

**West Virginia Board of Public Works  
Wednesday, April 6, 2011 – 9:00 a.m.  
Governor’s Cabinet and Conference Room  
Minutes**

**Attendees:**

Members

Gus R. Douglass, Commissioner of Agriculture  
Natalie E. Tennant, Secretary of State  
Darrell V. McGraw, Jr., Attorney General  
Glen B. Gainer III, State Auditor  
Dr. Jorea Marple, State Superintendent of Schools  
Danny Ellis, Assistant Treasurer for State Treasurer John D. Perdue  
G. Kurt Dettinger, General Counsel for Acting Governor Earl Ray Tomblin

Guests

David Neil, Division of Highways  
John McHugh, Division of Highways  
Jeff Amburgey, Tax Department  
Dawn Warfield, Attorney General’s Office  
Sandy Marinacci, Dept. of Agriculture  
Russ Rollyson, Auditor’s Office  
Ashley Summitt, Secretary of State’s Office  
Sheryl Webb, Secretary of State’s Office  
Judy Cooper, Secretary of State’s Office  
Jackie Harris, Secretary of State’s Office

The West Virginia Board of Public Works met on Wednesday, April 6, 2011 at 9:00 a.m. in the Governor’s Cabinet and Conference Room of the State Capitol Complex. Due to the absence of Acting Governor Tomblin, the meeting was called to order and chaired by the Commissioner of Agriculture, Gus R. Douglass. A quorum of members was established.

The first item on the agenda was the approval of the minutes from the December 9, 2010 West Virginia Board of Public Works meeting. Auditor Gainer moved to approve the minutes with Kurt Dettinger seconding the motion. 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, Director of the Property Tax Division of the State Tax Department, addressed the Board. He explained that these are the state rates on all taxable property that go into the general fund. These rates generate about six million dollars for the State. A paragraph in the code states that if the revenues from this source are insufficient to cover sink funds on state road bonds issued prior to 1932 then the rates can be raised. However, there are no such bonds so these are the rates that must be approved. Dr. Marple asked if the Board only sets the state rates and not the local county and municipality rates. Mr. Amburgey and Auditor Gainer said that this was correct. Dr. Marple stated that it was her understanding that the Legislature had lowered the levy rate at the local level which impacts schools. She asked if the Board ever addresses rate adjustments due to inadequate funding for public schools. Auditor Gainer explained that there is a process and a formula that the local rates go through according to the budget they present. The Legislature sets the ceiling for the local rates but ultimately, the authority rests with the county commissions. Auditor Gainer

made a motion to certify the tax levy rates pursuant to WV Codes §11-8-8 and §11-8-6a with Secretary Tennant seconding. The motion carried.

The third item on the agenda was presentations by representatives of the following deeds listed 1 through 7 seeking approval by the Board of Public Works.

1. Between the Jackson County Development Authority and the West Virginia Department of Transportation, Division of Highways, dated January 4, 2011, approved as to form by the Attorney General's office February 15, 2011.
2. Between the City of Kenova and the West Virginia Department of Transportation, Division of Highways, dated November 18, 2010, approved as to form by the Attorney General's office January 25, 2011.
3. Between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways, dated October 21, 2010, approved as to form by the Attorney General's office January 25, 2011.
4. Between the City of Martinsburg and the West Virginia Department of Transportation, Division of Highways, dated October 21, 2010, approved as to form by the Attorney General's office January 25, 2011.
5. Between the City of Point Pleasant and the West Virginia Department of Transportation, Division of Highways, dated October 29, 2010, approved as to form by the Attorney General's office February 15, 2011.
6. Between the West Virginia Department of Transportation, Division of Highways and the Marion County Commission, dated October 5, 2010, approved as to form by the Attorney General's office December 21, 2010.
7. Between the West Virginia Department of Transportation, Division of Highways and the Ohio County Development Authority, dated December 15, 2010, approved as to form by the Attorney General's office January 25, 2011.

John McHugh with the Division of Highways addressed the Board and stated that he could answer any questions about the seven deeds.

Deed 1 is a standard deed submitted as a corrective deed. Secretary Tennant asked if all of the documents are now in order for this deed. Mr. McHugh explained that the Jackson County Development Authority had prepared, signed and recorded the deed before presenting it to the Board of Public Works. The Division of Highways informed them they had to correct the deed for presentation. This is the first time this deed has been before the Board. The Development Authority is conveying 3.39 acres to the Division of Highways. The tract is within the Jackson County Maritime Industrial Center in connection with a Highways project. It will be used as a Right of Way. Auditor Gainer made a motion to approve the deed with Secretary Tennant seconding. The motion carried.

Auditor Gainer made a motion to approve deed number 2 with Secretary Tennant seconding. The motion carried.

Deeds number 3 and 4 are both between the City of Martinsburg and the Division of Highways. Secretary Tennant asked what the differences between the two deeds are. Mr. McHugh explained that they are different parcels within the same project. The first deed is parcel 9-1 and includes six tracts. The second deed is parcel 9-2 which includes one tract. They both have the same ordinance, but the deeds are different. Auditor Gainer made a motion to approve deeds 3 and 4 with Secretary Tennant seconding. The motion carried.

Auditor Gainer made a motion to approve deed number 5 with Secretary Tennant seconding. The motion carried.

Auditor Gainer made a motion to approve deed number 6 with Secretary Tennant seconding. The motion carried.

Auditor Gainer made a motion to approve deed number 7 with Secretary Tennant seconding. The motion carried.

Commissioner Douglass asked if there were any announcements or discussion by members of the Board. Auditor Gainer stated he would like to coordinate a time for all of the members of the Board of Public Works to gather for a photo for historical purposes. This is a unique time in history when there is an acting Governor and the first time a husband and wife have both served on the Board. Kurt Dettinger said his office will coordinate the time and place.

Commissioner Douglass stated that in different meetings he has attended, they have discussed ethics and conflicts of interest. He questioned whether or not a conflict of interest exists with a husband and wife both serving on the Board of Public Works. Auditor Gainer stated he thinks that since the Attorney General is elected by the public and there is an open, public process to select the State Superintendent of Schools, they are statutory and constitutionally created offices. He doesn't think there would be an ethical conflict.

With no further business, Commissioner Douglass adjourned the meeting.



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