

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
MEETING OF OCTOBER 28, 2009**

Due to a power outage at the offices of the Consolidated Public Retirement Board the meeting of the West Virginia Consolidated Public Retirement Board of Trustees was held at the Governor's Press Conference Room, Capitol Complex, Bldg 1, 1900 Kanawha Boulevard East, Charleston, West Virginia 25304 and was called to order at 10:40 a.m. by Chairman David Wyant.

Roll Call was taken and trustees present were:

David Wyant, Esquire, Chairman
Jonathan S. Deem, Esquire, *representing Governor Joe Manchin, III*
Mack Parsons, *representing Auditor Glen Gainer*
Diana Stout, Esquire, *representing Treasurer John Perdue*
Cabinet Secretary Robert W. Ferguson, Jr.
E. Gene Davis
Drema Evans
Charles D. Lanham
Joe Lynch
D. Todd Murray

A quorum was present. Due notice had been posted.

Also in attendance were:

Anne Werum Lambright, Esquire, Executive Director, CPRB
Terasa L. Miller, Chief Operating Officer, CPRB
Anita Brewster, Executive Assistant, CPRB
Brittany Smith, Office Assistant, CPRB
Cindy Adkins, Office Manager, CPRB
Lenna Chambers, Esquire, Bowles Rice McDavid Graff and Love
Jeaneen Legato, Esquire, In House Legal Counsel
Meredith George, Esquire, Governor's Office
Anne Charnock, Hearing Officer
Barbara Haddad, CPRB Chief IT/Information Officer
Jeffrey Fleck, CPRB Compliance Officer
Harry Mandel, CPRB Board Actuary
Melody Bailey, CPRB Actuary Assistant
Craig Slaughter, Esquire, Executive Director WVIMB
Gerry Stowers, Esquire, Bowles Rice McDavid Graff and Love
Andrew Wyne, Great West Outreach Officer
Misty Peal, Esquire, WVEA
Josh Sword, WVAFT
Michael Piziak
Donna Lipscomb, Department of Administration

Tab #1: Approval of the September 9, 2009, Meeting Minutes

Mr. Davis moved to approve the September 9, 2009, minutes of the Consolidated Public Retirement Board and the motion was seconded by Mr. Parsons. The motion carried unanimously. The minutes are behind Tab #1.

Tab# 2: Reports of the Chairman and Executive Director

Chairman Wyant informed the Board that he was appointing David Fletcher as the Chair of the Accounting and Investment Committee to fill the vacancy due to the resignation of Captain Stephen Tucker from the Board.

The Board heard the report from Executive Director Lambright which included the following information:

1. Website Report;

2. Retirement numbers;

3. COOP Plan:

Director Lambright informed the Board that a schedule of the possible COOP education at the weekly Directors Meetings was in their Board book;

4. TDC/TRS Overages:

Director Lambright reviewed with the Board the TDC/TRS overages which, at this point, total over half a million dollars; however, all expenses are not in at this time. When all charges are determined, the matter will be presented to the Legislature for reimbursement consideration;

5. Arnett and Foster:

Director Lambright informed the Board Arnett & Foster had completed their work on the TDC to TRS transfer and a copy of their report was in their Board book for their review;

6. TDC/TRS 25% service credit rejections:

Director Lambright informed the Board there had been approximately 90 rejection letters mailed regarding the purchase of the 25% service credit due to returned checks, total payment not received and loan applications not completed on time and out of the 90 rejections about one-third had filed an appeal;

7. Financial Audit:

Director Lambright informed the Board the financial audit had been completed and the report should be ready for the Board at its next meeting in December;

Secretary Robert W. Ferguson arrived at the meeting at 10:52 a.m.

8. Public Funds Survey:

Director Lambright informed the Board the 2008 Public Funds Survey had been released and other funds ranked lower than West Virginia;

9. Reality Investing:

Andrew Wyne reviewed with the Board the Reality Investing statistics as of 10/05/2009;

10. Bond Replacement Fund:

Director Lambright informed the Board a copy of the letter from Great West to Plan Participants informing them of the new investment option was in their Board book;

11. PERS Web Contributions User Guide:

Director Lambright informed the Board a copy of the PERS Web Contributions User Guide was in their Board book;

12. Debt Reduction Information:

Director Lambright informed the Board a listing of the debt reduction money deposited into TRS from the State Budget Office since July 2009 was in their Board book;

13. CAPPP:

Director Lambright informed the Board CPRB had three (3) more staff members who had completed and passed both parts and had received their Certificates which were displayed in the front lobby. The Director further informed the Board that Terasa Miller had completed and passed the Accredited Fraud Investigation certification program;

14. Deputy Sheriff Retirement System:

Director Lambright informed the Board the DSRS annual statements were mailed on October 9, 2009 and that a copy of the DSRS Statewide Uniform Fees chart was in their Board book;

Chairman Wyant informed the Board that there were legal matters which would need to be discussed in Executive Session.

Mr. Parsons made a motion that the Board go into Executive Session to discuss the legal matters as allowed by West Virginia Code § 6-9A-4. The motion was seconded by Mr. Murray and carried unanimously. The Board went into Executive Session at 11:00 a.m.

The Board reconvened the Public Session of the October 28, 2009, meeting of the Consolidated Public Retirement Board at 11:55 a.m.

Chairman Wyant announced that no decisions were made during the Executive Session.

Tab #3: Plans Investment Data

Director Lambright reviewed with the Board the WVIMB data for the period through August 31, 2009. Discussion followed.

Andrew Wyne, Great West Outreach Officer, reviewed with the Board the Investment Performance as of August 31, 2009.

Tab #4: Consideration of Current Disability Retirement Applications

E. Gene Davis, Chair of the Disability Review Committee, reviewed the disability report with the Board. He stated that the Committee met prior to this Board meeting and offered the following recommendations:

System	Yes	No	Total
DSRS	1	0	1
PERS	27	1	28
SP PLAN A	0	1	1
TDC	4	0	4
TRS	8	2	10
TDC/TRS TRANSFER	9	0	9
TOTAL	49	4	53

Ms. Evans moved that the Board accept the Disability Committee's recommendations

concerning the retirement disability applications. The motion was seconded by Mr. Lynch. The motion carried unanimously. The disability list is behind Tab #4.

Tab #5: Consideration of Appeals to Hearing Officers

Hearing Officer Charnock addressed the appeal of John DeFazio. Ms. Stout moved to accept the recommendation of the Hearing Officer and deny that portion of the appeal wherein he requested to purchase the additional 25% TDC service credit due to the funds and rollover form not being received by the statutory deadline, and approve that portion of the appeal to utilize the timely filed loan application to purchase the 25 % TDC additional service credit. The motion was seconded by Ms. Evans. Discussion followed. The motion passed with Mr. Davis voting in the negative and Chairman Wyant indicating that if there would have been a tie, he would have voted no.

Hearing Officer Charnock addressed the appeal of Sharon Petri. Ms. Evans moved to accept the recommendation of the Hearing Officer and deny the appeal of Ms. Petri. The motion was seconded by Mr. Lanham. Discussion followed. The motion carried unanimously.

Hearing Officer Charnock addressed the appeal of Michael Piziak and that Mr. Piziak was in attendance. Mr. Davis moved to accept the recommendation of the Hearing Officer and deny the appeal of Mr. Piziak. The motion was seconded by Mr. Murray. The motion carried unanimously.

General Counsel Jeaneen Legato addressed the appeal of Vanessa Bozeman. Mr. Davis moved to adopt the Final Order prepared by In-House Legal Counsel allowing the appellant to transfer from the Teachers' Defined Contribution Retirement System (TDC) to the Teachers' Retirement System (TRS). The motion was seconded by Mr. Parsons. Discussion followed. The motion carried unanimously.

Tab #6: Work in Progress Reports from Legal Counsel

In-House Legal Counsel Jeaneen Legato gave a report to the Board concerning all pending legal matters. Discussion followed.

Ms. Stout moved that the Board instruct In-House Legal Counsel to proceed with the proper procedure to terminate the retirement account of Dr. Danny Wills as a result of Less Than

Honorable Service. The motion was seconded by Mr. Davis. The motion carried unanimously.

Chairman Wyant raised the issue of the legal contract of In-House Counsel Jeaneen Legato. Mr. Davis moved that the Board extend the legal contract of Ms. Legato for one (1) year with the same terms and conditions. The motion was seconded by Ms. Evans. The motion carried unanimously.

Report of In House Legal Counsel is behind Tab #6.

Outside Legal Counsel Lenna Chambers gave a report to the Board concerning all pending legal matters. Discussion followed. Ms. Stout moved that the Board instruct Outside Legal Counsel to participate as Co-Plaintiffs on the West Virginia Investment Management Board (WVIMB) declaratory action against AIG/VALIC. The motion was seconded by Ms. Evans. The motion passed with Chairman Wyant indicating that he would not vote if there was a tie as he had a conflict.

Report of Outside Legal Counsel is behind Tab #6.

Tab #7: Committee Updates

Director Lambright and Ms. Stout reported to the Board that the Accounting and Investment Committee was working on the RFP and would have it to present to the Board at its next meeting.

Jonathan Deem informed the Board that the Computer Systems Update Committee had completed the evaluation process and the Committee was recommending to the Board that the contract be awarded to L. R. Wechsler, Ltd. Secretary Ferguson moved that the Board accept the recommendation of the Computer Systems Update Committee and award the contract to L. R. Wechsler, Ltd. The motion was seconded by Ms. Evans. Discussion followed. The motion carried unanimously.

Secretary Robert W. Ferguson, Jr. departed the meeting at 12:50 p.m.

Donna Lipscomb, representing Secretary Ferguson arrived at 12:50 p.m.

Tab #8: Proposed Legislation

Chief Operating Officer, Terasa Miller reviewed with the Board the proposed changes in Emergency Medical Services Retirement System (EMSRS) legislation. Mr. Lynch moved that the Board accept the EMSRS Proposed Legislation and submit it to the Legislature for consideration. The motion was seconded by Mr. Fletcher. Discussion followed. The motion passed

unanimously.

Jonathan Deem, departed the meeting at 1:02 p.m.

Meredith George, representing the Governor, arrived at the meeting at 1:02 p.m.

Chief Operating Officer, Terasa Miller reviewed with the Board the proposed legislation concerning changes in all retirement plans to be in compliance with Section 415 of the Internal Revenue Code. Mr. Lanham moved that the Board accept the proposed legislation and submit it to the Legislature for consideration. The motion was seconded by Mr. Lynch. Discussion followed. The motion passed unanimously.

Tab #9: Old Business

Chairman Wyant asked for old business and none was heard.


Tab #10: Other, New Business

Chairman Wyant asked for new business.

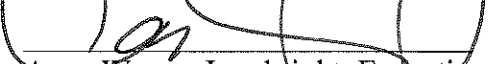
Mr. Murray moved that the Board instruct the CPRB staff to prepare an amendment to WV Code §7-14D-7 to remove the cap on employer contributions with the DSRS System and to draft the legislation to mirror the employer contributions in the other plans administered by CPRB. The motion was seconded by Mr. Davis. The motion passed unanimously.

Chairman Wyant informed the Board he was appointing a Committee to collect and evaluate proposals for Outside Legal Services and asked that the Committee meet prior to the December 9, 2009 Board meeting. Chairman Wyant appointed Charles Lanham, Chairman; Jonathan Deem, Esquire, Diana Stout, Esquire, David Wyant, Esquire, Secretary Robert W. Ferguson, Jr., and D. Todd Murray as members of the Committee.

Chairman Wyant asked for new business and none was heard. Chairman Wyant adjourned the public meeting of the West Virginia Consolidated Public Retirement Board at 1:15 p.m.



David Wyant, Chairman
Consolidated Public Retirement Board



Anne Werum Lambright, Executive Director
Consolidated Public Retirement Board