

PLAINFIELD MUNICIPAL UTILITIES AUTHORITY

**Minutes of a Board of Commissioners Regular Meeting
Tuesday, December 9, 2014**

**127 Roosevelt Avenue
Plainfield, New Jersey**

I. OPEN PUBLIC MEETINGS LAW (STATEMENT OF COMPLIANCE)

Commissioner Mitchell, Chairman, called the meeting to order at 6:00 p.m. by reading the Statement of Compliance

II. SALUTE TO THE FLAG

The Pledge of Allegiance was said by all.

III ROLL CALL

Present

Commissioner Carol Ann Brokaw
Commissioner Malcolm R. Dunn
Commissioner Harold Mitchell
Commissioner Cecil H. Sanders, Jr.
Commissioner Charles Tyndale
Alt. Commissioner Charles Eke

Also Present

Mr. Daniel A. Williamson, Executive Director
Mr. Duane Young, Chief Financial Officer
Ms. Leslie London, Board Attorney
Mrs. Roslyn Mathis, Board Secretary
Mr. Ricky Smiley, City Administrator
Staff and Public

IV. APPROVAL OF MINUTES – November 6, 2014 Committee Meeting and Executive Session Notes; November 13, 2014 Regular Scheduled Board Meeting Minutes

Commissioner Dunn moved, seconded by Alt. Commissioner Eke, approval of the November 6, 2014 Committee Meeting and Executive Session Notes. The motion carried, on a roll-call vote, with three members in favor and none opposed.

RECORDED VOTE November 6, 2014 Committee Meeting and Exec Session Notes

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw				X	
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.				X	
Charles Tyndale				X	
<u>Alternate</u> Charles Eke	X				

Commissioner Brokaw moved, seconded by Commissioner Sanders, approval of the November 13, 2014 Regular Scheduled Board Meeting Minutes. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**November 13, 2014 Regular Board Meeting Minutes**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

Commissioner Tyndale inquired about a follow-up meeting regarding the assessment of the Authority's property that was mentioned in the November 13th minutes.

Mr. Williamson replied that the administration is in the process of putting that together; he said that he did receive a report from CME, the Authority's engineers, regarding an evaluation of the Transfer Station building, the large section there, they have done that. Mr. Williamson said that they also told them in the same letter that they are not qualified to do the assessment of the other properties. He said that the PMUA is in the process of identifying someone else locally who can take care of that. Mr. Williamson said that with regard to the building at the Transfer Station, CME indicated to them that their assessment is very close to the numbers the JIF provided; he said they deal with the structure that is above ground, they don't take into consideration the foundation and any of the other work that has to be done there. He said that the valuation they have on the building is related to the investments that the Authority made in the property over time; he said the PMUA invested up to \$4 million to \$5 million in the property and that's the figure they were carrying on the books.

Mr. Williamson said they are trying to find out and make a valuation and challenging what the JIF said and get a clearer picture of the situation and they will report back to the Board. Mr. Williamson is going to make a copy of the report and will distribute copies to the Commissioners

V. COMMUNICATIONS

Mr. Williamson reported to the Board that Chairman Mitchell, Mr. Williamson, Mr. Young, and Commissioner Tyndale attended the City Council Meeting last night. He said that Ms. London was unable to attend because she had another previously scheduled meeting in Little Falls. He opined that they handled themselves well, and were able to maintain control of the meeting.

Mr. Williamson said that they were professionally challenged by some of the comments that were made, but they made it very clear that from 2012 to the present time they have made major strides with regard to savings, as well as revenue. Mr. Williamson said that in spite of that, he did not get the feeling any of that meant a lot. He said the biggest concern was when would there be a substantial rate reduction, and also concern about the employees not having a contract, he said the fact that approximately four years have passed, the contract has not been approved, and therefore they have not received an increase. Mr. Williamson said that the Council President was arguing, in a professional way, that the employees should have at least received the cost of living that was given to all of the other employees and he made it clear that while he feels the sentiment, legally they could not and cannot do that because they are in contract negotiations. Mr. Williamson said they are doing everything they can to make sure this process is concluded as soon as possible.

Mr. Williamson indicated there was a concern about the Authority's personnel, whether or not there was a need for certain positions to be on their books; specifically the Authority's security management. He said that was Councilwoman Williams and Councilman Storch, he said that they characterized it as patronage. Mr. Williamson said that this was a situation where if he had responded as he normally would, there could have been a discussion that may have gone in another direction that might not have been appropriate.

Mr. Williamson said they were not given an agenda, so staff put together some snapshots of what the Authority is doing and how they have progressed, but he made it clear that what the Authority would like to have is a detailed conversation to give detailed responses and to have a joint meeting. He said that was often repeated to them by him.

Mr. Williamson said that after about an hour or so, Commissioner Tyndale came up and asked the Council President if they would consider a joint meeting. He said a question was asked of Commissioner Tyndale whether or not the Commissioners were doing a good job, and whether Commissioners should be replaced. Mr. Williamson stated it was an inappropriate question for that setting, and he said that Commissioner Tyndale made it clear it was not a conversation they should have there.

Mr. Williamson said that Mr. Young was helpful giving statistical information, and he invited the other members who attended the Council meeting to fill in whatever he may have missed in his report.

Commissioner Tyndale welcomed Mr. Smiley, who was in attendance at the Board meeting tonight.

Commissioner Tyndale said he was puzzled about the people wanting to talk about lowering the rates, and people talking about increasing the salaries of the Authority's employees; he said they can't do both. He said that at the joint meeting they can bring to light what direction they want the Authority to take.

Commissioner Tyndale commended Mr. Williamson for the way he handled himself; he said he had a great gift for gab.

Chairman Mitchell also welcomed the City Administrator, Mr. Smiley.

Chairman Mitchell said that Mr. Williamson didn't tell them at the meeting last night that there were raises that were given, but they had to take them back because of the union.

Chairman Mitchell stated that the City needs to be informed that the Authority pays PARSA, and PARSA pays Middlesex County; he said that when the businesses move out or shut down in Middlesex County, they are going to increase the rates to PARSA, then PARSA will increase the rates to the PMUA, and finally the increase will be passed onto the ratepayers. He indicated if that happens the PMUA can't reduce the rates. Chairman Mitchell said it doesn't look good this year for Middlesex County in terms of rates. Chairman Mitchell said there may be some things they could do to reduce the rates, and he will have a conversation about that with the Board.

Commissioner Brokaw inquired if there was a conversation at the Council Meeting about there being more regular attendance of Council members at the Authority's meetings.

Mr. Williamson replied that he raised that issue about the Council's liaison, and that there are very few visitors coming to the Authority's meeting. He said that there wasn't a commitment made by any Council members or the public. Mr. Williamson said that he indicated to them that if they came to the meeting, they would get the benefit of a lot of information, and they wouldn't have to deal with rumors.

Commissioner Sanders inquired if Mr. Williamson addressed the point of if it is a fair comparison to other Authority's like the PMUA when the services the PMUA provides cover so many different areas. He said that one time there was a review of some other municipality's authority, they had one or two services, and their rates were lower compared to the PMUA's three or four different services.

Mr. Williamson replied that Mr. Young made that point during the meeting, that the Authority has the Transfer Station, they have the responsibility of the sewer, and most if not all, this makes the PMUA the only Authority in the State of New Jersey who has this dual responsibility and function.

Mr. Williamson said that people had their minds made up not based on what is going on now, but on the past and they have a lot of trouble overcoming the past and having the knowledge of the good things the Authority is doing now.

Commissioner Dunn indicated that he heard Chairman Mitchell's reference to PARSA and Middlesex County, but he said the loss of Muhlenberg and Elmwood Gardens, two huge facilities that contributed to the Authority's bottom line.

Mr. Williamson indicated that the comments being made at this meeting by the Commissioners confirms the need to have a joint meeting with the City Council, with a set agenda.

Chairman Mitchell stated that concerning the Authority's security, Council members should go to the Transfer Station and see the security cameras set up and monitored. He said there are also security cameras in certain designated areas at Cottage Place where illegal dumping was going on.

Commissioner Tyndale inquired how close they are to an agreement with the union.

Mr. Williamson replied in terms of how close they are, he said it depends; he said from their point of view, they have to make sure the money is in place in the budget, and they have put a certain amount of money in the negotiation process in the budget.

Commissioner Tyndale inquired if it will be retroactive for four years.

Mr. Williamson replied yes, and it's for about 45 employees.

Commissioner Brokaw inquired if they have escrow money for those increases.

Mr. Williamson replied that is correct.

Mr. Williamson said he received a letter from the Mayor that had been hand-delivered by the Plainfield Police Division. Mr. Williamson emailed a copy to the Board members, but called the Chairman and read it to him because he doesn't have email access. Mr. Williamson said in the letter the Mayor said he would like the Board to pass a resolution at tonight's meeting eliminating the health benefits for any Commissioners who presently receive them. Mr. Williamson said that it was addressed to him, but he thought it should have gone to the Commissioners and the Chairman.

Mr. Williamson said that he contacted the Authority's General Counsel and made her aware of it and had her to do the legal research to see whether or not the Board is legally in a position to make any changes.

Ms. London said this issue has been discussed, but they have to look at it in terms of compensation. She said that the Board's position from 1995 to date has been that health benefits are not compensation and there's a whole host of reasons why the Board has taken that position. Ms. London advised that from 1995 to date, Council has never taken the position to say that the PMUA is wrong in its position and that compensation should include health benefits. She said that they were in court in a matter in 2009 where the issue came up before Judge Cassidy and even the Judge had some confusion with the ordinance and what constitutes compensation. Ms. London said that the City was unable at that time to define to the Court what it meant. Ms. London advised that after the case, the City Council still had an opportunity to say that the PMUA was wrong and that compensation should be health benefits, but did not do so.

Ms. London said that the Authority has taken the reasonable position that compensation does not include health benefits. Ms. London advised that under the MUA law, it says they can't reduce compensation for any sitting member during the time they still sit; she said because the Authority's position is that compensation does not include health benefits, that provision would not apply, it would only apply to the \$4,500.00 compensation, that can't be reduced.

Ms. London advised that in light of what the Mayor is requesting, the question is then can the Board take action to discontinue the health benefits to the current members; she said the answer is yes. Ms. London said the next question then is whether the Board has to do it, she said the answer is no; it's a Board decision. She advised that if the Board decided to discontinue health benefits, the next question is whether it has to be done immediately, she said the answer is no, again, it's the Board's decision.

Mr. Williamson said that in keeping with the Chairman's subcommittee meeting, this issue is something they may want to discuss at that time and have the subcommittee review it.

Chairman Mitchell advised he is going to refer the issue to the Personnel Committee.

Commissioner Tyndale agreed this should not be an immediate thing; he also agreed it should go to the committee for review.

Commissioner Dunn had a problem with the Mayor's correspondence not going to the Chairman first, and the other request for the meeting didn't go to Commissioner Mitchell, it went to Mr. Williamson; he said the proper protocol was not followed.

Commissioner Dunn expressed to Mr. Smiley that the Board plans to devote the proper time and diligence to whatever requests that come from the Body that created this entity. Commissioner Dunn said that the Commissioners are bound by the structure that they have here.

Alt. Commissioner Eke inquired in the case before Judge Cassidy was there a final decision made by the Court.

Ms. London replied that the case settled, so unfortunately, the issue became moot.

Alt. Commissioner Eke said this has come up before since he has been here and it's agreed that it's a voluntary thing, those receiving the benefits, but he said it seems like it comes back, he said maybe they should see what the Court's decision was.

Ms. London replied that they settled the case before the Judge had to rule on the compensation issue, but she said where this comes from, it's in the transcript of the arguments that came before the Judge where the Judge had questions about the compensation issue, and the back and forth between Ms. London and the Judge, and at the time, Mr. Williamson was the City's Attorney. Ms. London does have the transcript from that case.

Commissioner Tyndale said, just to paraphrase, based on the Board's analysis of the health benefits not being compensation, they can negate it if they have to because of what's in the MUA's understanding of what compensation is.

Ms. London replied yes, that the limitation that they discussed before dealt with compensation and not being able to reduce compensation for a current member. She said that since that provision applies to compensation, and they are talking about health benefits, the Board can choose to do so, to stop the benefits if they choose to.

Ms. London said the benefits issue, if they look at other ordinances creating MUA's, it was not untypical to have an ordinance read somewhat similar to Plainfield's ordinance which says members get compensation, or they used the word stipend, it was common practice and still is today for members who have been there for a while, to receive health benefits; she said this was fairly routine. Ms. London said that it wasn't until 2009 or 2010, with all the changes being made by Governor Christie to reduce the benefits in general to all public employees, that the law was changed to specifically provide that any new Commissioner, this is also for Council members, and other public officials who don't work a certain number of hours, going forward, they are not entitled to health benefits. She said the change in law was a recognition that all of the Authorities out there, Commissions, the Boards were all receiving health benefits; so Governor Christie and the legislature in May 2010 said that going forward, they wouldn't get benefits. Ms. London said the change in law didn't affect those who were already receiving benefits. Ms. London said what Plainfield did was not anything different than any other municipality who created an MUA or any other type of Commission or Board, it was done that way back then when the economy was different; most had health benefits.

Mr. Williamson said that is something that the City has been doing forever. He said that the people on the City Council received salaries, and in addition to those payments they also received health benefits and the argument was never made it was compensation; he said that it was a fringe benefit that they were entitled to. Mr. Williamson said that it wasn't until the statute was changed in 2010 that it became different. Mr. Williamson said that he was there when some of the Council members voluntarily gave up their right to that benefit. Mr. Williamson said that all of this hoopla regarding the Commissioners receiving health benefits is just that, hoopla; he said that it's just a political shift in the wind because the City had done it forever at least until 2010.

Alt. Commissioner Eke said that the thing he couldn't understand is that the Council is almost parallel to the PMUA, and they should not be so hypocritical where one part is saying it is fringe benefits and calling the other compensation; it is a political football. He didn't like the playing of some kind of politics when they are doing the same thing.

Alt. Commissioner Eke inquired about the protocol regarding the letter Mr. Williamson received from the Mayor; he asked should it have come from the Mayor or the Governing Body.

Ms. London advised that it could have come from either, but it should probably have gone to the Chairman.

Commissioner Tyndale inquired if a letter could be written under the Chairman's signature to that affect.

Mr. Williamson replied yes he could do it, or the General Counsel could do it.

Chairman Mitchell addressed Mr. Smiley and told him that he represents the City of Plainfield on PARSA, and the Mayor is supposed to appoint someone to represent Plainfield.

Commissioner Brokaw indicated that Commissioner Mitchell has been the person for less than two years, and that's political too. She said that what happened was for almost three years there was no appointment made by the City side or the PMUA side, she said that no one was there representing Plainfield, which really was a miscarriage of common sense because Plainfield pays the most to PARSA and there was no vote for Plainfield. Commissioner Brokaw said that they finally got them, about a year and a half ago, to designate Commissioner Mitchell and Councilman Reid was the alternate. Commissioner Brokaw said that it was just a designation; it wasn't a formality, which would give Commissioner Mitchell a real vote.

Mr. Williamson said that the former Mayor did not appoint Commissioner Mitchell as the liaison for PARSA, and without that he can't be a voting member of PARSA.

Chairman Mitchell said if not him, the Mayor needs to appoint someone to represent Plainfield, and they need a Council person to be the alternate. Chairman Mitchell said that he spoke to the Council President, and she is supposed to appoint an alternate, but, he said, the letter has to come from the Mayor.

Ms. London advised that the designee should be a Commissioner, but in the past it was David Ervin.

Chairman Mitchell said that because he was there at PARSA last year, he was able to bring back \$119,000.00 to Plainfield, otherwise that money would have gone into PARSA's budget.

Commissioner Brokaw said that they need to have the formality done, so they could have someone voting and it needs to be someone who knows the business.

Mr. Williamson said that prior to the Mayor's letter he also received a letter from the City's Corporation Counsel, Mrs. Sias-Hill. He said that in her letter she indicated that she received an inquiry from the Union County Prosecutor's Office, and the bottom line is whether or not they paid the Commissioners more than is authorized by the ordinance, that is \$4,500.00; Mr. Williamson said it got back to the health benefits issue. He said that she wants a copy of the resolution that was originally passed by the Board authorizing the fringe benefit and a statement that the \$4,500.00 is not exceeded by the additional health benefits the Commissioners receive. Mr. Williamson will be sending a letter to her tomorrow. He said that was the first letter, and he didn't know if the Mayor's letter was a follow-up to her letter.

Chairman Mitchell asked Ms. London to reach out to the Prosecutor's Office and see if there was such an inquiry. Chairman Mitchell's inquiry was why the Prosecutor's Office didn't contact them here instead of contacting the City.

Mr. Williamson said that he did ask that question, why didn't they contact them here, but he didn't receive an answer.

Ms. London inquired if Mrs. Sias-Hill gave a name from the Prosecutor's Office, otherwise she wouldn't know who to contact.

Mr. Williamson asked Mrs. Sias-Hill if she received a letter from the Prosecutor's Office, and she told him that she did not, she said she received a phone call and she did not tell him the person's name who she received the call from. Mr. Williamson opined maybe Ms. London could call Mrs. Sias-Hill.

Ms. London advised that she would call Corporation Counsel and ask for a name.

Chairman Mitchell asked Ms. London to get back to him and he would handle it in another way.

VI. REPORT OF COMMITTEES

Mr. Williamson reported there would be a Finance Committee Meeting tomorrow morning at 8 a.m.

VII. EXECUTIVE DIRECTOR'S REPORT

A. Attorney's Report

Ms. London had an update on the Oveters matter to talk about in closed session.

Chairman Mitchell inquired about the rent.

Ms. London said that she received a notice from the Court about a Court ordered settlement conference for the 18th, and she received an email from the attorney representing Mr. Homer, and he's going to ask for an adjournment from the 18th. Ms. London advised that they have a trial date in January.

Chairman Mitchell inquired if the interest is still accruing.

Ms. London replied it should be; she said that's what they are asking for.

Ms. London advised that their requests are getting ridiculous because they are looking for the Authority to return the premises back to what they were before the PMUA started leasing there, and to return air conditioning units they said belonged to them, but she said that those units had broken down and the Authority purchased new ones.

Ms. London reported that on the Perry litigation matter, as she mentioned at the Committee Meeting, they have a summary judgment motion that is returnable next week on the 19th. She said that the brief came in this afternoon, their response to the motion, but she hasn't had an opportunity to look at it.

Chairman Mitchell inquired if it looks excessive.

Ms. London replied 30 pages, but content-wise it's them saying the Authority is not entitled to summary judgment; she said it will be interesting to see what the Court says.

B. Bills List Approval

Mr. Young said the Commissioners received the normal reports in their packets. He said as it relates to the third quarter compilation, Mr. Young passed it out at the Committee Meeting. Mr. Young said that normally what they do is to go through the highlights and key points associated with the compilation at the Finance Committee Meeting, but he could answer any other questions they might have on the compilation.

Chairman Mitchell inquired about the vehicle parts and supplies, the amount of \$17,000.00, he asked if it's because the equipment is so old.

Mr. Young replied yes, that has a lot to do with it, and to be able to reduce that he said there is a need for additional vehicles.

Chairman Mitchell inquired where the new trucks are made.

Mr. Williamson replied Cambria is who they have the contract with; he said that the body is built in Florida. Mr. Williamson said that he was advised at the last managers meeting that the trucks should be here around the 19th of December, but because of the holidays it will probably be around the first of the year. Mr. Williamson said they are looking for the two rear-end packers to be here this month, and hoping to receive the vac truck for the Sewer Department next month.

Chairman Mitchell inquired how they are doing with the pink cans.

Mr. Williamson replied that after discussion, and they realized it would be a substantial amount of money, they decided to do a pilot program; he said zones one and ten, they are going to go around to the people residing in those zones to find out whether they want or need a 96 gallon can versus a 64 gallon can regarding their wet garbage.

He said that everyone will get the 96 gallon can for their recyclables. Mr. Williamson said that they have the option to get a pink can or a blue can.

Commissioner Brokaw inquired with respect to some of their professional services, are they going to have billing up to the end of this year on next year's bill because she saw billing for September and she is wondering why they are so far behind.

Mr. Young replied that when they get the bill, they put it into the system. He said that unfortunately sometimes they are behind. Mr. Young said in an effort to make the statement in the monthly budget versus actual as accurate as possible, he said they do some type of accrual because they have a history of what they normally charge. He said to give an accurate representation, if they don't have it, they accrue for it and it's in there.

Mr. Young said that they monitor what bills have come in and what has not. He said that as they get close to the end of the year, they have staff to follow-up to make sure the vendors are notified to get their bills in if they want to get paid. He said that when they cut off at the end of the year, they have a certain amount of days to make sure they have all of their invoices in for the prior year because they don't want to run into a problem like they did years ago when some of the professionals didn't have all of their invoices in; so, he said, they do monitor it, and by January 15th everything should be in the system.

Commissioner Dunn said that he and Commissioner Brokaw should have October and November, and have a heads up of where they are.

Commissioner Brokaw inquired about a fee in the bills list for tax sale advertisement, and asked if that is just for the Authority's portion of it.

Mr. Young replied that historically they used to split the tax sale advertisement, but the cost of the sale money, the City used to keep all of that. Mr. Young said it works out now with the Tax Collector, he said that he allows the Authority to pay the advertisement, which is a small amount, and then allows the Authority to keep the cost of the sales money, that revenue they could keep.

Commissioner Brokaw inquired what the cost of the sales money represents.

Mr. Young replied that it varies; he said they netted between \$14,000.00 and \$15,000.00 to the good while historically they would not have received that at all.

Commissioner Tyndale inquired of Mr. Young; on the blue sheet for October 2014 there is a customer refund charge for \$128,213.00, he asked if that was for something that already happened.

Mr. Young replied yes; he said that sometimes there's a time issue in terms of when the bank pays and the resident pays for the tax sale. He said sometimes they both pay and it has to be refunded back because they can't keep both.

Commissioner Tyndale said on page 26 and page 27 of Mr. Young's report, he said this came up last night at the Council Meeting regarding the Interlocal Services Agreement, he said in Mr. Young's report it talks about a lease payment amount and revenue sharing, he inquired if they are two different payments. Mr. Young replied yes. Commissioner Tyndale said that page 27 talks about the escalation factor. Mr. Young replied that's for the operating lease. Commissioner Tyndale said that came up last night, but Mr. Young didn't seem ready to answer that. Commissioner Tyndale said there was a projection for 2014 of \$1,667,000.00, 2015 and 2016 the same thing; he inquired if that is something Mr. Young is going to be doing or having the accountants to do that for him.

Mr. Young replied that the operating lease is the lease that they pay to the City, so it's pretty much set. Mr. Young wasn't sure if they asked that specific question last night, he thought they were talking about the bonds in terms of how much they have still have on the books, which is about \$17 million, \$18 million, he said \$20 million last night and they have payments next year. Mr. Young said they didn't touch upon the lease payment.

Commissioner Tyndale inquired if the lease payment had already been paid for this year.

Mr. Young replied yes.

Commissioner Tyndale inquired about the revenue sharing percentage; he asked if that is something they still have to pay.

Mr. Young replied that's separate. He said that at the end of the year it's a calculation based on the Interlocal Services Agreement, he said it determines how much, if anything, is due to the City. He said that historically, per the ILSA there hasn't been anything due to the City. Mr. Young said that based on the calculation and the way the figures flow, there isn't any money due to the City.

Commissioner Tyndale inquired if the City is in agreement with that.

Mr. Young replied that the Authority hasn't received any negative comments regarding the calculations; he said it's sent to the City as well.

Ms. London advised that the Agreement is very clear, she said it has to fall through different buckets, things have to be paid, they have to have a certain amount of reserves in both solid waste and sewer, once everybody gets paid and the Authority's reserves are full, at that point if there's revenue still remaining, the calculation is who gets what percentage of that. Ms. London said a lot of this is required by the Interlocal Services Agreement and also the bond holder documents.

Ms. London presented **resolution #114-2014 authorizing the payment of bills**. Commissioner Brokaw moved the bills list be approved as distributed, seconded by Commissioner Sanders. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #114-2014 Payment of Bills**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

C. Resolution to Approve a Contract with Associated Auto Parts for Vehicle Parts and Supplies

Mr. Williamson said this is a one-year Non Fair and Open contract.

Ms. London presented **resolution #115-2014 authorizing the award of a contract to Associated Auto Parts for vehicle parts and supplies**. Commissioner Brokaw moved that the contract with Associated Auto Parts for vehicle parts and supplies be approved, seconded by Commissioner Dunn. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #115-2014 Associated Auto Parts**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

D. Resolution to Approve a Contract with Classic Signs and Signs By Tomorrow Providing Signage for Authority Buildings and Vehicles

Mr. Williamson said that this is a one-year Fair and Open contract for two companies, he said that they are alternate companies the Authority could use to provide signage for the Authority's buildings and vehicles.

Ms. London presented **resolution #116-2014 authorizing a contract with Classic Signs and Signs by Tomorrow to provide signage for the Authority's buildings and vehicles.** Commissioner Sanders moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE

Resolution #116-2014 Classic Signs and Signs by Tomorrow

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

E. Resolution to Renew Contract with Cartegraph Systems, Inc. for Software and Various IT Services

Mr. Williamson said this is the second payment of a three-year arrangement the Authority has with this software provider. Mr. Williamson said that administration is asking the Board to approve it.

Ms. London presented **resolution #117-2014 the renewal of a contract with Cartegraph Systems, Inc. for software and various IT services.** Commissioner Dunn moved, seconded by Commissioner Tyndale, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #117-2014 Cartegraph, Inc.**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

Commissioner Tyndale said that he noticed that all three of these contracts were Non Fair and Open, and it would be nice to see some of these as bid contracts, he didn't know how many of these go out to bid, but it could avoid criticism of the way they do contracts.

Ms. London advised that things that aren't bid, quotes have to be solicited; she said there has to be a comparison of the cost. Ms. London also advised that the Local Public Contracts Law states that the bid limit is \$36,000.00; she said that any contract that is \$36,000.00 and lower does not have to go out to bid; she said any contract over \$36,000.00 has to be bid.

Commissioner Tyndale inquired if the software people are in Iowa.

Ms. Hamlin responded that with Cartegraph that's proprietary, they have the license.

Chairman Mitchell inquired if there is someone who is licensed locally.

Ms. Hamlin replied that the Authority would have to change their entire system.

VIII. PUBLIC HEARING

Chairman Mitchell said they have come to the portion of the meeting where anyone from the public who would like to speak, he asked that they stand, give their name and address, and they will have two minutes to make their comments.

Mr. Smiley, City Administrator, wanted to take the opportunity to come and see how the Commissioners operated. He said that many times they get invited to attend the meetings, and they don't show up. Mr. Smiley said that he promised himself that he would attend at least one before the end of the year.

Chairman Mitchell thanked him for coming.

Ms. London presented **resolution #118-2014 authorizing an Executive Session**. Commissioner Brokaw moved that they have the Executive Session, seconded by Commissioner Sanders. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #118-2014 Executive Session**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

The Board adjourned into Executive Session at 7:15 p.m.

The Board returned to the public portion of the meeting at 7:20 p.m.

Commissioner Brokaw summarized the Executive Session and said that during the Executive Session General Counsel gave a report to the Board in reference to certain litigation with Oveters Construction. Ms. Brokaw said Ms. London recommended the Board seek a settlement and it was agreed by the opposing parties after he filed a complaint, and the Board will adopt a resolution to that affect.

Ms. London presented **resolution #119-2014 involving an Oveters Construction settlement**. Commissioner Sanders moved, seconded by Commissioner Dunn, approval of the resolution. The motion carried, on a roll-call vote, with five members in favor and none opposed.

RECORDED VOTE**Resolution #119-2014 Oveters Construction Settlement**

	YES	NO	ABSTAIN	PRESENT NOT VOTING	NOT PRESENT
Carol Ann Brokaw	X				
Malcolm R. Dunn	X				
Harold Mitchell	X				
Cecil H. Sanders, Jr.	X				
Charles Tyndale	X				
<u>Alternate</u> Charles Eke				X	

Mr. Williamson said that they will call him tomorrow to see how soon he can come in and sign the document; he said that then he would receive his check.

There was discussion regarding a special meeting to be held on December 22, 2014 at 4 p.m. to introduce the 2015 budget.

Alt. Commissioner Eke moved, seconded by Commissioner Tyndale and unanimously approved, to adjourn the meeting at 7: 20 p.m.

Recorded by:

Roslyn P. Mathis, Board Secretary