

**SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA**  
**Quarterly Meeting**  
**Minutes**

**Held at:**

**The School Building Authority of West Virginia**  
**2300 Kanawha Boulevard, East**  
**Charleston, West Virginia**

**March 19, 2018**  
**9:30 a.m.**

**I. CALL TO ORDER**

Chairman Brian Abraham, Governor's Designee, called the School Building Authority of West Virginia's (SBA) Quarterly Meeting to order at 9:33 a.m. on Monday, March 19, 2018. The following Board Members were present: Mr. Steve Burton, Vice-Chair; Mr. Victor Gabriel, Secretary; Mr. Tom Lange; Mr. Chris Morris; Mr. Bart Willis, Dr. James Wilson; Mr. Miller Hall; Dr. Steven Paine and Mr. David Perry. The following staff of the SBA were also present: Mr. Frank Blackwell, Executive Director; Mr. Garry Stewart; Mr. Scott Raines; Mr. Mike Hall; Mr. Ben Ashley; Mr. Dana Womack; Ms. Joyce VanGilder; Ms. Stella Gill; Ms. Angie Bradley, Ms. Karen Courtney; Ms. Lisa Wilkinson and Ms. Tammy Brewer.

**II. ACKNOWLEDGEMENTS AND RECOGNITIONS**

The following individuals attended the SBA Meeting: Mr. Ryan Quinn, Gazette-Mail; Mr. Ted Shriver, Williamson Shriver Architects; Mr. Jeff Pancione, Superintendent Hampshire County Schools; Ms. Denise Hott, Hampshire County Board of Education; Mr. David Fergusson, ZMM, Inc.; Mr. Ryan White, White Law Offices; Mr. Steve White, White Law Offices; Mr. Mark Martin, White Law Offices; Mr. Chuck Johnson, FBT; Mr. Ernie Dellatore, McKinley and Associates; Ms. Carolyn Arritt, Mr. Travis Arey, PCS, Inc. and Mr. Mike Pickens, West Virginia Department of Education, Director of School Facilities.

Chairman Abraham introduced Ms. Lisa Wilkinson, to the Authority, as the new Senior Financial Assistant for the SBA.

**III. APPROVAL OF MINUTES**

**A. SBA Quarterly Meeting December 11, 2017**

Upon a motion by Mr. Victor Gabriel, with a second by Mr. Tom Lange, the Authority voted to approve the minutes from the SBA Quarterly Meeting held December 11, 2017.

**B. Work Session December 11, 2017**

Upon a motion by Mr. Tom Lange, with a second by Mr. Victor Gabriel, the Authority voted to approve the minutes from the SBA Work Session held December 11, 2017.

C. Special Tele-Conference Meeting January 17, 2018

Upon a motion by Mr. Victor Gabriel, with a second by Mr. Chris Morris, the Authority voted to approve the minutes from the SBA Special Tele-Conference Meeting January 17, 2018.

IV.

**EXECUTIVE DIRECTOR'S REPORT**

A. Purchasing Card (P-Card) Program Report

Chairman Abraham recognized Executive Director Blackwell. Mr. Blackwell informed the Authority that one of the requirements of the P-Card Program is for the Authority to review all purchases made by the staff of the SBA. As such, the document in Attachment D provided an itemized list of the SBA's card usage for the period of November 1, 2017 through January 31, 2018.

B. Lottery Capital Improvement Revenue Bonds, Series 2018A

Executive Director Blackwell recognized Mr. Garry Stewart. Mr. Stewart introduced Mr. Steve White and Mr. Ryan White of White Law Office, Bond Counsel for the SBA's Lottery Capital Improvement Revenue Bonds, Series 2018A. Mr. Ryan White reviewed the following Resolution with the Authority:

RESOLUTION AUTHORIZING AND DIRECTING THE ISSUANCE OF NOT TO EXCEED \$48,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE SCHOOL BUILDING AUTHORITY OF WEST VIRGINIA'S LOTTERY CAPITAL IMPROVEMENT REVENUE BONDS; DESIGNATING CONSTRUCTION PROJECTS; ACKNOWLEDGING THE MAXIMUM AMOUNT OF BONDS TO BE ISSUED BY THE AUTHORITY UNDER THE ACT; AUTHORIZING THE EXECUTION AND DELIVERY OF A SEVENTH SUPPLEMENTAL TRUST INDENTURE, TAX COMPLIANCE CERTIFICATE, NOTICE OF SALE AND CONTINUING DISCLOSURE AGREEMENT; AUTHORIZING AND DIRECTING THE EXECUTION AND DELIVERY OF SUCH BONDS AND BOND DOCUMENTS RELATING THERETO; PROVIDING PARAMETERS FOR ESTABLISHING THE PRINCIPAL AMOUNT, PROVISIONS FOR REDEMPTION, MATURITY, AND OTHER TERMS OF SUCH BONDS; AUTHORIZING THE COMPETITIVE SALE OF THE BONDS OR SUCH OTHER MEANS AS AUTHORIZED BY THE AUTHORITY; AUTHORIZING THE AUTHORIZED OFFICER OF THE AUTHORITY TO APPROVE THE FINAL TERMS AND PRICING OF THE SERIES 2018A BONDS WITHIN SUCH PARAMETERS; REQUESTING THE TRUSTEE TO AUTHENTICATE THE SERIES 2018 A BONDS; AUTHORIZING THE DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND AN OFFICIAL STATEMENT FOR THE SERIES 2018A BONDS; AUTHORIZING EXECUTION AND DELIVERY OF OTHER DOCUMENTS AND THE TAKING OF ALL OTHER ACTIONS RELATING TO SUCH FINANCING.

Attachment E1 provided a copy of the complete RESOLUTION and Attachment E2 provided a copy of the Preliminary Official Statement. A brief discussion was held.

Upon a motion by Mr. Tom Lange, with a second by Mr. Victor Gabriel, the Authority voted to approve moving forward with the SBA's Lottery Capital Improvement Revenue Bonds, Series 2018A.

C. 2018 Legislative Overview

Executive Director Blackwell recognized Mr. Garry Stewart. Mr. Stewart informed the Authority that several Bills were introduced during the 2018 Legislative Session that would have affected the SBA. Mr. Stewart presented an overview of how these Bills would have affected the SBA had they moved forward and been approved. A summary of the last action on these Bills was provided in Attachment F.

Mr. Stewart also presented an overview of the School Building Authority's Representation made to the West Virginia Legislature's Finance Committees on January 18 and February 2, 2018.

D. New SBA Sub-Committee Assignments

Executive Director Blackwell notified the Authority that given the appointment of Mr. David Perry, by the West Virginia Board of Education, as an Authority Member it was necessary to reassign Members to the Sub-Committees. The staff of the SBA provided recommendations of these appointments in Attachment G.

Upon a motion by Mr. Miller Hall, with a second by Mr. David Perry, the Authority voted to fulfill this requirement and approved the recommended Sub-Committees.

E. Appointment of Officers for 2018 – (Action)

Executive Director Blackwell 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. Victor Gabriel held the office of Secretary.

Upon a motion by Mr. Tom Lange, with a second by Mr. Bart Willis, the Authority voted to approve Mr. Steve Burton as Vice-Chair and Mr. Victor Gabriel as Secretary for the 2018 term.

V.

**CEFP AMENDMENTS**

Executive Director Blackwell advised the Authority that the following amendments to county Comprehensive Educational Facilities Plans (CEFPs) had been reviewed and recommended for approval by the staff of the SBA and reviewed and coordinated with the State Department of Education, Office of School Facilities. The State Board of Education had acted on these same amendments. Approval of these amendments does not necessarily reflect support for funding of the projects 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. Barbour County CEFP Amendment

The Barbour County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment would add an additional classroom and restrooms in the Early Childhood classrooms as specified in Chapter 4, Section 403.05, D of WVDOE Policy 6200.

Barbour County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Steve Burton, with a second by Mr. Victor Gabriel, the Authority voted to approve this CEFP Amendment.

B. Monroe County CEFP Amendment

The Monroe County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment includes a safe school entry and cleaning/sealing of the masonry block at James Monroe High School.

Monroe County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Steve Burton, with a second by Mr. Victor Gabriel, the Authority voted to approve this CEFP Amendment.

C. Morgan County CEFP Amendment

The Morgan County Board of Education requested approval of an amendment to its 2010-2020 CEFP. This amendment revises the scope of the existing Berkeley Springs High School's renovation and addition project to include the replacement of the existing metal roofing currently installed on Building C – Gymnasium with new metal roofing.

Morgan County had complied with the SBA CEFP Amendment process.

Upon a motion by Mr. Victor Gabriel, with a second by Mr. Steve Burton, the Authority voted to approve Morgan County's CEFP Amendment.

VI.

**FINANCE REPORT**

A. Analysis of Trustee Accounts - Trustee Accounts Report

Mr. Garry Stewart informed the Authority that the financial reports of the trustee accounts held at United Bank of Charleston, West Virginia and The Bank of New York Mellon for the period ending February 28, 2018 summarized the trustee functions of the SBA. The financial report was provided in Attachment K.

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

Mr. Stewart informed the Authority that the financial report of the depository accounts maintained by United Bank for the period ending March 15, 2018, summarizes construction spending by the SBA for its School Construction and Major Improvement Programs. The financial report was provided in Attachment L.

C. West Virginia Department of Education – School Access Safety Program -

Mr. Stewart notified the Authority that during the 2007 Legislative Session, the West Virginia Legislature enacted into law the School Access Safety Act. This Act provided \$10 million per year for five years for School Access Safety improvements statewide. All county school systems were required to perform a school access safety assessment of each of its facilities to determine the immediate needs. The School Building Authority then distributed the allocated funds to each county based on net enrollment. In addition, the Act required that each County provide matching funds of not less than 15%. The final allocation of funding was used for the purposes of critical mapping of all facilities in the State and continued revisions to each County's crisis response plan. The West Virginia Department of Education, Office of School Facilities is charged with ensuring continued revisions to the crisis plans and has contracted with a part-time employee, who assists the counties in these efforts.

The WVDOE, Office of School Facilities provided a written request for the continuation of these funds, to continue providing support to the counties for these efforts. This request was provided in Attachment M for the Authority's consideration. The WVDOE requested \$75,000 to continue the employment of the part-time School Safety Coordinator for a two-year period. Mr. Stewart recommended to the Authority that they allocate \$80,080.75 the balance of this account.

Upon a motion by Mr. Miller Hall, with a second by Mr. David Perry, the Authority voted to approve the allocation of the remaining \$80,080.75 to the WVDOE to continue the employment of the part-time School Safety Coordinator.

**VII. PERSONNEL MATTERS**

**A. 2018 - 5% Legislative Pay Raises**

Ms. Stella Gill, Director of Administration informed the Authority that Governor Justice had signed House Bill 4145 that implemented all State Employees receiving a 5% pay raise. Ms. Gill explained that the Budget Office had designated \$2,160 to each employee, which is 5% of the average of all State Employees, effective as of the 1<sup>st</sup> day of July 2018.

Upon a motion by Mr. Steve Burton, with a second by Mr. Tom Lange, the Authority voted to approve the staff of the SBA's raises at the approved rate of \$2,160 per employee, to take effect on the 1<sup>st</sup> day of July 2018.

**B. Executive Session**

There was no Executive Session.

**VIII. NEW BUSINESS**

**Hampshire County**

Mr. Jeff Pancione, Superintendent of Hampshire County, made a presentation on Hampshire County's plans effecting its CEFPP and was available to answer questions from the Authority. The Authority recommended the staff of the SBA work with the West Virginia Department of Education, Office of School Facilities to assist Hampshire County and also informed Mr. Pancione that the Hampshire County Board of Education should hold Community Meetings, to keep everyone informed on the direction the Board would like to move forward with.

**IX. OLD BUSINESS**

**A. Policy and Procedure Changes**

Mr. Scott Raines advised the Authority that during the December 2017 Special Work Session of the Authority, the staff of the SBA was instructed to make changes to the SBA Policy removing SBA appointment of Construction Managers, allowing the County and the Architect to determine the construction oversight method to be utilized on school construction projects and other general changes to allow more flexibility on school construction projects. The staff made changes and provided a copy of those revisions under Attachment N1 – Policy and Procedure Handbook; Attachment N2 – New Form Index; and Attachment N3 – APPX L Forms.

A brief discussion was held, and the Authority requested the Construction Committee to meet and review these changes and to report its findings to the Full Authority at the June 18, 2018 Quarterly Meeting. Upon full approval the staff of the

SBA will file these changes with the Secretary of State's Office for the Legislative Rule-Making Review Committee to take action on.

B. Clerk of the Works

Mr. Raines informed the Authority that during the December 2017 Work Session, the Authority discussed the SBA compiling a list of qualified Clerks-of-the-Works from which counties could select a Clerk-of-the-Works for their specific construction project. During those discussions the Staff of the SBA advised the members that in order to determine the qualifications of a Clerk, the Authority must first consider the desired duties and responsibilities. Several members of the Authority members recommended duties and responsibilities that provided the Clerk more authority on the job site, while others recommended duties similar to the industry standard. The staff researched industry standard duties of the clerk and found those to be wide ranging. As such the Staff prepared a written report, which was provided in Attachment O.

The Authority requested that the Construction Committee review the attached report and provide additional direction to the Staff. Upon a final decision of duties and responsibilities, the Construction Committee shall report its findings to the Full Authority at the June 18, 2018 Quarterly Meeting. Upon full approval by the Authority the Staff will prepare a list of duties and responsibilities for Clerk-of-the-Works regarding the scope of each individual project.

C. SBA Architectural Fee Structure

Mr. Raines advised the Authority that during the December 2017 Work Session discussions were held regarding design fees paid on SBA projects. During those discussions several members of the Authority expressed concerns regarding the SBA's current fee structure which allows for a higher percentage fee on smaller projects. This structure pays a higher percentage to the design professional and takes away from the bricks and mortar of the projects. Authority members asked the staff of the SBA to review this policy and provide additional information to the Authority. The Staff contacted other construction agencies across the State to compare their practices and had prepared a written report, comparing those practices. The report was provided in Attachment P.

The Authority requested that the Construction Committee review the attached report and provide additional direction to the Staff. Upon review of these fees, the Construction Committee shall report its findings to the Full Authority at the June 18, 2018 Quarterly Meeting. Upon full approval by the Authority the Staff will prepare a new Design Fee Schedule.

D. Proto-Typical Design Study

Mr. Raines notified the Authority that during the December 2017 Work Session members of the Authority discussed the possibility of proto-typical school designs. Proto-Typical school designs have been of interest to past Administrations and members of the Legislature. As such, the SBA had previously provided those entities a report outlining the potential for a proto-typical school design program, and potential related cost savings. The report has been provided in Attachment Q.

The Authority requested that the Construction Committee review the attached report and provide additional direction to the Staff. The Authority also recommended that the Staff contact Mr. Manny Arvon, Superintendent of Berkeley

County Schools, which has used Proto-Type schools for Elementary Schools and requests that he be available on April 19, 2018 for the Construction Committee Meeting. The Construction Committee shall report its findings to the Full Authority at the June 18, 2018 Quarterly Meeting.

E. Distribution of FEMA Funds for 2016 Floods

Mr. Raines informed the Authority that after the June 2016 floods, Governor Tomblin charged the SBA with administration of the Federal disaster relief funding in accordance with Section 18-9D-15 of the West Virginia Code. The Federal disaster relief funding also provides for property acquisition relating to the directed relocation of substantially damaged facilities. Traditionally, the SBA has not provided state funding for property acquisition on new school construction projects. As such, a concern was raised as to whether the SBA could provide such funding. Executive Director Blackwell, had requested an official opinion of the Attorney General regarding the concern. The Attorney General's Office had provided a written opinion to the SBA on February 2, 2018. The opinion was provided in Attachment R.

F. Confirm the Responsibilities of a Public Authority under the West Virginia Job Act

Mr. Raines notified the Authority that the SBA was in receipt of correspondence from the West Virginia Division of Labor, regarding employee reporting requirements of the West Virginia Jobs Act, on State funded construction projects. After the repeal of prevailing wage requirements during the 2015 Legislative Session, many contractors have failed to provide certified payroll documents, thinking those were dissolved with the repeal. However, the West Virginia Jobs Act requires a certain level of employee reporting by contractors, to ensure compliance with hiring requirements of the Act. The Division of Labor has had a difficult time receiving the required documents and thus issued the correspondence to all Public Authorities. This correspondence outlines the requirements of the contractor, subcontractor and the public authority receiving bids. A copy of the letter was provided in Attachment S.

X.

**FUTURE MEETINGS**

The 2018 summer quarterly meeting of the School Building Authority of West Virginia is scheduled for June 18, 2018 with the location to be determined.

The 2018 fall quarterly meeting of the School Building Authority of West Virginia is scheduled for September 17, 2018 with the location to be determined.

The 2018 NEEDs Grant Submission/Superintendent Interviews meeting is scheduled for October 29 and 30, 2018 with the location to be determined.

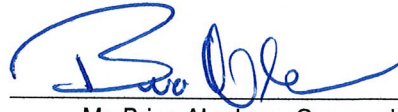
The 2018 winter quarterly meeting and NEEDs Grant project selection meeting of the School Building Authority of West Virginia is scheduled for December 10, 2018 with the location to be determined.

XI.

**ADJOURNMENT**

There being no further business to come before the Authority and upon a motion by Mr. Tom Lange, with a second from Mr. Victor Gabriel, the Authority voted to adjourn the March 19, 2018 Quarterly Meeting of the School Building Authority of West Virginia.

Minutes Approved June 18, 2018



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Mr. Brian Abraham, Governor's Designee  
School Building Authority of West Virginia