

MINUTES

PROPERTY VALUATION TRAINING AND PROCEDURES COMMISSION (PVC)

Clarksburg, West Virginia

November 19, 2014

Presiding: Jeff Amburgey
Chairman, Property Valuation Training and Procedures Commission
Director, Property Tax Division

Quorum Present:

Hon. Mickey Brown, Boone County Commissioner
Hon. Janice LaRue, Mineral County Commissioner
Hon. Jason Nettles, Assessor of Calhoun County
Hon. Harvey "Eddie" Young, Assessor of Fayette County
Hon. Cheryl Romano, Assessor of Harrison County
Mr. Kurt Donaldson, GISP / PVC Citizen Member / PVC Subcommittee Member
WVU – GIS Manager, Dept. of Geology and Geography
Dr. Calvin Kent / PVC Citizen Member / PVC Subcommittee Member /
Professor, Marshall University

Members Absent:

None.

Guests Present:

Amy Jacobs, Secretary, PVC / Office Manager, Property Tax Division
Kris Pinkerman, Assistant Director, Property Tax Division
Leroy Barker, Appraiser Chief, Appraisal Services Unit, Property Tax Division
Travis Payne, Tax & Revenue Manager, Mined Minerals, Property Tax Division
Maria Gray, GIS Programmer Analyst, Mined Minerals/GIS, Property Tax Division
John Cutright, Assessor of Barbour County
Carrie Boyles, Barbour County Assessor's Office
Jim Priester, Assessor of Marion County
Phyllis Yokum, Assessor of Randolph County
Kevin Rake, Tyler Technologies

Recognizing the presence of a quorum, Jeff Amburgey called the meeting to order at 9:10
a.m.

Mr. Amburgey started the meeting by discussing the PVC member status and vacancies. He reminded the Commission that the rules are specific regarding how the vacancies are filled and directed their attention to West Virginia Code §11-1C-3, *Property valuation training and procedures commission generally; appointment; term of office; meetings; compensation*, which outlines the specifications pertaining to the members.

Mr. Amburgey stated that the Commission currently has 3 citizen member vacancies and current County Commissioner member, Janice LaRue, will be retiring at the end of this year, leaving the PVC will only 7 members and 6 members are required for a quorum to conduct a meeting.

He further informed the members that the Department had been in contact with the Governor's Office regarding the vacancies and current members. The Department confirmed to the Governor's Office that all current members wished to be reappointed and had provided the recommendation that Janice LaRue be reappointed as a citizen member upon her resignation as a County Commissioner member.

1. Minutes of January 16-17, 2014 Meeting of the Property Valuation Training and Procedures Commission

Prior to discussing the minutes from the January 2014 meeting, Jeff Amburgey wanted to get clarification on a motion from the previous meeting; specifically, to see if the Department misunderstood the motion or if the motion had been incorrectly transcribed. He further explained that due to current staffing issues and vacancies in the Appraisal Services Unit, Dr. Cal Kent had made a motion that for the ensuing year, monitoring would not include those counties for which no deficiencies were noted in the current year's monitoring. A second part of the motion, as was transcribed in the meeting minutes, said that counties in which only one deficiency was noted, would also not be monitored. However, that is not what the Tax Department did. Instead, counties that were on the first year deficiency list were not monitored. There would have been many counties that would have failed for multiple years with only one deficiency. Therefore, the Department actually did not monitor the counties that passed everything or those counties that had only failed for the first year. The motion did not coincide with the practice by the Department.

Dr. Kent stated that the intent of the motion was that for any county with only one deficiency, that county would not be monitored for that year. Mr. Amburgey apologized and restated that was not what was done. The original motion stood as stated and recorded in the meeting minutes.

Eddie Young made a motion to approve the meeting minutes. Kurt Donaldson seconded the motion. With no further discussion and all members voting in favor, the motion carried.

2. Monitoring Reports

Tax Year 2014 County Appraisal Monitoring

Jeff Amburgey started the discussion by reminding the members of the monitoring process and introducing Leroy Barker, Appraiser Chief of the Appraisal Services Unit, who would give the report to the members.

Mr. Barker discussed the counties with deficiencies, which were: *1st Year* – Marion; *2nd Year* – None; *3rd Year* – Marshall, McDowell, Mingo and Monroe; *4th Year* – Boone, Hancock, Webster and Wetzell; *5th Year* – Putnam; *6th Year* – None; *7th Year* – Barbour and Monongalia. There was discussion among the members and Mr. Barker.

Dr. Cal Kent questioned how restrictive the PVC could be with the usage of the 2% money in the Assessors' valuation funds. Specifically, he wondered if the PVC should be requiring that the Assessor use that money for correcting the deficiencies that have been noted by the State.

Mr. Amburgey suggested adding something to the budget packet letter stating that if a county was deficient in a specific area that the PVC would suggest that the county be required to spend money in that particular area to address the problem. Following discussion among the members, it was agreed and the following was added to Page 2 of the cover letter mailed to all county assessors for the FY2015-2016 Proposed Valuation Fund Budget packets: "During the November 19, 2014 PVC meeting, the Commission strongly suggested that if your county has a monitoring deficiency(ies), that you allocate funds in this Fiscal Year's budget to correct the issue(s)."

Mr. Amburgey reminded the members that the normal procedure for monitoring deficiencies is that any county that is out of compliance for 3 or more years is required to appear at the January meeting to explain their plans to correct the deficiencies. Those counties that pass their monitoring are mailed the "atta-a-boy" letter. He further stated that historically, the counties that are noncompliant for 1 or 2 years were mailed a letter requesting their plans to address the deficiencies, although they were not required to appear at the January meeting. As Marion County was the only county in the 1 year category (and there were none in the 2 year category), the PVC was aware of the issue, and the Marion County Assessor, Jim Priestler, was present at this meeting, Mr. Amburgey felt that no letter was necessary for Marion County.

Jason Nettles made a motion to not send Marion County a letter and to follow the normal procedure by sending the "atta-a-boy" letters, and the letters to the counties with 3 or more year deficiencies stating they are required to appear at the January meeting to explain their plans to correct the deficiencies. Cheryl Romano seconded the motion. With no further discussion and all members voting in favor, the motion carried.

Before proceeding with the meeting, Dr. Cal Kent suggested that Mr. Amburgey forward the question below to the State's Legal Division about providing something for the counties that employ contractors to get their county into compliance, yet are not provided with the work

papers from that contractor. Specifically, he felt that, *“No county shall employ any firm or individual as a consultant for any purpose related to the assessment of property unless that firm or individual agrees, in writing, to furnish the assessor with any and all work sheets or other information used in the performance of their duties.”*

In addition he requested that the question be posed to the State’s Legal Division regarding how restrictive the PVC can be with the counties 2% money in the Val Fund.

Jason Nettles made a motion to accept the monitoring reports for the counties that passed and the PVC will accept the remaining counties after they appear at the January 2015 meeting. Eddie Young seconded the motion. With no further discussion and all members voting in favor, the motion carried.

Monitoring Reports (continued)

Tax Year 2014 Mapping/Drafting Monitoring

Maria Gray, of the State Tax Department, and Kurt Donaldson spoke about the map monitoring. Ms. Gray shared information for all 55 counties regarding the Tax Year 2013 County Monitoring Drafting results, which indicated that of the 17 counties that were monitored, 15 counties passed and 2 counties failed.

Ms. Gray further stated that the Tax Year 2014 County Tax Map Monitoring included: Map Maintenance, which indicated that of the 21 counties that were monitored, 20 counties passed and 1 county failed. For Map Design and Content, of the 21 counties that were monitored, all 21 counties passed. For Map Submission, of the 21 counties that were monitored, all 21 counties passed. For Parcel Submission, of the 21 counties that were monitored, there were 2 counties that were manual counties and were not required to submit parcels; but all 21 counties passed. Three counties did receive citations, but they still passed. There was much discussion between Ms. Gray and the PVC members.

3. Mapping Discussion

Jeff Amburgey then spoke about Kurt Donaldson’s suggestions for proposed changes to the existing Legislative Rule which addresses only paper maps. Mr. Donaldson had submitted the proposed changes, after having shared with the PVC members, to the Tax Department with hopes that it would be introduced for Legislation. Mr. Amburgey met with all Tax Department Division Directors who had proposals for the Tax Department’s Legislation to be submitted. During this meeting, it was decided that the State Code would be changed first and the Legislative Rule would be changed the following year. Unfortunately, at a subsequent meeting that Mr. Amburgey was not involved with, it was decided that this proposal was removed from the list to be presented during the 2015 Legislative Session.

Discussion ensued among the members. Mr. Donaldson stated that the Code change was to get the word “electronic” into Chapter 11 of the State Code. He felt that the Tax Department

should be the sponsor to get the Code changed, and he suggested that the two Rules be submitted at the same time straight to the Secretary of State's Office.

Jeff Amburgey stated that as the changes were already made for the Code, that if Senator Sypolt (suggested by Jim Priester) or another would introduce the proposal, he didn't feel it would be opposed. Kurt Donaldson felt that the PVC was depending on the Legal Division to see this through for the Commission. He asked if we could request to have someone from the Legal Division attend the January meeting to discuss this issue.

Kurt Donaldson made a motion to submit the Tax Map Sales Legislative Rule and the Maintenance of Surface Tax Maps Procedural Rule to the Secretary of State's Office for the comment period. Cal Kent seconded the motion. With no further discussion and all members voting in favor, the motion carried. Kurt Donaldson made an additional comment stating that this was a process. The price has been one of the most contentious issues and he felt that the Legislature will ultimately have to set price. Cheryl Romano asked if counties were permitted to sell their maps online at no charge. Mr. Donaldson stated that this Commission was charged with the duty of ensuring that the standards and prices are uniform.

Cal Kent made a motion to accept the Mapping Monitoring for Tax Year 2013 and 2014. Kurt Donaldson seconded the motion. With no further discussion and all members voting in favor, the motion carried.

4. Budget Revisions for FY2013 – 2014

Jeff Amburgey presented the four budget revision requests for FY2013 - 2014. These requests had been shared with the PVC members prior to the meeting and had been approved on a preliminary basis. However, as the requests were either more than \$10,000 or 10% of the county's valuation fund, they were presented at this meeting for final PVC approval.

Jason Nettles made a motion to approve the budget revisions for FY2013 – 2014. Janice LaRue seconded the motion. With no further discussion and all members voting in favor, the motion passed.

Budget Revisions for FY2014 – 2015

Jeff Amburgey reminded the members that each year the State Auditor's Office provides the State Tax Department with the county clerk's statement of the ending balance in the Valuation Fund. In October of each year, the Tax Department then sends the county assessor's the "more or less" letter, which indicates the figures that should be used for their budget revisions in order to reconcile the fund balance (if the county has not already submitted the revision on their own).

Mr. Amburgey presented the twenty-eight budget revision requests for FY2014 - 2015. These requests had been shared with the PVC members prior to the meeting and had been approved on a preliminary basis. They were presented at this meeting for final PVC approval. There was discussion among the members relating to each request. Kurt Donaldson requested

that the FY2014 - 2015 "More/Less" spreadsheets be included in the books for the January 2015 PVC meeting.

Jason Nettles made a motion to approve the budget revisions for FY2014 – 2015. Cal Kent seconded the motion. With no further discussion and all members voting in favor, the motion passed.

Jeff Amburgey reminded the members of the normal procedures that counties with a large carryover would be called to appear at the January meeting to explain the carryover. Cal Kent stated that he felt the counties with a carryover of over 50% should still have to appear and justify carryover. If a county had stated that they were going to do "A, B, C and D" but they only did "A", the PVC needs to know why they didn't do everything to justify the carryover – both retrospective and prospective. **Cal Kent made a motion to repeat the process the same as last year and that Mr. Amburgey would review the FY2015 – 2016 Valuation Fund Budgets and circulate that information among the members from any county that had a carryover of over 50% to see which counties the PVC wanted to request to appear at the January 2015 meeting to justify the carryover. It would only take one member requesting to have a county appear. Kurt Donaldson seconded the motion. With no further discussion and all members voting in favor, the motion passed.**

5. Other Business

Jeff Amburgey introduced that the PVC Subcommittee held a meeting on October 15, 2014. Leroy Barker discussed a handout that had been shared at the meeting. Discussion ensued among the members regarding:

- Counties had been instructed that they could only have one (1) modifier.
 - After discussing the issue, the Subcommittee recommends that a county can have more than one (1) modifier, but must do a separate study for each modifier.
- Counties have to do and implement a base table study every year.
 - After discussing the issue, it was determined that a base table should only be done when necessary.
- Is there a need to monitor every county every year?
 - After much discussion, there was a recommendation that the State would monitor every other year except where a county had deficiencies in the prior year.
- Does the PVC still want the State to run the "Sales Chasing Report" and submit it to the counties.
 - This issue should be decided by the entire PVC.

Cal Kent made a motion to not monitor for Tax Year 2015 any county that had no deficiencies for Tax Year 2014, to include Marion County. Eddie Young seconded the motion. With no further discussion and all members voting in favor, the motion passed. The counties that were not monitored in Tax Year 2014 would be monitored.

Cal Kent made a motion to continue to run or run for first time the “Sales Chasing Report” for Tax Year 2014 and share with the PVC members and with the counties. Mickey Brown seconded the motion. With no further discussion and all members voting in favor, the motion passed.

Jeff Amburgey spoke briefly about this being Janice LaRue’s last PVC meeting, as she was retiring from the Mineral County Commission at the end of December 2014. He thanked her for her service and dedication to the PVC.

The members discussed setting the date for the January 2015 PVC Meeting. It was decided that Jeff Amburgey would email the available dates for the members to deliberate for the meeting arrangements to be made.

Jeff Amburgey asked if there was any additional Other Business the members would like to address. There was none.

Kurt Donaldson made a motion to adjourn the meeting. Jason Nettles seconded the motion. With no further discussion and all members voting in favor, the motion passed and the meeting was adjourned.