

**SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA**  
**MINUTES**  
**March 21, 2016**  
**9:30 a.m.**

**The West Virginia Lottery**  
**900 Pennsylvania Avenue**  
**Tenth Floor Conference Room**  
**Charleston, West Virginia**

**I. CALL TO ORDER**

Peter Markham, Governor's Designee, called the School Building Authority of West Virginia (SBA) Quarterly Meeting to order at 9:35 a.m. on Monday, March 21, 2016. The following Board Members were present: Dr. Michael Martirano, West Virginia State Superintendent of Schools; Mr. David Sneed, Executive Director; Mr. Steve Burton, Vice-Chair; Mr. Victor Gabriel; Mr. Robert Holroyd; Mr. Tom Lange; Mr. Thomas Campbell; Dr. William White and Mr. T. Bart Willis. The following staff of the SBA were also present: Mr. Garry Stewart; Mr. Scott Raines; Mr. Mike Hall; Mr. Ben Ashley; Mr. Dana Womack; Ms. Joyce VanGilder; Ms. Stella Gill; Ms. Angie Bradley and Ms. Tammy Brewer.

**II. ACKNOWLEDGEMENTS AND RECOGNITIONS**

Chairman Markham recognized the Honorable Sharon M. Mullins, Eleventh Family Court Circuit Judge, Fifth Division to provide the Oath of Office to the newest Board Member of the School Building Authority, Mr. Todd Bartlett Willis.

The following individuals attended the SBA Meeting: Mr. David Powell, North Coast Roofing, Inc.; Mr. Ryan Quinn, Charleston Gazette-Mail; Ms. Debbie Bowling, Fayette County; Mr. William Price, Price Commercial Photo; Mr. Greg Williamson, Williamson Shriver Architects; Mr. Travis Arey, PCS; Mr. Ted Shriver, Williamson Shriver Architects; Ms. Karen Cummings, Wirt County BOE; Mr. Jeff Smith, Wirt County BOE; Mr. Hank Rinehart, Wirt County BOE; the Honorable Sharon M. Mullins, Eleventh Court Circuit Judge; Mr. Jerry Milliken, WVDE; Ms. Marie McCauley, ZMM; Ms. Carlyon Arritt, Fayette County; Mr. Eddie Bumpus, Pickering Associates; Mr. J. Blair Frier; OWPR Architects; Mr. Matthew Breakey, The Thrasher Group and Mr. Brian Estep, Silling Architects.

**III. APPROVAL OF MINUTES**

SBA Quarterly Meeting December 14, 2015

Upon a motion by Mr. Steve Burton, with a second by Dr. William White, the Authority voted to approve the School Building Authority's December 14, 2015 Quarterly Minutes.

Special Tele-Conference Meeting January 29, 2016

Upon a motion by Mr. Tom Lange, with a second by Mr. Robert Holroyd, the Authority voted to approve the School Building Authority's January 29, 2016 Special Tele-Conference Meeting Minutes.

IV.

**EXECUTIVE DIRECTOR’S REPORT**

A. Legislative Overview

Chairman Markham recognized Executive Director David Sneed to discuss the Legislative Session and the Bills which were introduced that affected the SBA. Mr. Sneed referred the Authority to the handout, “2016 West Virginia Legislature Bills Relating to the School Building Authority”. He informed the Authority that there were several Bills introduced that affected the SBA but only four (4) had progressed through both Houses.

A summary of the final action on these Bills was provided. The Authority members reviewed the Legislative Bills and had a brief discussion and had no questions.

**Senate Bill 1 – Establishing WV Workplace Freedom Act**

February 11, 2016 - Vetoed by Governor  
February 12, 2016 – Legislative Override

AN ACT to amend and reenact §21-1A-3 and §21-1A-4 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §21-5G-1, §21-5G-2, §21-5G-3, §21-5G-4, §21-5G-5, §21-5G-6 and §21-5G-7, all relating to establishing the West Virginia Workplace Freedom Act; removing certain provisions under the Labor-Management Relations Act for the Private Sector to be consistent with the West Virginia Workplace Freedom Act; clarifying what constitutes an unfair labor practice under the Labor-Management Relations Act for the Private Sector to be consistent with the West Virginia Workplace Freedom Act; eliminating the statutory provisions that allow an employment agreement to require membership in a labor organization as a condition of employment; granting employees the right to refrain from paying any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to a labor organization as a condition or continuation of employment; granting employees the right to refrain from paying any dues, fees, assessments or other similar charges, however denominated, of any kind or amount to any third party, including a charity, in lieu of payment to a labor organization as a condition or continuation of employment; eliminating statutory provisions that allow, as an exception to the prohibitions against unfair labor

**Senate Bill 400 – Reducing Amount of Sales Tax Proceeds Dedicated to School MIP Fund and Construction Fund**

March 8, 2016 – Completed Legislation  
March 15, 2016 – Approved by Governor

AN ACT to amend and reenact §11-15-30 of the Code of West Virginia, 1931, as amended, relating to dedication and deposit of certain tax proceeds; reducing amount of sales tax proceeds annually dedicated to School Major Improvement Fund by \$999,996 for fiscal year 2017; amending monthly deposit requirements; specifying retroactive effect; and reducing amount of sales tax proceeds annually dedicated to School Construction Fund by \$3 million for fiscal year 2017.

## **House Bill 4005 – Repealing Prevailing Hourly Rate of Wages Requirements**

February 12, 2016 – Vetoed by Governor

February 12, 2016 – Legislative Override

February 4, 2016 – Goes into effect in 90-Days (May 12, 2016)

AN ACT to repeal §21-5A-1, §21-5A-2, §21-5A-3, §21-5A-5, §21-5A-6, §21-5A-7, §21-5A-8, §21-5A-9, §21-5A-10, §21-5A-11 and §21-5A-12 of the Code of West Virginia, 1931, as amended, all relating to repealing prevailing hourly rate of wages requirements by or on behalf of public authorities engaged in construction of public improvements.

## **House Bill 4461 – Relating to SBA MIP Fund Eligibility**

March 11, 2016 - Completed Legislation

March 24, 2016 – Approved by Governor

AN ACT to amend and reenact §18-9D-15 of the Code of West Virginia, 1931, as amended, relating to School Building Authority School Major Improvement Fund eligibility; removing requirement for certain annual amounts to be expended by county board for facility maintenance; and requiring county board to provide facility maintenance expenditure data for review to assist authority in project determinations.

### **B. Purchasing Card (P-Card) Program Report**

Executive Director Sneed requested the Authority review the P-Card report and the staff of the SBA was available to answer questions regarding this report. He reminded the members that one of the requirements of the P-Card Program is for the Authority members to review all purchases made by staff members. He stated that as such, the document in Attachment D provided an itemized list of the SBA's card usage for the period of November 1, 2015 to January 31, 2016. The Authority members reviewed the expenditure report and had no questions.

### **C. New SBA Sub-Committee Assignments**

Executive Director Sneed informed the Authority that given the loss of some Authority Members over the last several years and the appointment of New Members to the Authority, it had become necessary to reassign members to Sub-Committees. Mr. Sneed was asked to provide recommendations for these appointments, which was provided in Attachment E. The recommendations were as follows:

#### **Finance Sub-Committee**

Tom Lange - Chairperson

Chris Morris

Dr. Michael Martirano

T. Bart Willis

#### **Construction Committee**

Steve Burton – Chairperson

Bob Holroyd

Victor Gabriel

Tom Campbell

#### **Personnel Committee**

Bob Holroyd – Chairperson

Tina Combs

Tom Lange

Dr. William White

#### **Awards Committee**

Victor Gabriel– Chairperson

Dr. Michael Martirano

Tina Combs

T. Bart Willis

\*Chairman Peter Markham would participate on each committee and vote in the event of a tie vote among sub-committee members.

Upon a motion by Mr. Tom Lange, with a second by Dr. William White the Authority voted to approve the New Sub-Committee recommendations.

D. Appointment of Officers for 2016

Executive Director Sneed informed the Authority that in accordance with WV Code §18-9D-1 the Authority shall annually elect one of its public members as Vice Chair and shall appoint a member as Secretary. Mr. Steve Burton held the office of Vice Chair and Mr. Eric Lewis held the office of Secretary, until his resignation on February 15, 2016.

Executive Director Sneed respectfully recommended that the Authority fulfill this requirement and select officers for 2016-2017.

Upon a motion by Mr. Tom Lange, with a second by Mr. Tom Campbell the Authority approved for Mr. Steve Burton to remain Vice Chair and Mr. Victor Gabriel to assume the duties of Secretary.

V.

**CEFP AMENDMENTS**

Executive Director Sneed informed the Authority that the following amendments to county Comprehensive Educational Facilities Plans (CEFPs) had been reviewed and were recommended for approval by the staff of the SBA and also reviewed and coordinated with the State Department of Education Office of School Facilities. The State Board of Education had taken action on these same amendments at its December 2015; January 2016 and February 2016 meetings. He also stated that approval of these amendments did not necessarily reflect support for funding of the project within the Amendment. Approval of these amendments simply means the County followed the proper Amendment Process. Complete amendment submittals were available for review upon request. The following Amendments were submitted for review and approval:

A. Kanawha County CEFP Amendment

The Kanawha County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment would add an auditorium addition to Horace Mann Middle School.

Kanawha County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Victor Gabriel, with a second by Dr. William White the Authority approved this amendment to Kanawha County's CEFP.

B. Randolph County CEFP Amendment

The Randolph County Board of Education requested approval of two (2) amendments to its 2010-2020 CEFP. The first amendment would move Valley Head Elementary School from Permanent Status to Closure Status within the current CEFP. Valley Head is a K-5 Elementary School, and if closed in the future the 32 students attending Valley Head will attend George Ward Elementary School located in Mill Creek, West Virginia, 20 miles from Valley Head. A

closure date for Valley Head Elementary School has not yet been established. The second amendment would move Homestead Elementary School from Permanent Status to Closure Status. Homestead is a PreK-5 Elementary School and if closed in the future the 119 students will attend George Ward Elementary School approximately 5 miles from Homestead Elementary School and/or Beverly Elementary School which is approximately 6 miles from Homestead Elementary School. A closure date for Homestead Elementary School has also not yet been established.

Randolph County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Robert Holroyd, with a second by Mr. Steve Burton the Authority approved this amendment to Randolph County's CEFP.

C. Roane County CEFP Amendment

The Roane County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment would close Reedy Elementary School effective June 30, 2016, move the PreK-4<sup>th</sup> grade students to Spencer Elementary School and move fifth and sixth grade students to Spencer Middle School. These changes will go into effect at the beginning the 2016-2017 school year.

Roane County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Tom Lange, with a second by Mr. Victor Gabriel the Authority approved this amendment to Roane County's CEFP.

D. Roane-Jackson Technical Center CEFP Amendment

The Roane-Jackson Technical Center's Administrative Council requested approval of an amendment to its 2010-2020 CEFP. This amendment involves several items related to school safety and security as well as the replacement of all exterior doors and transoms on Buildings A, B and C. Additionally, one drain will be replaced under Building C.

Roane-Jackson Technical Center had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Robert Holroyd, with a second by Mr. Tom Lange the Authority approved this amendment to Roane-Jackson Technical Center's CEFP.

E. Summers County CEFP Amendment

The Summers County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment will replace additional failing parts of the HVAC system at Summers County High School. The original plan included the cooling tower, however in addition to this the LEA has included the Water Source Heat Pumps, Recovery Units, boilers, the pump system and the controllers.

Summers County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Tom Lange, with a second by Mr. Steve Burton the Authority approved this amendment to Summers County CEFP.

F. Wetzel County CEFP Amendment

The Wetzel County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment will add a Music addition to Short Line School; security renovations to Hundred, Magnolia, Paden City, and Valley High Schools; Meat Lab addition to Magnolia High School; Site Improvements to New Martinsville Elementary; Structural Corrections to Valley High School and Electric/Data Upgrades to all District Schools.

Wetzel County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Tom Lange, with a second by Mr. Victor Gabriel the Authority approved this amendment to Wetzel County CEFP.

**VI. FINANCE REPORT**

A. Analysis of Trustee Accounts - Trustee Accounts Report

Chairman Markham recognized Mr. Garry Stewart to provide the SBA Finance Reports. Mr. Stewart presented a recap of the trustee accounts held at United Bank of Charleston, West Virginia and The Bank of New York Mellon for the period ending February 29, 2016. Attachment M was provided to give a short summary of each bond series.

B. United Bank of Charleston – SBA Program Depository Accounts Report

Mr. Stewart presented the financial report of the depository account that is maintained by United Bank for the period ending March 15, 2016, summarizing construction spending by the SBA for its School Construction and Major Improvement Programs. Attachment N provided this information.

C. 2016A Bond Sale

Mr. Stewart informed the Authority that 2016A Series Bonds were issued on January 14, 2016 which provided \$25 million in construction proceeds. Attachment O contained the final pricing numbers for the bond sale.

The Authority was provided a hard copy of the 2016A Bond Series Official Statement.

E. Current SBA Fund Balances

Mr. Stewart reported to the Authority the following SBA Fund Balances as of February 29, 2016:

Emergency Funds	\$ 4,653,975.00
MIP Funds	\$ 2,252,041.00
Three Percent Funds	\$ 2,418,685.00
QZAB Funds	\$ 5,242,000.00
School Construction Funds	\$ 1,598,347.00

## VII. FINANCE COMMITTEE

### A. Pocahontas County QZAB

Chairman Markham recognize Mr. Tom Lange, Finance Committee Chair. Mr. Lange advised the Authority that in December 2015 Pocahontas County requested and received approval to sell \$900,000 in QZAB Funds that were to be used to complete its financing of the construction projects awarded by the Authority. These funds must be encumbered by December 2016. Pocahontas County has decided to postpone its Local Levy that would have also supported these projects until November 2016. As a result they have agreed to return the \$900,000 in QZAB Allocation to allow other counties the opportunity to use the funds. Pocahontas County requests that we consider providing 2016 QZAB Funding for its projects should its Levy pass in November and they move forward with the projects.

The Finance Committee made a recommendation to the Full Authority to permit Pocahontas County to return the \$900,000 in QZAB Allocation.

Upon a motion by Mr. Steve Burton, with a second by Mr. Victor Gabriel the Authority voted to approve Pocahontas County's return of the \$900,000 QZAB Allocation.

### B. Wirt County QZAB Request

Mr. Lange informed the Authority that Wirt County had requested QZAB Funding for its 2015 NEEDs Project approved by the Authority during the December 2015 NEEDs Project Awards cycle. Given the return of the \$900,000 QZAB allocation from Pocahontas County, Wirt County was requesting approval to use these available funds to help finance its HVAC/Energy Improvement Projects.

The Finance Committee made a recommendation to the Full Authority that the \$900,000 QZAB Allocation returned by Pocahontas County be allocated to Wirt County.

Upon a motion by Mr. Tom Lange, with a second by Mr. Steve Burton the Authority voted to approve the Wirt County request of the \$900,000 QZAB Allocation returned by Pocahontas County to use toward Wirt County's HVAC/Energy Improvement Projects.

### C. Expanded Construction Grant Options

Executive Director Sneed and Mr. Lange advised the Authority that the Staff of the SBA had been reviewing options for alternative funding for Construction Projects. West Virginia Code does allow for alternative funding mechanisms and Attachment S provided a summary of options available that the Authority may want to consider. A discussion was held pertaining to the options available for the expanded Construction Grant options. Chairman Markham recommended that the staff of the SBA review this matter with PRAG before finalizing new policy.

Upon a motion by Mr. Victor Gabriel, with a second by Mr. Tom Campbell the Authority voted to direct the staff of the SBA to further explore alternative funding for Construction Projects.

## VIII.

### PERSONNEL COMMITTEE

#### Revised Policy Employee Handbook and Evaluation Process

Chairman Markham recognized Mr. Robert Holroyd, Personnel Committee Chair. Mr. Holroyd advised the Authority that in December 2015 the Authority had approved a New Personnel Policy that established Formal Job Descriptions and required an Annual Employee Evaluation Process. As a follow-up to this action the staff of the SBA has created an Employee Handbook which describes the employment expectations for all employees. This Handbook and Employee Evaluation Process mirrors the West Virginia Department of Education's Employee Handbook in areas compatible to the Authority employees' duties and responsibilities. The Employee Evaluation and Plan of Improvement Forms, have also been created, when and if employees receive less than satisfactory evaluations.

Mr. Holroyd informed the Authority that the Personnel Committee had reviewed these documents and was making a recommendation to the Full Authority to adopt the Employee Handbook and Evaluation Process.

Upon a motion by Mr. Robert Holroyd, with a second by Mr. Tom Lange the Authority voted to approve the Employee Handbook and Evaluation Process.

## IX.

### OLD BUSINESS

#### A. Maintenance Report

Chairman Markham recognized Mr. Scott Raines and Mr. Mike Pickens, Executive Director WVDOE, Office of School Facilities and Transportation to present the Maintenance Report. A Power Point presentation was presented to the Authority outlining the procedures both agencies currently follow regarding annual inspections of SBA constructed schools and Agency cooperation with regards to building design, maintenance and operations. The presentation also covered information in regards to the County's participation in this process. A lengthy discussion occurred regarding the County's cooperation and participation with this program. The Authority expressed concerns regarding actions that could be taken to ensure all County's full participation. Mr. Raines indicated that the staff of the SBA and Mr. Pickens staff would work closely in the future to ensure that cooperation is in place.

#### B. Roofing Projects Submitted

Chairman Markham recognized Mr. Mike Hall. Based on the Authority's interest in providing funding for roof repairs to counties, Mr. Hall provided a report summarizing the results of the recent roofing survey completed. He stated that only 30 Counties submitted Roofing Projects for consideration, Attachment V provided a report on the extent of roofing repairs needed for each County's highest priority project and a preliminary cost of each roof repair or replacement. The Authority also discussed various levels of SBA funding participation options and directed the staff of the SBA to make a recommendation to the Authority regarding SBA funding assistance levels should this program move forward.



Upon a motion by Mr. Victor Gabriel, with a second by Mr. Tom Lange the Authority approved the staff of the SBA to hire a roofing consultant to investigate and give an analysis of each roofing project submitted and to return to the Authority at a later date with the results of this technical review and a recommendation for the level of SBA funding participation.

**X. FUTURE MEETINGS**

The 2016 summer quarterly meeting of the School Building Authority of West Virginia is scheduled to begin at 9:00 a.m. on June 27, 2016 with the location to be determined.

The 2016 fall quarterly meeting of the School Building Authority of West Virginia is scheduled to begin at 9:00 a.m. on September 26, 2016 with the location to be determined.

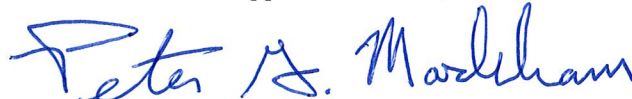
The 2016 NEEDs Grant Submission/Superintendent Interviews meeting is scheduled to begin at 9:00 a.m. on November 14 and November 15, 2016 with the location to be determined.

The 2016 winter quarterly meeting and NEEDs Grant project selection meeting of the School Building Authority of West Virginia is scheduled at 9:00 a.m. on December 12, 2016 with the location to be determined.

**XI. ADJOURNMENT**

There being no further business to come before the Authority and upon a motion by Mr. Robert Holroyd, with a second from Mr. Victor Gabriel the Authority voted to adjourn the March 21, 2016 Quarterly Meeting of the School Building Authority of West Virginia.

Minutes Approved June 27, 2016



Mr. Peter Markham, Governor's Designee  
School Building Authority of West Virginia