

**West Virginia Board of Public Works
Thursday, April 3, 2014 – 2:00 p.m.
Governor's Cabinet and Conference Room
Minutes**

Attendees:

Members

Earl Ray Tomblin, Governor
Natalie E. Tennant, Secretary of State
Patrick Morrissey, Attorney General
Walt Helmick, Commissioner of Agriculture
Mack Parsons for State Auditor Glen B. Gainer III
Josh Stowers for State Treasurer John D. Perdue

Guests

Jeff Amburgey, Tax Department
Eric Hudnall, Div. of Highways
Stefan Zakaib, Div. of Highways
Russ Rollyson, Auditor's Office
Peter Markham, Governor's Office
Tracy Webb, Attorney General's Office
Kathy Schultz, Attorney General's Office
Wayne Williams, Attorney General's Office
Ashley Summitt, Secretary of State's Office
Judy Cooper, Secretary of State's Office
Nancy Harrison, Secretary of State's Office
Susan Bumgardner, Secretary of State's Office
Amber Epling, Secretary of State's Office
Phil Kabler, WV Gazette

The West Virginia Board of Public Works met on Thursday, April 3, 2014 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 Earl Ray Tomblin. A quorum of members was established.

The first item on the agenda was the approval of minutes from the November 13, 2013 and December 19, 2013 West Virginia Board of Public Works meetings. Commissioner Helmick made a motion to approve the minutes with Attorney General Morrissey seconding. The motion carried.

The second item on the agenda was the approval of the certification of the levy rate on each class of property pursuant to the provisions of §11-8-8 of the West Virginia Code. Jeff Amburgey addressed the Board and explained that the referenced section of code states that before April 15 the Board of Public Works shall levy the tax rates specified in §11-8-6a of the code. He continued that there is an exception that states if there is interest outstanding on certain bonds issued in 1932 or prior the rates could be raised. However, there are no such bonds. The Board basically has no choice but to approve the rates. They are the property tax rates that come in on all property in the State. The State collects approximately 1.6 billion dollars in property taxes. These rates generate about seven million dollars for the state. The rest of the money is local money. Commissioner Helmick asked Mr. Amburgey if he had a break-down of the percentage that goes for local support of public education. Mr. Amburgey distributed a document that contained the requested information. He explained that the State's portion is approximately .4%, the

counties get about 27%, and schools get about 66% of the money. Governor Tomblin referred to the bonds that had been previously mentioned. He asked if it would take a code change to remove that language. He suggested that in another motion the Board should recommend to the Legislature to change that language since it's obsolete. Commissioner Helmick made a motion to certify the tax levy rates with Secretary Tennant seconding. The motion carried.

Commissioner Helmick made a motion that the Board recommend to the West Virginia State Legislature that they consider removing language that applies, that is archaic in nature, to bonds that they no longer apply to, which would be, for instance, the 1932 bonds (as discussed in the previous paragraph). Secretary Tennant seconded. The motion carried.

The third item on the agenda was discussion of the following deeds listed 1 through 3 seeking approval by the Board of Public Works.

1. Between Hardy County Rural Development Authority and the West Virginia Department of Transportation, Division of Highways, dated May 9, 2013, approved as to form by the Attorney General's office March 17, 2014.
2. Between the Kanawha County Parks and Recreation Commission and the West Virginia Department of Transportation, Division of Highways, dated January 24, 2014, approved as to form by the Attorney General's office March 17, 2014.
3. Between the County Commission of Logan County, West Virginia and the West Virginia Department of Transportation, Division of Highways, dated December 2, 2013, approved as to form by the Attorney General's office March 27, 2014.

Eric Hudnall addressed the Board concerning deed number 1. He explained that this transfer is part of a previously approved acquisition from the Armory Board to the Division of Highways on the same road. This is just an adjacent parcel on the same project. It is 4.1 acres of non-controlled access right of way, almost 5,000 acres for two temporary construction easements for consideration and development. Commissioner Helmick made a motion to approve deed number 1 with Attorney General Morrissey seconding. The motion carried.

Eric Hudnall addressed the Board concerning deed number 2. He explained that this relates to the Coonskin Park bridge project. It consists of 1.23 acres for non-controlled access right of way. Commissioner Helmick made a motion to approve deed number 2 with Secretary Tennant seconding. The motion carried.

Eric Hudnall addressed the Board concerning deed number 3. He explained that this is part of the Route 10 project. This property was a landfill owned by the County Commission. Commissioner Helmick made a motion to approve deed number 3 with Attorney General Morrissey seconding. The motion carried.

The final item on the agenda was an Executive Session to consider a settlement offer. Attorney General Morrissey made a motion for the Board to go in to Executive Session to discuss collection strategies and a settlement offer with Secretary Tennant seconding. The motion carried. The Board went in to Executive Session.

The Governor called the regular meeting of the Board back in session.

Commissioner Helmick made a motion that per the settlement discussed in Executive Session, the Board gives the Attorney General the authority to pursue further a possible solution that leads to resolution of this issue. Secretary Tennant seconded. The motion carried.

Governor Tomblin asked if there was further business to come before the Board. Attorney General Morrissey stated that since the last meeting, a lot of good progress has been made with the procedural rule. He wanted to thank everyone involved.

With no further business, Commissioner Helmick made a motion to adjourn. The meeting adjourned.

A handwritten signature in black ink that reads "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