

**West Virginia Board of Public Works
Thursday, January 31, 2019 – 11:00 a.m.
Governor’s Cabinet and Conference Room
Minutes**

Attendees:

Members

Governor Jim Justice
Secretary of State Mac Warner
Attorney General Patrick Morrisey
Commissioner of Agriculture Kent Leonhardt
State Auditor John B. McCuskey
State Treasurer John D. Perdue
Heather Hutchens for State Superintendent of Schools Dr. Steve L. Paine

Guests:

Jeff Amburgey, State Tax Department
Leroy Barker, State Tax Department
Joey Wiseman, Department of Education
Teresa Hammond, Department of Education
Chris Hunter, Kanawha River Railroad
Jill Rice, Dinsmore & Shohl
Arie Spitz, Dinsmore & Shohl
Mike Hall, Governor’s Office
Ashley Summitt, Governor’s Office
Rebecca Blaine, Governor’s Office
Russ Rollyson, Auditor’s Office
Jeff Waybright, Auditor’s Office
Steve Connolly, Auditor’s Office
Kathy Schultz, Attorney General’s Office
Curtis Capehart, Attorney General’s Office
John Gray, Attorney General’s Office
Diana Stout, Treasurer’s Office
Josh Stowers, Treasurer’s Office
Jennifer Greenlief, Comm. Of Agriculture Office
Donald Kersey, Secretary of State’s Office
Chuck Flannery, Secretary of State’s Office
Lori Burdette, Secretary of State’s Office
Maureen Lewis, Secretary of State’s Office
Phil Kabler, Gazette Mail

The West Virginia Board of Public Works re-convened on Thursday, January 31, 2019 at 11:00 a.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 Justice. A quorum of members was established.

Governor Justice stated that a situation had to be addressed regarding lawsuits from 3 utilities from the 2018 tax assessments. He recommended going in to Executive Session for discussion

on this matter prior to proceeding with the 2019 tax assessments. He requested an Executive Session for just the Board members without any attorneys to start. Auditor McCuskey made a motion to go in to Executive Session by moving item number 5 from the agenda to item number 2 with Commissioner Leonhardt seconding. The motion carried. The Board went in to Executive Session.

The meeting was called back to order. Treasurer Perdue made a motion that the Board go back in to Executive Session with representing attorneys present. Secretary Warner seconded the motion. The motion carried. The Board went back in to Executive Session.

The meeting was called back to order. Treasurer Perdue made a motion that the Board come out of Executive Session and resume the meeting. Secretary Warner seconded. The motion carried.

Attorney General Morrissey made a motion that the Board authorize outside counsel to engage in settlement discussions with Shenandoah and Kanawha River Railroad in order to resolve current disputes with the Board of Public Works. Auditor McCuskey seconded. The motion carried.

The Governor stated that there is another outstanding issue with regard to Blue Racer. He continued that the Board has decided to vigorously defend that case. They feel that the appropriate actions have taken place. Attorney General Morrissey stated that it's beneficial when the Board tries to ensure that accurate tax rates are reflected on all of the companies that are regulated by the State. When they are accurate, the Board has a history of approving them. When they may be inaccurate, then changes can be made. Which is appropriate. He continued that he feels this is the proper course of action.

The next item on the agenda was the approval of the final tax assessments for public utilities for tax year 2019. Jeff Amburgey addressed the Board. He stated that although there were no protests at the hearing that was held on December 14, 2018, there was additional information received from companies after the tentative assessments went out. On January 4, 2019, the Tax Department provided the Board members with recommended changes. There were eleven. The Tax Department recommends that the Board modify the tentatives to establish final assessments that are shown as exhibit 1 of provided documents. The eleven adjustments include eight decreases and three increases. The total recommended adjustment was an increase of \$3,152,200.00. If the Board approves the recommendations, that would modify the total tentative value to a final assessed value of \$11,189,019,800.00. That represents an increase of \$432,631,200 when compared to the Tax Year 2018 final assessed values. Treasurer Perdue asked if any of the assessments could be appealed. Mr. Amburgey replied that he doesn't anticipate that, however a tax payer does not have to appeal to the Board prior to appealing to a circuit court.

Attorney General Morrissey made a motion to approve the tax assessments for 2019. Auditor McCuskey seconded the motion. The motion carried with a unanimous vote.

The next item on the agenda was the approval of an instructional material bond pursuant to W. Va. Code §18-2A-4. Teresa Hammond addressed the Board. She stated that approval is being sought for the Mathematics and Problem Solving instructional material. Treasurer Perdue asked if it was the standard. Ms. Hammond responded it was. Treasurer Perdue made a motion to

approve the Mathematics and Problem Solving material as recommended by the Board of Education. Commissioner Leonhardt seconded the motion. The motion carried.

The final item on the agenda was the correction of an instructional material bond number. Teresa Hammond addressed the Board. She explained that this is a correction of a bond number that was entered incorrectly. This is being submitted to accept the correction. Treasurer Perdue made a motion to approve the correction of the bond number that has been presented with Attorney General Morrissey seconding. The motion carried.

With no further business. Attorney General made a motion to adjourn with Secretary Warner seconding. The motion carried. The meeting adjourned.



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