



State of West Virginia
Office of the Attorney General

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Attorney General

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

The Wetzel County Solid Waste Authority (hereafter "Authority") needs legal representation in three pending legal matters, which were initiated by the Authority against the owner(s) of the Wetzel County Landfill to enforce legal requirements imposed upon the landfill by statute or by order of the Public Service Commission:

- PSC Case No. 08-2129-WF-GI;
- Civil Action No. 12-C-2375 (Kanawha County Circuit Court); and
- W.Va. S.Ct. Case No. 12-0527.

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 [them]."

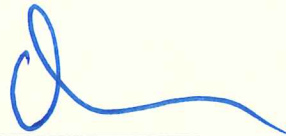
The Office of the Attorney General previously provided representation – through Senior Deputy Attorney General Silas Taylor – to the Authority in the above-styled matters. While Mr. Taylor retired from the Attorney General's Office on May 31, 2013, he has agreed to continue to represent the Authority for the duration of the three pending legal matters.

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

- The Authority requires legal representation in the three pending legal matters cited above.
- Mr. Taylor has previously represented the Authority in the above-styled matters.
- Mr. Taylor is already knowledgeable of the legal matters in question, and is readily accessible to provide legal services.
- Mr. Taylor has represented the Authority in similar proceedings involving the Wetzel County Landfill for nearly twenty years, and as such can provide specialized legal services that are not currently available within the Office of the Attorney General.

- While the above-styled matters involve the Wetzel County Solid Waste Authority, the geographic area in which most of the legal services are to be performed is Kanawha County, where Mr. Taylor is presently located.
- Mr. Taylor has agreed to continue to represent the Authority at the same rate (\$130/hour) that was charged for his services while working in the Office of the Attorney General.
- Because of Mr. Taylor's familiarity with the legal matter in question, and his willingness to perform the legal services at his previous state rate, it is not feasible or cost-effective for the Office of the Attorney General to provide the requested legal services.
- The Authority will compensate Mr. Taylor in accordance with existing resources and appropriations available for such purposes.

Because this matter involves the continuation of pending legal matters, and the appointment of Mr. Taylor would necessarily avoid disruption in ongoing litigation, the Office of the Attorney General determines that requests for proposal are not necessary pursuant to section (D)(2) of Policy #WVAGO-004.



Daniel W. Greear
Chief Counsel

Date Signed: June 11, 2013