

**West Virginia Board of Public Works
December 19, 2013 – 2:00 p.m.
Governor's Cabinet and Conference Room
Minutes**

Attendees:

Members

Governor Earl Ray Tomblin
State Auditor Glen B. Gainer
Secretary of State Natalie E. Tennant
Agriculture Commissioner Walt Helmick
Attorney General Patrick Morrisey
State Superintendent of Schools Dr. James Phares
Josh Stowers for State Treasurer John D. Perdue

Guests:

Mark Matkovich, Commissioner, State Tax Department
Jeff Amburgey, State Tax Department
Scott McNeil, State Tax Department
Eric Hudnall, Division of Highways
Beth Lowe, Division of Highways
Gabrielle Wohl, Governor's Office
Peter Markham, Governor's Office
Joe Garcia, Governor's Office
Chris Ferro, Department of Agriculture
Tim Conaway, Boone County Commission
John McHugh, WV Military Authority
Gary Furbee, West Virginia University
Sherri Goodman, Department of Education
Kathy Schultz, Attorney General's Office
Tracy Webb, Attorney General's Office
Russ Rollyson, Auditor's Office
Ashley Summitt, Secretary of State's Office
Judy Cooper, Secretary of State's Office
Sheryl Webb, Secretary of State's Office
Curt Zickefoose, Secretary of State's Office
Bradley Harris, Secretary of State's Office
Jake Glance, Secretary of State's Office
Claire Burgess, Secretary of State's Office
Michael Garcia, Secretary of State's Office
Phil Kabler, WV Gazette
Jennifer Donohue
Trip Gabriel, New York Times
Ty Wright, New York Times

The West Virginia Board of Public Works met on Thursday, December 19, 2013 at 2:00 p.m. in the Governor's Cabinet and Conference Room, Building 1, Suite 10 of the State Capitol Complex. The meeting was called to order and chaired by Governor Earl Ray Tomblin. A quorum of elected officials was established.

(Attached is a transcript of the meeting.)

A handwritten signature in black ink, reading "Natalie E. Tennant", written in a cursive style. The signature is positioned above a solid horizontal line.

Natalie E. Tennant,
Secretary of State
And Ex-Officio Secretary of the
Board of Public Works

STATE OF WEST VIRGINIA

BOARD OF PUBLIC WORKS

MEMBERS OF THE BOARD:

GOVERNOR EARL RAY TOMBLIN

NATALIE TENNANT, SECRETARY OF STATE

DR. JAMES PHARES, SUPERINTENDENT OF SCHOOLS

JOSH STOWERS, PROXY FOR THE TREASURER

PATRICK MORRISEY, ATTORNEY GENERAL

WALT HELMICK, COMMISSIONER OF AGRICULTURE

GLEN GAINER, AUDITOR

December 19, 2013

2:05 PM

WEST VIRGINIA CAPITOL COMPLEX

Building 1, Governor's Conference Room

Charleston, West Virginia

PENNY L. KERNS

Certified Court Reporter
and Notary Public

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Reporter's certificate, 27

1 P R O C E E D I N G S

2
3 GOVERNOR TOMBLIN: The Board of Public
4 Works will come to order. The first item on the agenda
5 is number two on your list. Receive and approve the
6 final assessments from the public utilities for tax year
7 2014, and we have Jeff Amburgy. Jeff, do you want to
8 address the Board, please?

9 MR. AMBURGY: If it pleases the
10 Board, Jeff Amburgy, Director of the Property Tax
11 Division. The Board held a meeting on November 13th to
12 solicit comments from the public utility companies
13 operating in West Virginia, hearing any protests they
14 may have of the values that were tentative on September
15 13th. At that meeting no utilities protested. That was
16 the first time in many years.

17 Even though there were no protests, oftentimes
18 after we send out the tentative notices, companies will
19 notify us of some issues that were in the tentative
20 assessments or they may file a return late or they may
21 file an amended return. So the department sent a
22 memorandum to the Board members recently recommending
23 some changes to the tentative assessments. It is
24 attached to the memo as an exhibit.

1 The recommended changes set forth in the
2 exhibit would modify the tentative value total of
3 \$9,129,740,500 to a final value of \$9,103,441,100. The
4 recommended final would still represent an increase of
5 about \$153,000,000 when compared to the values the Board
6 finalized last year.

7 The Tax Department is here today to recommend
8 that the Board modify the tentative assessments of
9 September 13th to include the recommendations that we
10 attached in the exhibit on the memo to the Board. At
11 this time I'll be glad to entertain any questions the
12 Board may have.

13 GOVERNOR TOMBLIN: Are there any
14 questions of Mr. Amburgy? If not, do I hear a motion to
15 approve the modified final assessments of the Tax
16 Department for public utilities for tax year 2014?

17 COMMISSIONER HELMICK: I so move.

18 SECRETARY TENNANT: Second.

19 GOVERNOR TOMBLIN: It has been moved by
20 the Agriculture Commissioner and seconded by the
21 Secretary of State. All those in favor of the motion
22 will say aye.

23 (Ayes responded.)

24 GOVERNOR TOMBLIN: Opposed no.

1 (No response.)

2 GOVERNOR TOMBLIN: The ayes have it, and
3 I declare the motion adopted. The final assessments are
4 approved. The next item will be a series of property
5 transfers and the first will be between the City of
6 Charleston and the West Virginia Division of
7 Corrections. Who do we have to speak to this transfer,
8 anybody?

9 (No response.)

10 GOVERNOR TOMBLIN: Well, we don't have
11 anybody here. Actually, you do have all the deeds and
12 so forth. They should be in your packet today. Do I
13 have a motion to approve the transfer between the City
14 of Charleston and the West Virginia Division of
15 Corrections?

16 COMMISSIONER HELMICK: I move.

17 ATTY. GENERAL MORRISEY: Second.

18 GOVERNOR TOMBLIN: Commissioner Helmick
19 moves and the Attorney General seconds. All those in
20 favor will say aye.

21 (Ayes responded.)

22 GOVERNOR TOMBLIN: Let me ask, is there
23 a discussion?

24 SECRETARY TENNANT: The only discussion I

1 would have is just to point out that this one was, in
2 absence of anyone from the Department of Corrections or
3 the City of Charleston, that it was just asking to have,
4 being used for handicap ramps at the entrance of the
5 Department of Corrections facility. Just for the
6 record, I just wanted to mention that.

7 GOVERNOR TOMBLIN: All right. Further
8 discussion? If not, all those in favor will say aye.

9 (Ayes responded.)

10 GOVERNOR TOMBLIN: Opposed no.

11 (No response.)

12 GOVERNOR TOMBLIN: The ayes have it. I
13 declare the motion adopted. The next one between the
14 West Virginia Board of Education and the City of St.
15 Marys.

16 MS. GOODMAN: Sherry Goodman, staff
17 attorney. This is simply for a temporary construction
18 easement and a permanent easement and right of way for a
19 well that the City of St. Marys wants to place on the
20 property of the Mid-Ohio Valley Technical Institute, and
21 there is a reverter in the deed if the well ever stops
22 producing, that it will revert back.

23 GOVERNOR TOMBLIN: Okay. Do I hear a
24 motion to approve?

1 DR. PHARES: So move.
2 GOVERNOR TOMBLIN: The Superintendent
3 moves. Second?
4 ATTY. GENERAL MORRISEY: Second.
5 GOVERNOR TOMBLIN: The Attorney General
6 seconds. Discussion? If not, all those in favor of the
7 motion will say aye.
8 (Ayes responded.)
9 GOVERNOR TOMBLIN: Opposed no.
10 (No response.)
11 GOVERNOR TOMBLIN: The ayes have it. I
12 declare the motion adopted. The next transaction
13 between the Board of Education of the County of Mingo
14 and the Department of Transportation, Division of
15 Highways.
16 SECRETARY TENNANT: I think there's -- we
17 have a new -- I think we have a new one, and it's in
18 your new packet. Number three, the smaller packet, is a
19 new deed. It's Boone County.
20 GOVERNOR TOMBLIN: All right. Let's get
21 the right one here. I see it now. Okay, let's go back
22 and try it one more time. The next transaction between
23 the County Commission of Boone County and Southern West
24 Virginia Community College Board of Directors. Yes,

1 sir.

2 MR. CONAWAY: I'm Tim Conaway,
3 representing the Boone County Commission. This is a
4 transfer of approximately ten acres to the Southern West
5 Virginia Community and Technical College. It's property
6 that was formerly acquired by the Boone County
7 Commission. The purposes of the transfer is hopefully
8 Southern will build an educational facility on the
9 property. Both Southern and Boone County believe that
10 such a facility would be of benefit to the area.

11 There is consideration passing in the amount
12 of \$275,000. There is not a reverter clause, primarily
13 because of the amount of the consideration and also
14 because the property is expected to remain vacant for a
15 period of time while Southern acquires funding to
16 construct the facility. I'd be happy to answer any
17 questions the Board has.

18 GOVERNOR TOMBLIN: Are there questions?

19 SECRETARY TENNANT: You think the
20 \$275,000 is, as it's stated in here, adequate, that it
21 wouldn't need a reverter clause? It doesn't have a
22 reverter clause. I mean your plan is you feel it's a
23 significant amount of money?

24 MR. CONAWAY: Well, County

1 Commission, the property appraised for \$440,000. The
2 County Commission bought it for \$420,000. The County is
3 keeping two acres out of the purchase. So if it's not
4 adequate consideration, it's pretty close. And the
5 Commission thinks that it would be a boon to Boone to
6 have educational facilities there for obvious reasons,
7 to help educate our kids.

8 GOVERNOR TOMBLIN: Do I hear a motion?

9 SECRETARY TENNANT: I move that we accept
10 this deed between the County Commission of Boone County
11 and Southern West Virginia Community College Board of
12 Governors.

13 GOVERNOR TOMBLIN: The Secretary moves.
14 Do I hear a second?

15 AUDITOR GAINER: Second.

16 GOVERNOR TOMBLIN: The Auditor seconds.
17 Discussion? All those in favor will say aye.

18 (Ayes responded.)

19 GOVERNOR TOMBLIN: Opposed no.

20 (No response.)

21 GOVERNOR TOMBLIN: The ayes have it. I
22 declare the motion adopted. Thank you, sir. The next
23 transaction between, now we're on track again, the Board
24 of Education of the County of Mingo and the West

1 Virginia Department of Transportation, Division of
2 Highways.

3 MR. HUDNALL: Thank you, Governor.
4 Eric Hudnall for the Division of Highways, Right-of-Way
5 Division, Legal Section. This deed, the purpose of this
6 deed is to build an access road and an overpass to Tug
7 Valley High School. Total take right at two acres.
8 Right around two acres for non-controlled access to the
9 permanent drainage easement as well as a temporary
10 construction easement of four hundred forty-five square
11 feet.

12 GOVERNOR TOMBLIN: Are there questions?
13 Do I hear a motion?

14 DR. PHARES: So move.

15 GOVERNOR TOMBLIN: The Superintendent
16 moves.

17 AUDITOR GAINER: Second.

18 GOVERNOR TOMBLIN: The Auditor seconds.

19 Discussion? If not, all those in favor will say aye.

20 (Ayes responded.)

21 GOVERNOR TOMBLIN: Opposed no.

22 (No response.)

23 GOVERNOR TOMBLIN: The ayes have it. I
24 declare the motion adopted. The next transaction is

1 between the West Virginia Department of Highways and --
2 the Department of Transportation, Division of Highways
3 and the City of Charleston.

4 MR. HUDNALL: Thank you, Governor.
5 This one is a sale of DOH right-of-way to allow the City
6 of Charleston to take ownership of an area that
7 previously they were leasing from the department for a
8 sewer pump station over here on Court Street close to
9 Green's Feed and Seed. It also included a little strip
10 of existing right-of-way that was in front of that to
11 allow them to have access back into that facility.

12 GOVERNOR TOMBLIN: Are there questions
13 of counsel?

14 SECRETARY TENNANT: I guess the question
15 -- I don't know if I read this correctly. Will this
16 count as the recorded deed now that they were looking
17 for?

18 MR. HUDNALL: Yes.

19 SECRETARY TENNANT: Okay.

20 MR. HUDNALL: Well, I don't
21 understand the question actually.

22 SECRETARY TENNANT: Here it said the City
23 began major renovation of the Court Street and in
24 preparation was unable to locate a properly recorded

1 deed. So this is going to --

2 MR. HUDNALL: This is going to give
3 them title to something that's been there for a long
4 time.

5 SECRETARY TENNANT: That's right. Right.
6 Okay.

7 GOVERNOR TOMBLIN: Do I hear a motion?

8 AUDITOR GAINER: So move.

9 GOVERNOR TOMBLIN: Auditor moves. Do I
10 hear a second?

11 ATTY. GENERAL MORRISEY: Second.

12 GOVERNOR TOMBLIN: Attorney General
13 seconds it. Discussion? If not, all those in favor
14 will say aye.

15 (Ayes responded.)

16 GOVERNOR TOMBLIN: Opposed no.

17 (No response.)

18 GOVERNOR TOMBLIN: The ayes have it. I
19 declare the motion adopted. The next item is between
20 the City of Clarksburg and the Department of
21 Transportation, Division of Highways.

22 MR. HUDNALL: Thanks, Governor.
23 This is an acquisition of an industrial access road
24 where the department took in .68 of a mile of Ohio

1 Avenue and five hundred and eighty feet of North Fourth
2 Street in Clarksburg to construct this industrial access
3 road.

4 GOVERNOR TOMBLIN: Are there questions
5 of counsel? Do I hear a motion to approve?

6 COMMISSIONER HELMICK: So move.

7 GOVERNOR TOMBLIN: Mr. Helmick moves.
8 Do I hear a second?

9 ATTY. GENERAL MORRISEY: Second.

10 GOVERNOR TOMBLIN: Attorney General
11 seconds. Discussion? All those in favor will say aye?

12 (Ayes responded.)

13 GOVERNOR TOMBLIN: Opposed no?

14 (No response.)

15 GOVERNOR TOMBLIN: And the ayes have it.
16 I declare the motion adopted. Item number seven between
17 the State of West Virginia for the use and benefit of
18 the State Armory Board and the West Virginia Department
19 of Transportation, Division of Highways. Counsel?

20 MR. HUDNALL: Thank you, Governor.
21 This is an acquisition for DOH to allow construction of
22 an access road to the Moorefield Readiness Center, also
23 known as Freedom Way, for a total take of 8.1 acres, 8.1
24 acres, but it's a nominal consideration so this deed

1 also has a reversionary clause in it.

2 GOVERNOR TOMBLIN: Are there questions
3 of counsel? Do I hear a motion?

4 SECRETARY TENNANT: So move.

5 GOVERNOR TOMBLIN: Secretary moves. Do
6 I hear a second?

7 AUDITOR GAINER: Second.

8 GOVERNOR TOMBLIN: Auditor seconds.
9 Discussion? If not, all those in favor of the motion
10 will say aye.

11 (Ayes responded.)

12 GOVERNOR TOMBLIN: Opposed no.

13 (No response.)

14 GOVERNOR TOMBLIN: The ayes have it. I
15 declare the motion adopted. Item number eight. The
16 State of West Virginia for use and benefit of the State
17 Armory Board of West Virginia, Department of
18 Transportation.

19 MR. HUDNALL: This deed is to allow
20 the construction of the Coonskin Park Project. It's
21 approximately thirty-two thousand square feet. It's on
22 the west bank of the Elk River on 119 to allow the tie
23 in on that side of the river.

24 GOVERNOR TOMBLIN: Questions of counsel?

1 If not, do I hear a motion to approve?

2 MR. GAINER: So move.

3 GOVERNOR TOMBLIN: Auditor moves.

4 Second?

5 SECRETARY TENNANT: Second.

6 GOVERNOR TOMBLIN: Secretary of State
7 seconds. Discussion? All those in favor of the motion
8 will say aye.

9 (Ayes responded.)

10 GOVERNOR TOMBLIN: Opposed no.

11 (No response.)

12 GOVERNOR TOMBLIN: The ayes have it. I
13 declare the motion adopted. The next one also between
14 the Armory Board and the Division of Highways. Counsel?

15 MR. HUDNALL: This is an exchange
16 deed between the Department of Transportation and the
17 State Armory Board where the Department of
18 Transportation acquired .47 of an acre and the Armory
19 Board conveyed to the -- I'm sorry. The Armory Board --
20 Transportation conveys to the Armory Board .58 of an
21 acre and this is all in relation to the Morgantown
22 roundabout.

23 GOVERNOR TOMBLIN: Questions of counsel?

24 If not, do I hear a motion to approve?

1 ATTY. GENERAL MORRISEY: Motion to approve.

2 COMMISSIONER HELMICK: Second.

3 GOVERNOR TOMBLIN: The Attorney General
4 has moved and the Commissioner of Agriculture has
5 seconded. Discussion?

6 (No response.)

7 GOVERNOR TOMBLIN: All those in favor
8 will say aye.

9 (Ayes responded.)

10 GOVERNOR TOMBLIN: Opposed no.

11 (No response.)

12 GOVERNOR TOMBLIN: The ayes have it. I
13 declare the motion adopted. The next item is number ten
14 between the Armory Board and the Marion County Board of
15 Education.

16 MR. MCHUGH: Good afternoon. John
17 McHugh for West Virginia Military Authority.
18 Effectively this is the conveyance of the old Fairmont
19 Armory over to the Board of Education of Marion County.
20 And what they're going to do is they're going to use
21 this to consolidate some existing facilities and at the
22 same time use it to provide gymnasium space for Fairmont
23 Senior High School.

24 This is a conveyance of 6.95 acres and the

1 total consideration is three hundred thousand dollars.
2 This particular deed does contain a reversionary clause
3 in the event it is no longer used for public purposes
4 and attached to it is a plat depicting the property and
5 also a resolution or minutes from both grantor and
6 grantee.

7 GOVERNOR TOMBLIN: Are there questions
8 of counsel?

9 DR. PHARES: We've been trying to
10 buy that for ten years in Marion County and now I'd like
11 to make the motion.

12 GOVERNOR TOMBLIN: Do you have a
13 personal interest in that?

14 DR. PHARES: No, I don't, but I
15 have six years invested in trying to get that property.

16 GOVERNOR TOMBLIN: Lots of time.

17 DR. PHARES: Yeah.

18 GOVERNOR TOMBLIN: All right. The
19 Superintendent moves. Do we hear a second?

20 AUDITOR GAINER: I'll second as a
21 member of the Armory Board. We're glad to get this
22 done.

23 GOVERNOR TOMBLIN: It's been moved and
24 seconded. Discussion? If not, all those in favor will

1 say aye.

2 (Ayes responded.)

3 GOVERNOR TOMBLIN: Opposed no.

4 (No response.)

5 GOVERNOR TOMBLIN: The ayes have it and
6 I declare the motion adopted. Item number eleven for
7 the State Armory Board. The State Armory Board has been
8 busy. For the City of Morgantown.

9 MR. MCHUGH: This deed essentially
10 was actually already approved by the Board in 2010, but
11 we couldn't proceed because of the highway project that
12 Mr. Hudnall talked about earlier. But now that that's
13 done, we can go ahead and proceed to convey this
14 property to the City of Morgantown. And this is part of
15 a larger exchange that was done in order to build the
16 new armory in Morgantown. So really all that we did was
17 change the description in the deed that was approved
18 earlier.

19 GOVERNOR TOMBLIN: Are there questions
20 of counsel? Do I hear a motion to approve?

21 AUDITOR GAINER: So move.

22 GOVERNOR TOMBLIN: Auditor moves. Do I
23 hear a second?

24 SECRETARY TENNANT: Second.

1 GOVERNOR TOMBLIN: The Secretary
2 seconds. Discussion? All those in favor will say aye.

3 (Ayes responded.)

4 GOVERNOR TOMBLIN: Opposed, no.

5 (No response.)

6 GOVERNOR TOMBLIN: The ayes have it. I
7 declare the motion adopted. The next item, number
8 twelve, between the WVU Board of Governors on behalf of
9 the University and the County Commission of Monongalia
10 County.

11 MR. FURBEE: Thank you, Mr.
12 Governor. On behalf of West Virginia University, I'm
13 Gary Furbee, the senior associate general counsel, and I
14 will be addressing both items, twelve and thirteen. In
15 essence, the County Commission and the University agreed
16 about eleven years ago to exchange parcels that totaled
17 less than a quarter of an acre each. The University is
18 the beneficiary of an extra .02 acres out of
19 transaction. Both parcels are very close proximity to
20 one another.

21 Essentially, the County is transferring to the
22 University what would have been the front yard of the
23 Youth Services Center and the University is transferring
24 to the County what is the back yard. The front yard for

1 the last ten years has been the main entrance to Ruby
2 Memorial Hospital and Mountaineer Field and the
3 transaction is hopefully going to be completed with the
4 approval of these two deeds.

5 Neither deed has a reverter given the close
6 proximity and the equal exchange of acreage. We view
7 them to be of equal value and, quite honestly, if you
8 have the benefit of the plat, which I'm not sure if you
9 do, one of the parcels being exchanged by the County is
10 .01 acre. It would be a little cumbersome for future
11 title for attorneys.

12 GOVERNOR TOMBLIN: Whole new meaning for
13 the back yard brawl, I guess. Are there questions for
14 counsel?

15 AUDITOR GAINER: Initially we didn't
16 have the approval and action by the Commission and the
17 Board of Governors. Has that all taken place now?

18 MR. FURBEE: It has. In both
19 cases official approval occurred in 2002. The
20 University is still relying on that Board of Governors
21 adoption. For the County, just to be sure because they
22 had a changeover, they put it on their agenda last week
23 and it was moved and motioned to authorize this
24 exchange.

1 AUDITOR GAINER: I'd move approval.

2 GOVERNOR TOMBLIN: Any further

3 questions? If not, the Auditor moves.

4 SECRETARY TENNANT: I'll second.

5 GOVERNOR TOMBLIN: The Secretary of
6 State seconds. Discussion? If not, all those in favor
7 will say aye.

8 (Ayes responded.)

9 GOVERNOR TOMBLIN: Opposed no.

10 (No response.)

11 GOVERNOR TOMBLIN: The ayes have it. As
12 counsel said, item number thirteen is dealing with the
13 same issue.

14 MR. FURBEE: Exactly the same.

15 GOVERNOR TOMBLIN: Are there questions
16 on that one? If not, do I hear a motion to approve?

17 AUDITOR GAINER: So move.

18 GOVERNOR TOMBLIN: The Auditor moves.

19 SECRETARY TENNANT: Second.

20 GOVERNOR TOMBLIN: Secretary seconds.
21 Discussion? If not, all those in favor will say aye.

22 (Ayes responded.)

23 GOVERNOR TOMBLIN: Opposed no.

24 (No response.)

1 GOVERNOR TOMBLIN: The ayes have it. I
2 declare the motion adopted. The next item on the agenda
3 is unfinished business relating to recommendations on
4 the procedural rules of this board.

5 What I would suggest is that over the next
6 several weeks, that our counsel for the Board, our
7 individual attorneys sit down and look at these
8 discussions, because I think there's at least three
9 different proposals out there and maybe others that I
10 have not seen, but to be able to sit down around the
11 table and have a discussion on how we best resolve those
12 few differences we have.

13 Obviously if there's legislation that needs to
14 be introduced, I'll be happy to do that because I'll be
15 doing some cleanup bills anyhow. I would just suggest
16 that if we get the motion of approval that -- I realize
17 we've got the holidays and the legislature doesn't move
18 very quickly, but as soon after the first of the year as
19 possible that each of our counsel sit down together to
20 try to resolve some of the differences and work out the
21 language we would like to go forward with. Discussion?

22 SECRETARY TENNANT: Sure. If I may,
23 Governor, I would just like to say that the Secretary of
24 State's office put this forward as a simple procedural

1 rule. It doesn't necessarily mean legislative authority
2 or any legislation passed with it because --

3 GOVERNOR TOMBLIN: The only reason I say
4 that, there are some issues of law in there.

5 SECRETARY TENNANT: Yes, I take that
6 back. You are exactly right, because of the various
7 interpretations among the attorneys. You're right about
8 that.

9 GOVERNOR TOMBLIN: Clarification.

10 SECRETARY TENNANT: And we wanted to
11 present this, to have this type of discussion, because I
12 think we've had some very good discussion and open and
13 honest discussion that I think you talked about the
14 spirit of continued collaboration. I appreciate that
15 and that has been exactly what we had intended from the
16 Secretary of State's office.

17 Quite frankly, we recognized that we had to
18 have, this Board of Public Works had to have some by-
19 laws in place. By Code we have to have procedural
20 rules, and they hadn't been officially in place, so this
21 was the opportunity to put this out, especially with
22 three new board members, that we would be able to have
23 this discussion. So I think your idea of having the
24 lawyers look at it with our input as well. And I would

1 certainly defer to the Auditor who is the senior member
2 now on this Board.

3 AUDITOR GAINER: I just want to thank
4 the Attorney General at least for taking a stab and
5 making recommendations and doing a draft and we
6 appreciate the work you've done.

7 ATTY. GENERAL MORRISEY: Thank you.

8 AUDITOR GAINER: That's never an easy
9 thing when you're dealing with your peers, elected
10 officials. At least getting to this point where we have
11 a document that we're able now to sit down and discuss
12 is moving in the right direction. I want to thank the
13 Attorney General for at least helping us get to this
14 point as well.

15 ATTY. GENERAL MORRISEY: I appreciate it.

16 GOVERNOR TOMBLIN: Any further
17 discussion? Okay. Do we hear a motion -- do we need --

18 SECRETARY TENNANT: I'm not even sure we
19 need a motion.

20 AUDITOR GAINER: If it's on the table,
21 I think we can leave it.

22 ATTY. GENERAL MORRISEY: To table it till the
23 next meeting.

24 GOVERNOR TOMBLIN: All right. The

1 Attorney General has moved to table the motion until the
2 next meeting.

3 ATTY. GENERAL MORRISEY: I move to table it.

4 SECRETARY TENNANT: Second.

5 GOVERNOR TOMBLIN: Till the next
6 meeting, and seconded by the Secretary of State. All
7 those in favor of the motion will say aye.

8 (Ayes responded.)

9 GOVERNOR TOMBLIN: Opposed no.

10 (No response.)

11 GOVERNOR TOMBLIN: The ayes have it. I
12 declare the matter adopted. Is there any other item to
13 come before the Board?

14 AUDITOR GAINER: Do we need to
15 approve the minutes or are we going to wait and do that
16 since it's a continuation of the meeting?

17 GOVERNOR TOMBLIN: It's my opinion that
18 we do not need to approve the minutes because we were in
19 recess. We've been in recess.

20 SECRETARY TENNANT: It was recessed last
21 time and we haven't adjourned yet.

22 AUDITOR GAINER: I move that we
23 adjourn.

24 GOVERNOR TOMBLIN: The Auditor moves

1 that we adjourn. Do I hear a second?

2 SECRETARY TENNANT: I'll second.

3 GOVERNOR TOMBLIN: All those in favor
4 will say aye.

5 (Ayes responded.)

6 GOVERNOR TOMBLIN: Opposed no.

7 (No response.)

8 GOVERNOR TOMBLIN: The ayes have it. I
9 declare the Board adjourned.

10

11 (WHEREUPON, the meeting was
12 adjourned at 2:28 PM.)

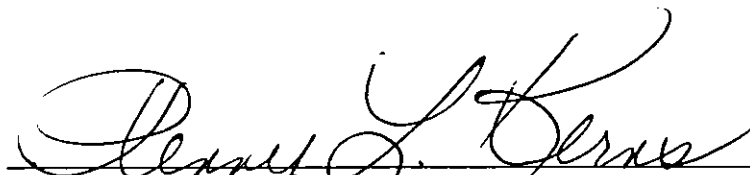
13

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,
COUNTY OF PUTNAM, To-wit:

I, Penny L. Kerns, Certified Court Reporter, do hereby certify that the foregoing is a correct verbatim record of the proceedings had and testimony taken at the time and place set forth herein.

Given under my hand this 20th day of January, 2014.


Penny L. Kerns, CCR
Notary Public

My commission expires May 13, 2018.

