

**West Virginia Board of Public Works
Tuesday, April 12, 2016 – 2:30 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
Michael Sizemore for State Auditor Glen B. Gainer III
Josh Stowers for State Treasurer John D. Perdue
Terry Harless for State Superintendent of Schools Dr. Michael J. Martirano

Guests

Jeff Amburgey, Tax Department
Uriah Cummings, Tax Department
John McHugh, WV Military Authority
Gary Furbee, West Virginia University
Sam Litteral, Southern WV Community and Technical College
Robert Moore, Div. of Highways
Becky Butler, Department of Education
Kathy Schultz, Attorney General’s Office
Ron Flora, Pea Ridge PSD
Dina Foster, Pea Ridge PSD
Kevin Schafer, Pea Ridge PSD
Janelle Armstrong, Pea Ridge PSD
Peter Markham, Governor’s Office
Phil Kabler, WV Gazette
Ashley Summitt, Secretary of State’s Office
Sam Speciale, Secretary of State’s Office
Veronica Jarrell, Secretary of State’s Office

The West Virginia Board of Public Works met on Tuesday, April 12, 2016 at 2:30 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 October 1, 2015, November 17, 2015 and December 10, 2015 West Virginia Board of Public Works meetings. Commissioner Helmick made a motion to approve the minutes with Attorney General Morrissey seconding. The motion was adopted.

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. He explained that this is basically a rubber stamp provision in §11-8-8 that states that before April 15 the Board of Public Works shall levy the tax rates specified in §11-8-6a of the code. It goes on to say if there is not enough revenue generated to provide for the sinking fund requirements and interest on bonds issued prior to 1932 that rates could be increased. However, there are no such bonds left. He continued that at last year’s meeting Secretary Tennant made a motion that the Board direct the Governor’s office to direct the Tax Department to do a bill that would clarify that language. The bill did

pass, but is not yet in effect. The archaic language was removed from the code about the Board having any authority to approve any rates other than the ones in §11-8-6a. All that remains is for the Board to meet and approve those rates each year prior to April 15. Commissioner Helmick made a motion to certify the tax levy rates with Secretary Tennant seconding. The motion was adopted.

The next item on the agenda was consideration and approval of the following Instructional Materials Bonds pursuant to W. Va. Code §18-2A-4:

Publisher	Bond Number
Contracts and Bonds for English Language Arts Adoption	
1. Cengage Learning, Inc.	K0925285A
2. Edgenuity, Inc.	800005173
Contracts and Bonds for Off-Cycle Social Studies	
3. Edgenuity, Inc.	800005174
Replacement Bond for Mathematics K-8	
4. Scholastic Inc.	800011028
Replacement Bond for Mathematics, Family and Consumer Sciences, and Agricultural Education	
5. Scholastic Inc.	800011033

Becky Butler addressed the Board. She explained that the first three are the final of their 2014 contracts and bonds. Those companies were a little bit slow getting their information to the Department of Education. They have been approved as to form by the Attorney General’s office. The last two from Scholastic are replacement bonds. Scholastic was bought out by Houghton Mifflin Harcourt Publishing Company. The new company is replacing the bonds that Scholastic had in place. The contracts include provisions that guarantee the prices for the instructional materials that were bid. If the price drops anywhere in the United States, they will get the lower price. Governor Tomblin asked why they are called bonds. Ms. Butler responded that there are surety bonds that go with it for the life of the contract. Attorney General Morrissey stated that the approval is just for the bonds not the actual textbooks. Ms. Butler responded that was correct. It’s for the surety bonds for the last two, Scholastic. Governor Tomblin asked if they are bid out. Ms. Butler replied yes, they are bid per the provisions of W. Va. Code §18-2A-4. They are bid out every year, but the whole process takes two years. Secretary Tennant made a motion to approve the list of bonds with Josh Stowers seconding. The motion was adopted.

The final item on the agenda was discussion of the following deeds listed 1 through 4 seeking approval by the Board of Public Works:

1. Between the West Virginia Department of Health and Human Resources and Pea Ridge Public Service District, approved as to form by the Attorney General’s office March 18, 2016.

2. Between the Board of Education of the County of Cabell and the West Virginia Department of Transportation, Division of Highways, dated November 4, 2015, approved as to form by the Attorney General's office January 27, 2016.
3. Between the State of West Virginia, for the use and benefit of the State Armory Board and West Virginia University Board of Governors, on behalf of West Virginia University, dated March 31, 2016, approved as to form by the Attorney General's office April 5, 2016.
4. Between the State of West Virginia, for the use and benefit of the State Armory Board and Southern West Virginia Community and Technical College Board of Governors, on behalf of Southern West Virginia Community and Technical College, dated March 31, 2016, approved as to form by the Attorney General's office April 5, 2016.

Ron Flora addressed the Board concerning deed number 1. He explained that this is part of a project on Route 2 where they have put in a new waste water treatment system. This is an easement that would allow them to put in a sewer line across the property so they can serve adjacent land owners. Commissioner Helmick made a motion to approve the land transfer with Michael Sizemore seconding. The motion was adopted.

Robert Moore addressed the Board concerning deed number 2. He explained that this is to tie in a school access as part of the Route 10 upgrade. Governor Tomblin asked if there was any money transferred. Mr. Moore responded \$55,500 from the Division of Highways to the Cabell County Board of Education. Commissioner Helmick made a motion to approve deed number 2 with Secretary Tennant seconding. The motion was adopted.

John McHugh addressed the Board concerning deed number 3. He explained that this involves the old Keyser Armory. The units that were in there have moved to the new Morgantown Armory. The National Guard is ready to convey that armory. West Virginia University needs the property for classroom space and recreational facilities. They have offered to purchase it for \$175,000. Commissioner Helmick made a motion to approve deed number 3 with Secretary Tennant seconding. The motion was adopted.

John McHugh addressed the Board concerning deed number 4. He explained that this deed pertains to the old Williamson Armory. The units have moved to the new Logan/Mingo armory. Southern WV Community and Technical College has offered to purchase it. It will be used for classrooms and educational activities. The consideration is \$100,000. Secretary Tennant made a motion to approve deed number 3 with Commissioner Helmick seconding. The motion was adopted.

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



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