

MINUTES
NORTHEAST OHIO REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES
SEPTEMBER 6, 2007

The meeting of the Board of Trustees of the Northeast Ohio Regional Sewer District was called to order at 12:30 P.M. on the above date by President Brown.

A. Roll Call

PRESENT: D. Brown
D. DePiero
S. Kelly
A. Liberatore
T. Longo
R. Sulik

ABSENT: G. Starr

The Secretary informed the President a quorum was in attendance. Executive Director Odeal stated Mayor Starr was unable to attend today's meeting.

B. Working Session

The Secretary reported that the Board met in Working Session on this date beginning at 12:31 P.M. See the Working Session Summary for the September 6, 2007 Board of Trustees meeting (Attachment "1"). The Working Session adjourned at 2:15 P.M., and the Business Session began at 2:16 P.M.

C. Approval of Minutes

Item 1 – August 16, 2007

Moved by Mr. Liberatore and seconded by Ms. Kelly that the Minutes of August 16, 2007, be approved as circulated. Without objection CARRIED UNANIMOUSLY.

D. Major Projects

1. Big Creek Interceptor

Item a – Authorizing the taking of bids for the Big Creek Interceptor Rehabilitation Contract BCI-3E. Estimated cost: \$3,250,000.00.

Executive Director Odeal indicated adoption of this resolution would authorize the taking of bids for the Big Creek Interceptor Rehabilitation Contract BCI-3E. Upon receipt of bids, a recommendation will be made to the Board for award to the lowest, responsive, responsible bidder.

MOTION - Moved by Mayor Longo and seconded by Mr. Liberatore that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 210-07.

2. Westerly District Interceptors

Item a - Authorizing the taking of bids for the Westerly Interceptor Box Culvert Replacement Contract (WIBCR). Estimated cost: \$4,000,000.00.

Executive Director Odeal explained adoption of this resolution would authorize the taking of bids for the Westerly Interceptor Box Culvert Replacement Contract (WIBCR). Upon receipt of bids, a recommendation will be made to the Board for award to the lowest, responsive, responsible bidder.

MOTION – Moved by Ms. Kelly and seconded by Mr. Sulik that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 211-07.

E. Operations

Item 1 – Awarding a two (2) year requirement contract to Ballast Construction, Inc.,

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19501 South Miles Road, Suite #2, Warrensville Heights, Ohio 44128, for the installation and repair of fencing at all District facilities. Cost: \$524,573.42.

Executive Director Odeal stated bids were received and opened on August 22, 2007. Five (5) invitations to bid were distributed and two (2) bid packages were returned. Upon evaluation by the Operations Department it was determined the bid submitted by Ballast Construction, Inc., was the lowest, responsive, responsible bid to meet specifications. The Legal Department has determined the bid meets all legal requirements, and the District's Equal Employment Opportunity Policy, Guidelines and Procedures.

MOTION - Moved by Mayor Longo and seconded by Mr. Liberatore that the resolution be adopted. Without objection CARRIED UNANIMOUSLY. Resolution No. 212-07.

F. Administration

Executive Director Odeal suggested the next three (3) resolutions be considered together. Without objection SO ORDERED.

Item 1 – Authorizing the certification of delinquent sewer service charges to the Cuyahoga County Auditor for collection pursuant to Section 6119.06(V) of the Ohio Revised Code.

Executive Director Odeal noted pursuant to Section 6119.06(V) of the Ohio Revised Code a regional sewer district is authorized to certify delinquent sewer service charges to the County Auditor, whereupon such charges shall constitute a lien upon the property served and shall be placed by the Auditor on the real property tax list and duplicate for collection in the same manner as other taxes.

Item 2 – Amending Resolution No. 387-06, adopted by the Board of Trustees on December 7, 2006, to provide for temporary staffing services from Area Temps. Cost: Not to exceed \$45,570.00.

Executive Director Odeal indicated under the terms of Resolution No. 387-06 it is necessary to ratify the provision of temporary staffing services to the District's Human Resources Department when an amount exceeds \$25,000 with any single agency.

Item 3 – Ratifying and authorizing the provision of temporary business analysis services for the District during calendar year 2007 from Yoh Services, LLC, 1818 Market Street, Philadelphia, Pennsylvania 19103. Cost: Not to exceed \$37,296.00.

Executive Director Odeal stated adoption of this resolution would ratify the provision of temporary business analysis services for the District during calendar year 2007 from Yoh Services, LLC.

MOTION – Moved by Mr. Sulik and seconded by Mayor Longo that the foregoing three (3) resolutions be adopted. Without objection CARRIED UNANIMOUSLY. Resolution Nos. 213-07 through 215-07, respectively.

Stated business having been concluded, President Brown adjourned the Business Meeting at 2:27 P.M. The next Regular Meeting is scheduled for September 20, 2007, with the Business

Session beginning at 12:30 P.M.

Signature on File

Dean E. DePiero, Secretary
Board of Trustees
Northeast Ohio Regional Sewer District

Signature on File

Darnell Brown, President
Board of Trustees
Northeast Ohio Regional Sewer District

ATTACHMENT "1"

**NEORS Board of Trustees Working Session Summary
September 6, 2007**

Item 1 – Public Participation

The item was introduced by the Executive Director, Erwin Odeal. No one in the audience addressed the Board.

Item 2 – Request to Advertise for Bids for the construction of the Big Creek Interceptor Rehabilitation Contract BCI-3E

Executive Director Odeal stated that item number two was a request to advertise for bids for construction of the Big Creek Interceptor Rehabilitation Contract BCI-3E. The construction includes 200 feet of new 66-inch-diameter steel pipe on the new trestle that crosses a ravine in Brooklyn Heights. Installation of 140 feet of new 66-inch-diameter fiberglass reinforced pipe at both ends would also be included. Executive Director Odeal stated that the staff had reported to the Board that there were photographs verifying the trestle was in bad shape. The entire sewer will be rehabilitated and the engineers' estimate is \$3.2 million with a construction duration of 15 months. MBE and WBE goals would be at 15% and 5%. Ms. Sheila Kelly asked who the engineer was on the project. Mr. Richard Switalski, Sewer Design Manager, responded that Metcalf & Eddy are the project engineers.

Item 3 – Request to Advertise for Bids for the Westerly Interceptor Box Culvert Replacement Contract (WIBCR)

Executive Director Odeal stated that the Westerly Interceptor Box Culvert Replacement is estimated to be a \$4 million project. The existing culvert runs under West Shoreway and feeds the Westerly Wastewater Treatment Plant. At times it surcharges below capacity and has structural issues. The existing culvert has stripped pavement off the Shoreway when water had gotten under the structure. The District will install a new culvert. The project requires periodic lane closures on the West Shoreway, as well as dealing with fluctuating live flows. If the City of Cleveland allows the District to close the Shoreway the project could be completed in two weeks.

Mr. Brown asked if the sewer was the same section that had been blown off and pavement actually broken due to the volume of surcharge during significant storm events. Executive Director Odeal stated that was correct; on two occasions it blew manholes. Mr. Brown asked what the District would be doing to solve the issue. Director of Engineering and Construction Charles Vasulka stated that the District would be increasing the capacities of the new pipe while also strengthening the sewer in the adjacent area. Mr. Brown asked if the District would be changing the grade. Mr. Vasulka stated that the grade would not be changed. Mr. Brown asked which process would be used to replace the existing pipe. Mr. Vasulka stated that the process would be open cut. The reinforced

concrete box culvert would be replaced with a steel pipe. Mr. Brown asked if changing the shape of the culvert would increase the velocity. Mr. Vasulka stated that changing the shape will reduce friction. The smoother surface of the new pipe would also increase flow.

During construction a pump station would be constructed south of the Shoreway to put flow into the West 58th storm sewer. Mr. Brown asked for clarification regarding the issue of diversion of flow during the construction process. Mr. Vasulka stated that the flow would be diverted. The temporary pump station will handle twice the average flow that is normally handled; however, in a major storm there would be problems due to the inadequate transport capacity. Mr. Brown stated that the City of Cleveland would be very interested in the contingency plans the District has. Mr. Vasulka stated that the District had been talking to Randy DeVaul, Commissioner of the City's Division of Engineering and Construction, and the contingency plan would be to let the flow through the excavation site and into the overflow chamber and the lake.

Mr. Brown asked for clarification regarding what the construction plan would be. Mr. Vasulka stated that the project is still in the developmental stage. Mr. Vasulka stated that there already was a plan for shutting down certain lanes during rush hour and certain lanes during non-rush hour.

Ms. Kelly asked whether the estimated cost of \$4 million included the cost of the temporary pump station and the anticipated contingency plan costs. Mr. Vasulka stated that it included everything necessary to construct the project. The project cost did not include unanticipated underground circumstances. Ms. Kelly asked if differing site conditions would be found upon commencement of digging operations. Mr. Vasulka stated that it was possible. Ms. Kelly asked if the replacement of pavement was also incorporated into the cost of the project. Mr. Vasulka stated that it was. For clarification Ms. Kelly asked whether the only additional cost the District could face would be that of differing site conditions once the digging commences. Mr. Vasulka stated that was correct.

Item 4 – Proposed Certification of Delinquent Sewer Accounts to the Cuyahoga County Auditor for 2007

Executive Director Odeal stated that Director of Finance Jennifer Demmerle would report on the certification of delinquent sewer accounts. Ms. Demmerle stated that every year the District certifies to the County a list of accounts by the first Monday of September. The total for the year is \$2.6 million. This is not a significant difference from prior years, in which certifications ran around \$2 million. To warrant certification, the accounts usually have a balance in excess of \$500 with no activity in excess of four quarters from the billing date. Since 1976, the District certified \$29 million and collected \$22 out of the \$29 million.

Mr. Brown stated that the collection rate was outstanding. Mayor Longo asked for clarification regarding the differences between the current process and the processes the

District has used in the past. Ms. Demmerle stated that there was not a difference. Mr. Brown asked whether going to monthly billings would diminish the potential for delinquent accounts. Ms. Demmerle stated that the possibility of monthly payment being easier on the ratepayer was present.

Mr. Brown stated that the District should look into a system that would determine if a property is vacated or if the property owner is delinquent in their accounts. Ms. Demmerle stated that the District was looking into that. Executive Director Odeal stated that a way to get a handle on the situation would be requiring customers to submit their Social Security numbers. Other utilities require Social Security numbers and it contributes to the ease of tracking down individuals who are delinquent with their bills. Mr. Brown asked what holds the District back from implementing that process. Deputy Director F. Michael Bucci stated that currently Cleveland Public Power does require social security numbers while Cleveland Water does not. The District has been in discussions with Cleveland Water regarding the issue.

Mayor Longo asked Executive Director Odeal if the District has ever tried to make information regarding delinquent accounts available to surrounding municipalities to see if there is a correlation between foreclosures and vacant homes in their communities. Executive Director Odeal stated he did not believe the District had ever done that. Mr. Brown stated that the District could supply that information. Mayor Longo stated that he would like to know whether there is a correlation between foreclosure rates and delinquency on water and sewer bill payments.

Executive Director Odeal stated that another issue is that real estate agents do not increase the escrow amounts, considering how large sewer and water bills can be. Mr. Bucci stated that the District had a meeting with the realtors and the Division of Water, and that \$200 is being withheld for payment on water and sewer bills. It is the same payment that was withheld thirty years ago. The District is trying to get the amount raised. Ms. Kelly stated that currently if a bill is determined to be higher than the escrow amount, then the title company has a duty to hold that amount when the property is sold. The title would not be transferred if there is not enough money to pay the bill that has been sent to the title company. Mr. Bucci stated that the District had been running into difficulties where due to the fast-tracking of closing of properties there is little to no time for the Division of Water to get out to the property to conduct a final read. Mr. Brown encouraged the staff to continue to work with other communities and the Water Department to develop intervention strategies.

Item 5 – Report on IT Outsourcing Performance and Contract Renewal

Executive Director Odeal stated that this item concerned the report for IT Outsourcing Performance and Contract Renewal. For a number of years the District has used outsourcing for desktop network support. Manager of IT Infrastructure and Telecommunications Scott Horvath stated that in December 2002 the Board approved an outsourcing contract with SARCOM to provide a desktop support engineer, a network support engineer, and associated professional services. In the contract were two options

based on SARCOM's performance that could be renewed at the District's discretion in the first three years. During the first year, the District developed a service level agreement (SLA) with SARCOM to monitor their performance. SARCOM's performance met the SLA required 95 percent performance baseline. Two enhancements were added to the contract with the first renewal. The first was for procuring desktop and laptop hardware through SARCOM so that SARCOM could manage the deployment process from procurement all the way through deployment. The second enhancement was adding a third support engineer. Mr. Horvath stated that the District stayed within budget in 2006 and is within budget for 2007 as well. SARCOM exceeded the 95 percent baseline in 2006 by completing 96 percent of the tickets assigned to them. SARCOM is running 98 percent for 2007.

Mr. Horvath stated that the staff was requesting the Board's authorization to negotiate a second contract renewal for the years of 2008 and 2009. The estimated cost for the second renewal is \$664,000. With the Board's approval the District will negotiate the contract and return on November first with a resolution request to award the contract. Ms. Kelly asked whether the contract was a blanket contract for all District networks. Mr. Horvath stated that the contract is through the IT Department and specifically for the business network. It does not include the plant automation network. Ms. Kelly asked whether the plants were outsourced as well. Mr. Horvath confirmed that they were. The network for the five major locations, infrastructure, desktops, laptops, and computers are included in the business network. Mr. Horvath stated that although plant automation equipment is not covered, telephone support is provided. There is also a provision in the SARCOM contract for contacting a Cisco engineer to provide support for the Cisco switches and routers that are part of plant automation.

Mr. Brown stated a concern for continuing a time extension instead of competitively bidding an item. Mr. Horvath stated that SARCOM has established federal contract for outsourcing and an established State term contract. Part of the negotiations would be to make sure the District received the same pricing. Exercising a contract renewal also provides stability in support services. Mr. Brown stated that the District needed to look at transitioning away from reliance on a vendor. Mr. Brown also asked whether the District had received or monitored performance indicators in regards to SARCOM's work. Mr. Horvath stated that outsourcing the work was part of IT's departmental restructuring. In 2003, IT did not have the expertise, but currently the position of network engineer is being brought back in-house. Mr. Horvath stated that one way to measure SARCOM's job performance is with the number of tickets that are completed. Mr. Brown asked whether in 2009 the District would be looking at an RFP. Mr. Horvath answered in the affirmative.

Ms. Kelly asked whether SARCOM was a local company. Mr. Horvath stated that SARCOM's local office was in Cleveland. Mayor Longo stated that the District needs to do a better job of measuring performance of companies like SARCOM. Mr. Brown stated at some point the staff should come back to the Board with some benchmarks for measurement of the performance of SARCOM to ensure that the District is getting a good return on their investment.

Item 6 – Report on Resolution No. 189-07, Contract Modification for the Heights Hilltop Operational Evaluation Project

Executive Director Odeal stated that the contract modification for the Heights Hilltop operational evaluation plan resulted in unused funds due to the recent rainfall. There were no questions for the staff.

Item 7 – Report on Mill Creek Tunnel (MCT) Contracts 1, 2 and 3 Change Order Summary and Item 9 – Report on The Differing Site Conditions Clause

Executive Director Odeal stated that at the last meeting the Board had requested Engineering to develop an overall report on the cost-performance issue of the entire Mill Creek watershed project. Some of the issues with MCT-3 are still open. The report is therefore a worst-case scenario. Director of Engineering Charles Vasulka stated that MCT-2 and 3 are twenty-foot diameter tunnels. Annual overflow volume is going to be reduced from 500 million to 14 million gallons.

MCT-1 was begun in May 1997. MCT-2 was begun in November 1999. MCT-3 was begun in November 2002. The engineer's estimate for the mainline tunnel was \$160,928,000. Mr. Vasulka stated that after looking at the engineer's estimate as a whole, the costs the District has expended to date pushed the project to 4.73 percent over the engineer's estimate.

Mr. Brown stated that key performance indicators are more than just an engineer's estimate. The bid, the District's expenditures, as well as trends with various contractors are all types of indicators that the Board would like to understand in more detail. Mr. Vasulka stated that after the processes of risk sharing in contracts and the use of contingencies are combined, the staff would be back to the Board with recommendations.

Mayor Longo stated that the graph in the report did not state where the \$17 or \$19 million number came from. Mayor Longo asked whether the change order for the methane gas build-up was one of the four listed on the report. Mr. Vasulka stated that it was one and four which have yet to be resolved. Mayor Longo asked if the District was going into the global settlement. Mr. Vasulka replied in the affirmative. Mayor Longo asked whether there are still change orders floating around plus a disagreement. Mr. Vasulka replied in the affirmative.

Mr. Vasulka stated that the numbers had not been run that were inflated for the bid period from the original facilities plan. Mr. Brown stated that would be interesting to see. Mr. Vasulka stated that in the 1970's there were a lot of contentiousness because of bidding of contingencies and the risk sharing between owners and contractors. When federal regulations for construction grants were issued, the federal government decided they wanted the recipients of the grants to share in the risk of the construction. In 1978, the District added two appendixes to contracts that provided for the differing site condition

clauses. Adding the appendixes was a condition attached to receiving federal grants by the EPA.

Mr. Vasulka stated that there are two different types of site conditions. Type I is a differing site condition that differs materially from what is represented on the contract. Type II is a differing site condition that does not differ materially from the contract drawing. Mr. Vasulka stated that currently the District shares risk with the contractor. Minor changes are the responsibility of the contractor, but where there is a substantive effect on the cost of performing the contract, then the District is responsible. Mr. Vasulka stated that for future contracts the District will be assessing the risk, how to handle the risk, how much the contractor will be responsible for, and how much the District will build in a contingency fund. Mr. Brown stated that the Board may want a separate meeting on the issue.

Mr. Anthony Liberatore Jr. asked for clarification regarding the test borings the District takes and their role in the process. Mr. Vasulka stated the test borings define the parameters of the construction contract. Type II differing site conditions cannot be determined from test borings. Test borings can contain the information that says a particular material is present but does not inform as to how that material will behave. Mr. Liberatore asked whether test borings were considered a geological survey. Mr. Vasulka replied in the affirmative.

Mr. Liberatore stated that the District has been very fortunate with the unforeseen site conditions that there has not been loss of life.

Mr. Brown stated that when the District gets further into the Combined Sewer Overflow program that many discussions regarding tunnels and underground facilities will take place.

Item 8 – Report on District Service Area Rainfall Frequency Data

Executive Director Odeal stated that Director of Capital Programs Frank Greenland would give the Board an overview relating to rainfall. Mr. Greenland stated that rainfall relates to level of service that sewers can provide in terms of capacity. Data is collected from 25 rain gauge locations scattered throughout the service area. Other entities, such as the Summit County Department of Environmental Services, operate range gauges in their service areas as well. Rainfall is measured through the combination of these sources.

Mr. Greenland stated that funnels that fill to a hundredth of an inch of rain tip, and every time a funnel tips it is registered on a computer. During the worst storm events, the funnels are tipping constantly. This lead to underestimation of rainfall. Storms have certain durations and, depending on the season, storms have certain characteristics. Spring and fall rainfalls are typically lesser in intensity but longer in duration. Data is gathered by the National Weather Service and those statistics are used to predict fifty-or hundred-year storms. A fifty-year storm has a probability of occurring two percent of the time in a given year. A five-year storm, twenty percent of the time. Mr. Greenland stated

that the District would use the combined rain gauges to determine rainfall in smaller locations.

Five-year storms relate to the level of service because most older combined sewer systems in residential areas have only a five-year level of service. Storm sewers and storm culverts have a five to fifty year storm level of service. Mr. Greenland stated that the larger service areas have larger pipes and the level of service tends to rise. Certain areas in the District's service area only have a level of service for a two-year storm, however. Mr. Greenland stated that as the District evolves the stormwater program, the level of service is a key issue. Eventually a regional level of service for the stormwater program will have to be established.

Mr. Brown thanked Mr. Greenland on behalf of the Board for his presentation. Mayor Longo stated that certain geographical areas get extreme amounts of rain while other areas get little or nothing. The data gathered is therefore very important. Mayor Longo asked whether there was a way for the District to measure such events and then translate the data to predict what areas of the county would be drenched more often. Mr. Greenland stated that the District is not internally equipped for statistical summaries of smaller areas.

Mayor Longo asked whether rain gauges measure snowfall. Mr. Greenland stated that the snow is melted and then the liquid equivalent is then measured. Mayor Longo asked whether the District should become more sophisticated in terms of being able to measure the impacts stormwater, sewage, and snow would have on different parts of the county. Mr. Greenland stated that if rain gauges were coupled with a type of radar technology, the District would be able to do measure the effects. Gathering historical data is key to predicting future weather patterns. Executive Director Odeal stated that there is a question in balancing investment verses risk level. Mayor Longo stated that the information should allow the District to make those decisions. Executive Director Odeal stated that rainfall patterns are a regional issue that need a regional approach.

Item 10 – Report on Director of Law Selection Process

Executive Director Odeal stated that the selection process for the District's Law Director would be presented by Sondra Smalley. Ms. Sondra Smalley stated that the Board should agree on a selection process and review the profile for the position of Law Director. Ms. Smalley stated that the ultimate goal would be for the Board to select a person for the position by November 1st. The processes of calling for resumes, pre-screening, and preparation of candidates would be managed by HR On Call. Ms. Smalley indicated HR On Call's president, Tom Herlevi. Ms. Smalley stated that Mr. Herlevi had managed similar processes for the District in the past.

Ms. Smalley stated that the second suggested interview process would not be more efficient, but it would be faster. Ms. Smalley requested Mr. Julius Ciaccia to join her to provide the Board with his input on the process. Ms. Smalley stated that the position of

Law Director is a boutique position because of the combinations of types of law necessary. Executive Director Odeal stated that specialist was a more professional term.

Mr. Brown stated that the Board needed to decide on a process before talking about the profile for the Law Director. Competencies and position requirements would have to be agreed upon by the Board. Mayor DePiero commended the staff for the profile of Law Director provided to the Board. Mayor DePiero asked if the Board would be interviewing candidates concurrently with the Executive Director. Ms. Smalley stated that the interviews would be separate. Mr. Brown asked if the interviews would be based upon the screening of the three top candidates. Ms. Smalley stated that there would be three to five candidates. Mayor DePiero sought clarification whether there would be a recommendation by the Executive Director and the Board would be involved in the interviewing of candidates according the first proposal, and that the second proposal consists of the Board interviewing only the candidate that was recommended by the Executive Staff. Ms. Smalley stated that was correct.

Ms. Kelly asked what the screening process would be. Ms. Smalley stated that criteria was built into the profile that HR On Call would review. HR On Call would then propose three to five candidates after ensuring specific criteria was met. Mr. Brown stated that the approach was similar to that of the approach used in selecting the Executive Director. Mayor DePiero asked whether the Board was being asked to make a decision or recommendation as to which of the two suggested processes should be used. Mr. Brown stated the Board would make the decision after Mr. Ciaccia spoke.

Mr. Ciaccia stated that the first selection process would be more efficient in selecting a candidate. According to the District's Bylaws the Board would be interviewing and approving of the candidate for the position of Law Director. The Board could reject any candidate if they felt the candidate did not meet the set qualifications. Mr. Ciaccia stated that the document Ms. Smalley sent the Board contained the job description of the Law Director. Key items in the job description include ten years of legal experience with government utility, ten years of experience with the United States EPA and the Ohio EPA on regulatory compliance issues, utility construction law experience, and involvement in strategic initiatives and programs. Mr. Ciaccia stated that these requirements are important for the future work the District will be engaging in.

Mr. Ciaccia stated that the Law Director would not be the District's lobbyist. Mr. Ciaccia stated that his future role as Executive Director would include being the District's face in Washington D.C. Ramping up a Governmental Affairs operation at the District would also be an additional option internally.

Mr. Liberatore asked whether the candidate would be restricted from practicing law outside of the District. Mr. Ciaccia stated that he expected there would be no outside legal work. Ms. Smalley stated that the question of who the Law Director reports to would be a subject for the Governance Committee.

Mayor Longo asked for clarification that the requirement for experience with the EPA did not necessarily mean the candidate worked for the EPA for ten years, but that they worked on projects with them. Mr. Ciaccia stated that was correct. Executive Director Odeal stated that evolution of environmental regulation is complex and therefore extensive experience is important considering the District's relationship with the EPA. Mayor Longo stated that a candidate whose whole background rested only with the Ohio or Federal EPA would be limited.

Interim General Counsel Virginia Benjamin stated that she would not be a candidate for the position. Ms. Benjamin stated that there was not a criteria listing for representing the District in labor or employment negotiations and controversies in the profile provided. Both are essential functions of the Law Director's job for the District.

Mayor DePiero stated that allowing the criteria to be more flexible than mandating a certain number of years of experience would be beneficial. The criteria for a candidate to have experience in governmental utilities or governmental law could also be limiting the pool of applicants. Mr. Ronald Sulik stated that having a definite number of years of experience would be limiting. Changing the wording to "substantial" may improve the candidate pool. Ms. Kelly stated that Ms. Benjamin's observation concerning labor and employment controversy experiences was critical. Executive Director Odeal stated that the more experience the District had in-house would in turn diminish the amount of District expenditures for outside counsel.

Mr. Brown stated that expediting the process would be beneficial for the Board. Mr. Brown stated that conducting a joint interview as noted by the August 13th memo would be the best way for the Board to proceed. Mayor Longo moved to support item one. Mayor DePiero seconded the motion. The Board voted unanimously in favor of Option 1 in the August 13th memo, with the changes discussed.

Ms. Smalley asked whether the Board wanted to come back in two weeks to get the process started or if the staff should revise the criteria and send it out to the Board for approval. Ms. Benjamin stated that the Board should delegate the chair to finalize the process. Executive Director Odeal stated that the basic criteria would not change, only changes in wording. Mr. Brown stated that the criteria for labor and employment experience would be added to the job profile.

Item 11 - Open Session

Mr. Brown stated there were no items.

The Working Session of the Board of Trustees was concluded at 2:15 P.M.