concerning deed number 2. The DOH is conveying to the county commission 2 tracts totaling 2.26 acres. The county will use the property to expand and improve Fort Boreman Park adjacent to US 50. The deed contains a reverter clause. Auditor Gainer made a motion to approve deed number 2. Commissioner Helmick asked if the property being conveyed is owned in fee or if only part of the property is being conveyed. Mr. Neil responded that he did not believe this property is in fee ownership. Typically the DOH is limited, by legislature and statute, in its right of way acquisitions to easements for roadway purposes. Commissioner Helmick stated that what he was interested in, for future purposes, is who owns the sub-surface of the property for development. He wondered if the Board is conveying the surface and the sub surface with all rights to minerals or just a portion of it by conveying just the surface. Mr. Neil responded that this conveyance is just a right-of-way not the fee ownership. Danny Ellis asked if on the 2.26 acres, the DOH just had the surface ownership and no mineral rights included. Mr. Neil answered that was correct. Commissioner Helmick asked who owned the minerals. Mr. Neil responded that each property would be looked at independently to determine if there are any minerals of any economic value underneath the tract. Typically when the DOH acquires a right-of-way, they can only acquire the right-of-way for the highway purpose by statute since 1963. Commissioner Helmick again questioned who owns the mineral rights once a property has been conveyed. Attorney General Morrissey stated that issue is usually identified and addressed provisionally. Eric Hudnall addressed the Board. He explained that the deed before the Board is only for the interest the Division of Highways acquired. Since it was taken after 1963, the DOH is only conveying its interest and does not include mineral rights. Commissioner Helmick asked if that was not the case, would it be spelled out. Mr. Hudnall said it would. Mr. Neil continued that if the DOH had fee ownership, it would be shown in the submitted documents. Governor Tomblin asked if there was a second to Auditor Gainer's motion. Commissioner Helmick seconded. The motion carried.

Bob Paulson addressed the Board concerning deed number 3. The Department of Administration is conveying property to West Virginia State University that it acquired in 2010. At that time, there were plans for the area that never came to fruition. The department thinks the best use for the property is to grant it to WVSU. Governor Tomblin asked if this is the old rehabilitation facility property. Mr. Paulson said it is. The deed contains a reverter clause and there are no subsurface rights included. Secretary Tennant asked a representative of WVSU if they knew what the property would be used for. Melvin Jones addressed the Board. He explained that West Virginia State University would use the property for expansion to the main campus. They plan to assess each building one at a time with a goal of refurbishing at least one of the buildings. Dr. Phares made a motion to approve deed number 3 with Secretary Tennant seconding. The motion carried.

Bob Paulson addressed the Board concerning deed number 4. He explained that this relates to what was known as the Arch Moore Office Complex in Fairmont. Some years ago, the office complex fell in to disrepair. Upon receiving the deed from the Marion County Building Authority 2 years ago, the department was able to tear down the old building. Construction on another office complex has already begun, so this property is no longer needed. Marion County has expressed an interest in the property. The deed contains a reverter clause. Secretary Tennant made a motion to approve deed number 4 with Auditor Gainer seconding. The motion carried.

Sherrie Goodman addressed the Board concerning deed number 5. She explained that this deed is on behalf of the WV School for the Deaf and the Blind in Romney. It is an L-shaped piece of property of about 18,000 square feet. It is needed for a sewer project that is in part federally funded. Because it is federally funded, it requires the property to be owned rather than to have just an easement. The deed contains a reverter clause and a 50 foot temporary construction easement. She explained that this is a quit claim deed because the property was received in 1929 and Ms. Goodman has not seen the deed and does not know if it is surface only. Commissioner Helmick stated that at some point the Board will have to address what is being conveyed in West Virginia. This should be done as the transfers go through the process. Commissioner Helmick asked if the reason it is a quit claim deed is because they do not have a clear deed to the parcel available. Ms. Goodman responded that they typically do this because they don't want to fund a title search and don't want the liability of a general warranty. Governor Tomblin asked if there is a deed to show that the school in Romney owns the property. Ms. Goodman replied that there is a deed recited by book and page number prepared by an attorney in Romney. She did not obtain a copy of it. Attorney General Morrissey made a motion to approve deed number 5 with Auditor Gainer seconding. The motion carried.

Governor Tomblin asked if there was anything else to come before the Board. Secretary Tennant stated that the Governor and his staff have done a great job planning the sesquicentennial celebration that begins on Thursday. She welcomed anybody that would like to stop by the Secretary of State's office throughout the festivities. Dr. Phares made a motion to adjourn the meeting with Auditor Gainer seconding. The meeting adjourned.



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