

**West Virginia Board of Public Works  
Tuesday, September 27, 2022 – 10:30 a.m.  
Governor’s Cabinet and Conference Room  
Minutes**

**Attendees:**

Members

Jim Justice, Governor  
Patrick Morrissey, Attorney General  
Mac Warner, Secretary of State  
Riley Moore, State Treasurer  
John B. McCuskey, State Auditor  
David Roach, State Superintendent of Schools  
Norman Bailey for Kent Leonhardt, Commissioner of Agriculture

Guests

Arlie Hubbard, Real Estate Division  
Mark Yost, WV State Police  
Chad Toney, Division of Highways  
Matthew Irby, Commissioner, Tax Department  
Frank Capehart, Tax Department  
Brian Abraham, Governor’s Office  
Berkeley Bentley, Governor’s Office  
Kathy Schultz, Attorney General’s Office  
Sarah Canterbury, Treasurer’s Office  
Lindsay Marchio, Treasurer’s Office  
Jeff Waybright, Auditor’s Office  
Elgine McArdle, WV Republican Party Chairwoman  
Steve Adams, Ogden Newspapers  
Donald Kersey, Secretary of State’s Office  
Landon Palmer, Secretary of State’s Office  
Maureen Lewis, Secretary of State’s Office

The West Virginia Board of Public Works met on Tuesday, September 27, 2022 at 10:30 a.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. The meeting was called to order and chaired by Governor Justice. A quorum of members was established.

The first item on the agenda was the approval of minutes from the July 26, 2022 West Virginia Board of Public Works meeting. Treasurer Moore made a motion to approve the minutes. Attorney General Morrissey seconded. The motion carried.

The second item on the agenda was the formal receipt of the tentative assessments for public utility companies for tax year 2023 for review, as required by W. Va. Code §11-6-11. Commissioner Irby addressed the Board. He explained that the Property Tax Division prepared the tentative assessments for 2023 and delivered them to Board members on September 15<sup>th</sup>. There were a number of changes from last year’s assessments that resulted in some significant increases due to increases in income as

well as the improved economy in 2021. There are ongoing conversations with some of the taxpayers and the Tax Department does anticipate some changes moving toward the finals.

Auditor McCuskey made a motion to receive the tentative assessments for review. Attorney General Morrissey seconded. The motion carried.

The third item on the agenda was consideration of utility requests for relief from erroneous assessment pursuant to W. Va. Code §11-6-12a from Baron's Bus Lines for Lakefront Lines Inc. and Central Cab Company fka Coach USA. Kathy Schultz addressed the Board. With regard to Baron's Bus Lines, the appropriate documentation has been received. They have paid their ad valorem taxes through the IRP. She continued that they should receive an exoneration because otherwise they would be double taxed. With regard to the other taxpayers, she stated that there was not enough information received to support their request for exoneration. She continued that her office had reached out a number of times to Capitol Coach and have received nothing. Brian Abraham asked if her recommendation would be to only vote to accept and approve the exoneration with regard to Baron's Bus Lines. Ms. Schultz replied that was correct. Governor Justice asked why the Board didn't know about Baron's Bus sooner. Ms. Schultz replied that the company should have informed the Board when they received their notice of tax. There were several other notices that were sent periodically after the original notice, but the company did not respond to any of them until they received a final tax bill with a deadline date.

Auditor McCuskey made a motion to bifurcate the item in to one for Baron's Bus Lines and one for the remainder of the tax entities who are seeking exonerations. Governor Justice seconded the motion. Attorney General Morrissey called for the vote. The motion carried.

Auditor McCuskey made a motion to move forward with the exoneration of only Baron's Bus Lines tax liability as stated in the transaction receipt. Governor Justice seconded the motion. Attorney General Morrissey called for the vote. The motion carried.

Auditor McCuskey made a motion to lay over all of the remaining tax entities that are listed in the transaction report until the next meeting. Attorney General Morrissey seconded. The motion carried.

The fourth item on the agenda was consideration of the following deeds listed 1 through 5 seeking approval by the Board of Public Works.

1. Between West Virginia University Board of Governors, on behalf of West Virginia University and the West Virginia Department of Transportation, Division of Highways, dated August 1, 2022, approved as to form by the Attorney General's office August 31, 2022.
2. Between Culloden Public Service District and the West Virginia Department of Transportation, Division of Highways, dated November 1, 2021, approved as to form by the Attorney General's office September 19, 2022.
3. Between City of Buckhannon and the West Virginia Department of Transportation, Division of Highways, dated August 17, 2022, approved as to form by the Attorney General's office September 20, 2022.

4. Between the West Virginia Department of Transportation, Division of Highways and Marshall County Board of Education, dated August 22, 2022, approved as to form by the Attorney General's office September 22, 2022.
5. Quit Claim Exchange Deed between The County Commission of McDowell County and the West Virginia State Police, approved as to form by the Attorney General's office September 23, 2022.

Chad Toney addressed the Board regarding deeds 1 through 4. He explained that 3 of the deeds are part of project development and 1 is a sale. The first deed with WVU is part of a road widening project where Stewartstown Road and West Run Road come together. The second deed with the Culloden Public Service District is part of the Culloden interchange project. The third deed with the City of Buckhannon is an additional right of way that the Division of Highways needs for an ADA compliance sidewalk project. The fourth deed with Marshall County Board of Education is property that was deemed an excess right of way. It will be used for parking at high school functions.

Attorney General Morrissey made a motion to approve deeds 1 through 4. Treasurer Moore seconded. The motion carried.

Arlie Hubbard addressed the Board regarding deed number 5. He explained that this is an exchange deed between the State Police and the McDowell County Commission. The State Police have outgrown their detachment and have been able to use the old Ambulance Authority building that has been abandoned and suits their needs. The McDowell County Sheriff will be able to use the State Police old detachment.

Governor Justice made a motion to approve deed number 5. Auditor McCuskey seconded. Attorney General Morrissey called for the vote. The motion carried.

The next item on the agenda was a potential Executive Session for discussion of updates on proposed collection activities. Attorney General Morrissey stated there was not a need to go in to Executive Session. He explained, as a follow-up on property issues with Capitol Radio Telephone, the Attorney General's office put out a bid for a private law firm. The lowest bid came from the firm Lewis Glasser. They have recently started work.

With no further business, Treasurer Moore made a motion to recess the meeting until the public hearing for the public utility tax assessments. Auditor McCuskey seconded. The motion carried. The meeting recessed.



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