

**MINUTES OF THE
WV CONSOLIDATED PUBLIC RETIREMENT BOARD
MEETING OF JULY 22, 2009**

A meeting of the West Virginia Consolidated Public Retirement Board of Trustees was held at the Board Conference Room, 4101 MacCorkle Avenue, SE, Charleston, West Virginia 25304 and was called to order at 10:05 a.m. by Chairman David Wyant.

Roll Call was taken and trustees present were:

David Wyant, Esquire, Chairman
Jonathan Deem, Esquire, *representing Governor Joe Manchin, III*
Mack Parsons, *representing Auditor Glen Gainer*
Diana Stout, Esquire, *representing Treasurer John Perdue*
Donna Lipscomb, *representing Cabinet Secretary Robert W. Ferguson, Jr.*
E. Gene Davis
Drema Evans
Charles D. Lanham
Andrew Richardson, Esquire
Captain Stephen Tucker

A quorum was present. Due notice had been posted.

Also in attendance were:

Anne Werum Lambright, Esquire, Executive Director, CPRB
Anita Brewster, Executive Assistant, CPRB
Brittany Smith, Office Assistant, CPRB
Cynthia Adkins, Office Manager CPRB
Lenna Chambers, Esquire, Bowles Rice McDavid Graff and Love
Jeaneen Legato, Esquire, In House Legal Counsel
Jack DeBolt, Esquire, CPRB Hearing Officer
Mark Miller, CPA, CPRB Chief Financial Officer
Jeffrey Fleck, CPRB Compliance Officer
Harry Mandel, CPRB Board Actuary
Melody Bailey, CPRB Actuary Assistant
Lisa Trump, CPRB PERS Manager
Deana Gose, CPRB Uniform Services Manager
Vickie Sutton, CPRB TRS Manager
Barbara Haddad, CPRB IT Manager
Cynthia Boyd, CPRB Internal Auditor
Kris Morton, Great West Regional Manager
Andrew Wyne, Great West Outreach Officer
Meredith George, Esquire, *representing Governor Joe Manchin, III*
Misty Peal, WVEA
Robert McFann

CPRB rec'd 09/21/09

Tab #1: Approval of the June 10, 2009, Meeting Minutes

Mr. Richardson moved to approve the June 10, 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

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

1. Website Report;
2. Retirement numbers;
3. Triangle Contract:

Director Lambright informed the Board that the Triangle Contract for the 1099's was withdrawn and put out to bid again on the advice of the Purchasing Division and therefore she had not executed the contract as directed at the last Board meeting;

4. New hires:

Director Lambright informed the Board that we had welcomed Beth Funfstuck to our Communications Department. Director Lambright further informed the Board that we had said good bye to PERS employee Calvin Shelton who had moved to Texas;

5. OPED:

Director Lambright informed the Board that Secretary Ferguson had set up an OPEB Liability think tank with Ted Cheatham (PEIA), Ross Taylor (Finance), herself and some university people to suggest ways to deal with the growing liability;

6. Seminars:

Director Lambright informed the Board that trip reports were in their book for the conferences attended by CPRB staff;

7. Budget Report for June 2009:

Director Lambright reviewed with the Board the budget figures for June 2009 and fiscal year 2009;

8. Gibbons & Kawash Contract:

Director Lambright informed the Board that a letter outlining the financial audit to be performed by Gibbons and Kawash was in their book for their review;

CPRB met 09/21/09
60-12160-PER-8940

9. West Virginia Investment Management Board:

Director Lambright informed the Board that she had attended the IMB meeting on July 20th;

Cabinet Secretary Ferguson arrived at the meeting at 10:17 a.m.

Donna Lipscomb departed the meeting at 10:17 a.m.

10. Power Baseball game:

Director Lambright informed the Board that Tax Counsel had invited the CPRB staff to a Friday night Power baseball game and almost 70 employees and family members attended and a great time was had by all;

11. Municipal Fire and Police:

Director Lambright informed the Board that the draft municipal fire and police bill was discussed at the July interims and at this point, if passed, it is a new plan for CPRB for new hires. The benefits and structure will be similar to EMS;

12. 2010 Proposed Legislative Rules:

Director Lambright reviewed with the Board the public comments on the proposed Legislative Rules and informed the Board that a letter had been received regarding Legislative Rule Series 5 (PERS) concerning changing the contribution structure, but the letter did not constitute changes being made to Legislative Rules Series 5. Mr. Richardson moved that the Proposed Legislative Rules be submitted to the Legislature for consideration. The motion was seconded by Captain Tucker. The motion passed unanimously.

13. CPRB Web site:

Director Lambright informed the Board that the signed minutes for all CPRB Board meetings and Committee meetings were now available on the CPRB web site;

14. TDC/TRS transfer:

Director Lambright reviewed with the Board the TDC/TRS transfer information that she had shared with the Legislature;

15. Outreach Seminars:

Director Lambright informed the Board that staff was in the process of planning the payroll clerk seminars for TRS and TDC for Fall 2009 and that a schedule of the meetings scheduled in September was in their book;

16. PERS Compliance Report:

Director Lambright informed the Board that Compliance Officer Jeffrey Fleck had completed the PERS Compliance report and had furnished the PERS representatives with a copy to review. The Compliance report will be brought to the Board in September;

Tab #3: Plans Investment Data

Director Lambright reviewed with the Board the WVIMB data for the period of May 2009. Discussion followed.

Andrew Wyne with Great West reviewed with the Board the June 30, 2009 information.

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
PERS	18	0	18
TDC	4	0	4
TRS	4	0	4
TDC/TRS TRANSFER	2	0	2
TOTAL	28	0	28

Captain Tucker moved that the Board accept the Disability Committee's recommendations concerning the retirement disability applications. The motion was seconded by Mr. Lanham. The motion carried unanimously. The disability list is behind Tab #4.

Chairman Wyant informed the Board that there were medical, legal and personnel issues which would need to be discussed in Executive Session.

Mr. Richardson made a motion that the Board go into Executive Session to discuss the medical, legal and personnel issues as allowed by West Virginia Code § 6-9A-4. The motion was seconded by Ms. Evans and carried unanimously. The Board went into Executive Session at 10:30 a.m.

The Board reconvened the Public Session of the July 22, 2009, meeting of the Consolidated Public Retirement Board at 12:10 p.m.

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

Tab #5: Consideration of Appeals to Hearing Officers

Hearing Officer DeBolt addressed the appeal of Robert Bussard. Ms. Evans moved to accept the recommendation of the Hearing Officer and deny the appeal of Mr. Bussard. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Terry Chandler. Captain Tucker moved to accept the recommendation of the Hearing Officer and deny the appeal of Ms. Chandler but allow her to repay the sum of \$427.18 by annuity reduction over twenty-six (26) months. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Robert McFann. Mr. Richardson moved to accept the recommendation of the Hearing Officer and approve the appeal of Mr. McFann. The motion was seconded by Mr. Davis. Discussion followed. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Sacajawea Minor. Ms. Evans moved to accept the recommendation of the Hearing Officer and deny the appeal of Ms. Minor. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Hearing Officer DeBolt addressed the appeal of Anne Monterosso. Cabinet Secretary Ferguson moved to accept the recommendation of the Hearing Officer and approve the appeal of Ms. Monterosso. The motion was seconded by Mr. Richardson. The motion carried unanimously.

Captain Tucker departed the meeting at 12:37 p.m.

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.

Cabinet Secretary Ferguson moved that the Board authorize In-House Counsel to file an Amended Notice in the Carolyn Cruickshanks matter. The motion was seconded by Mr. Richardson. The motion carried unanimously.

Mr. Deem moved that the Board authorize In-House Counsel to file a Motion in the Paul Nesselroad matter challenging the late filing of his brief. The Motion was seconded by Cabinet Secretary Ferguson. The motion carried unanimously.

Cabinet Secretary Ferguson moved that the Board instruct In-House Legal Counsel to proceed with the proper procedure regarding the Less Than Honorable Service matter of Alfonzo Derito. The motion was seconded by Mr. Richardson. 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. Mrs. Evans moved that the Board instruct Outside Legal Counsel to file the proper documents to appeal the decision regarding Rodney Myers. The motion was seconded by Mr. Richardson. The motion carried unanimously.

Report of Outside Legal Counsel is behind Tab #6.

Tab #7: Committee Updates

In the absence of Chairman Tucker, Director Lambright informed the Board that the Accounting and Investment Committee had met prior to the Board meeting and that the Bond Fund of America was still on watch and that the Committee would be looking at a replacement fund.

Jonathan Deem informed the Board that the Computer Systems Update Committee had met prior to the Board meeting and reviewed the proposed RFP and was recommending that the Board authorize the CPRB Staff to proceed with the RFP process. Cabinet Secretary Ferguson moved that the CPRB staff proceed with the RFP process. The motion was seconded by Mr. Richardson. The motion carried unanimously.

Cabinet Secretary Ferguson informed the Board that the Internal Audit Committee had met on July 14, 2009 and reviewed the report from the Internal Auditor regarding the annuitants receiving both PERS and JRS benefits. Cabinet Secretary Ferguson moved that the Board authorize Director Lambright to send correspondence to the two (2) individuals previously

discussed and inform them that their PERS pension would immediately cease. The motion was seconded by Mr. Parsons. The motion carried unanimously.

Jonathan Deem informed the Board that the Military Committee had met June 23, 2009 and at this time is requesting information from several different agencies and would report back to the Board at a later date.

Chairman Wyant informed the Board that the Executive Director/Actuary Review Committee had met and at this time was recommending that the Board Actuary be given a 15% increase in pay. Mrs. Evans moved that the Board grant to the Board Actuary an increase in salary of 15%. The motion was seconded by Mr. Lanham. The motion carried unanimously.

Tab #9: Old Business

Chairman Wyant asked for old business and none was heard.

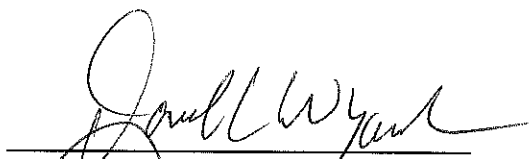
Tab #10: Other, New Business

Chairman Wyant asked for new business.

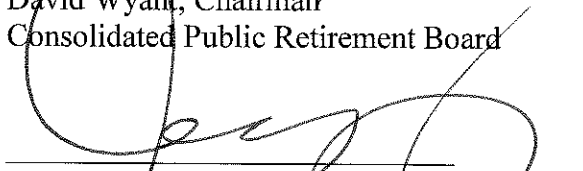
Mrs. Evans addressed the Board regarding an issue her county was having with the fees collected by the Deputy Sheriff's Office and the time frame that they are to be submitted to the Board. Discussion followed.

Mrs. Evans further addressed the Board regarding the matter of PERS members remarrying and their spouse having to sign spousal waivers allowing that member to name children as beneficiaries. Discussion followed.

Chairman Wyant asked for any further new business and none was heard. Chairman Wyant adjourned the public meeting of the West Virginia Consolidated Public Retirement Board at 1:17 p.m.



David Wyant, Chairman
Consolidated Public Retirement Board



Anne Werum Lambright, Executive Director
Consolidated Public Retirement Board