

**West Virginia Board of Public Works
December 11, 2014 – 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. Michael J. Martirano
Josh Stowers for State Treasurer John D. Perdue

Guests:

Jeff Amburgey, State Tax Department
David Hildreth, WV Dept. of Administration, Real Estate Division
John McHugh, WV Military Authority
Eric Hudnall, Division of Highways
Peter Markham, Governor's Office
Brittany Vascik, Governor's Office
Kathy Schultz, Attorney General's Office
Russ Rollyson, Auditor's Office
Ashley Summitt, Secretary of State's Office
Judy Cooper, Secretary of State's Office
Phil Kabler, WV Gazette

The West Virginia Board of Public Works re-convened on Thursday, December 11, 2014 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.

The first item on the agenda was the approval of minutes from the November 18, 2014 Board of Public Works meeting. Commissioner Helmick made a motion to approve the minutes with Attorney General Morrisey seconding. The motion carried.

The second item on the agenda was to receive and approve the final assessments for public utilities for tax year 2015. Jeff Amburgey addressed the Board. He explained that the amount of change from the tentative values is approximately \$1,881,000. This results in an aggregate final assessed value of \$9,512,711,000. This represents an increase of \$409,269,900 when compared to the Tax Year 2014 final assessed values. The Tax Department recommends that the Board of Public Works establish the final values as attached in handout exhibit 1. Governor Tomblin asked what kind of company Duke Energy of the Carolinas is. Mr. Amburgey answered that it is a company that owns its own rail cars for hauling. Auditor Gainer made a motion to receive and

approve the final assessed values as adjusted with Secretary Tennant seconding. The motion carried.

The third item on the agenda was discussion of the following deeds listed 1 through 12 seeking approval by the Board of Public Works:

1. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 142, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
2. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 141, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
3. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 105, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
4. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 218, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
5. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 139, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
6. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 104, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
7. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 216, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
8. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 215, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
9. Between the City of Clarksburg and the State of West Virginia, Department of Administration, Real Estate Division, Tax Map 24, Parcel 140, dated October 21, 2014, approved as to form by the Attorney General's Office November 18, 2014.
10. Between the Lincoln Economic Development Authority and the Lincoln County Commission and the West Virginia Department of Transportation, Division of Highways, dated November 21, 2014, approved as to form by the Attorney General's Office December 2, 2014.

11. Between the State of West Virginia, for the use and benefit of the State Armory Board and the Board of Education of the County of Lewis, dated November 24, 2014, approved as to form by the Attorney General's Office December 2, 2014.
12. Between the State of West Virginia, for the use and benefit of the State Armory Board and the City of Elkins, dated November 24, 2014, approved as to form by the Attorney General's Office December 8, 2014.

Governor Tomblin explained that the first 9 deeds deal with a new state office building being built in the City of Clarksburg. The Board agreed to consider deeds 1-9 together. David Hildreth addressed the Board. He explained that the new building will house several State Agencies. Additional parcels will be used for parking. They are still trying to determine what will be needed to accommodate the needs of the different agencies. They are small parcels in need of maintenance. Commissioner Helmick made a motion to approved deeds 1-9 with Auditor Gainer seconding. The motion carried.

Eric Hudnall addressed the Board concerning deed number 10. He explained that this transfer is for a new county headquarters building in Lincoln County. It is located in the Lincoln North Business Park on County Route 1. Josh Stowers explained that he is member of the Economic Development Authority and asked if he should abstain from this vote. Governor Tomblin responded that he should. Auditor Gainer made a motion to approve deed number 10 with Dr. Martirano seconding. The motion carried. Josh Stowers abstained from voting.

John McHugh addressed the Board concerning deed number 11. He explained that this deed involves the old Weston Armory. The Lewis County Board of Education is purchasing the property for \$200,000. It will be used for a maintenance facility and administrative offices. The deed contains a reversionary clause. Auditor Gainer made a motion to approve deed number 11 with Attorney General Morrissey seconding. The motion carried.

John McHugh addressed the Board concerning deed number 12. This deed involves the old Elkins Armory. The City of Elkins is going to purchase it and use it for an events and community center. The total consideration is \$200,000. The deed contains a reversionary clause. Commissioner Helmick asked how a reversionary clause works. Mr. McHugh responded that in this case it's a 2 part reversionary clause. The City has 2 options. If they cease to use it for public purposes, they can either deed it back to the State or, since they are putting money in to it, they can sell it for fair market value. In the second case, the State would get the balance of the money except for what the City put in to it or added to it to increase the value of the property. Auditor Gainer made a motion to approve deed number 12 with Secretary Tennant seconding. The motion carried.

The final item on the agenda was an Executive Session to discuss issues relating to pending and/or potential litigation and settlement. Attorney General Morrissey made a motion for the Board to go in to Executive Session with Secretary Tennant seconding. The Board went in to Executive Session.

Upon conclusion of the Executive Session, Attorney General Morrissey made a motion to provide the Attorney General's Office the authority to handle settlements with Little Kanawha River Rail

and Air Cargo LLC; after the tentative settlements are agreed to, bring them back to the Board for final approval with Commissioner Helmick seconding. The motion carried.

With no further business, Auditor Gainer made a motion to adjourn with Commissioner Helmick seconding. The motion carried. The meeting was adjourned.

A handwritten signature in cursive script, reading "Natalie E. Tennant", is written over a horizontal line.

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