



STATE OF WEST VIRGINIA
OFFICE OF THE ATTORNEY GENERAL
CHARLESTON, WEST VIRGINIA 25305

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**WRITTEN DETERMINATION REGARDING THE APPOINTMENT OF OUTSIDE COUNSEL
ON BEHALF OF THE BERKELEY COUNTY SOLID WASTE AUTHORITY**

The Berkeley County Solid Waste Authority (hereafter "the Authority") has requested legal representation in the development and negotiation of a long-term lease or other similar real estate transaction of land owned by the Authority for the purpose of building and operating an innovative privately-owned commercial solid waste facility.

Pursuant to West Virginia Code Section 22C-4-9, the Attorney General is authorized to "provide legal counsel and representation to each county and regional solid waste authority within the existing resources and appropriations available for such purposes" or provide "written approval" for the Authority to "employ counsel to represent it."

In accordance with the Attorney General's Policy on Outside Counsel (#WVAGO-004), the Office of the Attorney General has determined that it is both cost-effective and in the interest of the public to appoint outside counsel to represent the Authority in the current legal matter, based on the following factors:

- The Authority requires legal representation in the development and negotiation of a long-term lease and other real estate transactions.
- The scope of representation will require considerable time commitment, with legal counsel working in close coordination with many entities with respect to the project review.
- The legal matter requires particular expertise with regard to commercial real estate transactions.
- There is a particular need to meet client representatives on short notice to address any unanticipated developments.
- Many of the legal services required by the Authority must occur in Berkeley County.
- Sufficient and appropriate legal and financial resources do not currently exist within the Attorney General's Eastern Panhandle division to handle the current matter.
- It is not feasible or cost-effective for the Office of the Attorney General to provide the required legal services from staff located in its Charleston divisions.

Accordingly, the Attorney General authorizes the appointment of outside counsel in the current legal matter pursuant to commencement of the request for proposal process laid out in subsection (D) of Policy #WVAGO-004.

A handwritten signature in black ink, appearing to read "Dan Greear", written over a horizontal line.

Dan Greear
Chief Counsel

Date Signed: March 29, 2013