



BOARD OF TRUSTEES SPECIAL MEETING

Tuesday, September 22, 2009 @ 5:30 P.M.

Minutes

ROLL CALL

Present: Vice-President Marilyn Anderson, Secretary Eric Hand, Ron Hagan, Jane Merrill, Greg Starleaf, Legal Counsel Anne Poindexter. Absent: President Ron Houck, Treasurer Michael McDonald, Sam Mishelow, Courtney Schaafsma.

CARMEL TREATMENT AGREEMENT

Mrs. Poindexter presented an update on the Carmel Treatment agreement. The Board's response to the Carmel representatives was sent out last Wednesday. Prior to this and at the urging of Ron Houck, she sent another letter to Carmel's attorney indicating that there was disagreement with the declaration of impasse. She received an email back from Carmel's attorney saying that if he received a timely substantive response, they would consider withdrawing the declaration of impasse. Mrs. Poindexter then changed the draft of the Board's response and had Mr. Williams review it due to the technical terms.

Mrs. Poindexter read an email she received from Carmel's attorney Nicholas Kile: *"This is to confirm we are lifting our declaration of impasse. We appreciate the District's response to our issues. We will have a substantive response by the end of the week. I would ask that the District empower either an individual or a subcommittee to negotiate on its behalf from this point forward. I understand that ultimately any amendments that are reached must be taken back to the full board for approval. But I understand your full board meets only once a month and that will not accommodate the speed that we need."*

Mrs. Poindexter pointed out that the District's by-laws prohibit creating a small subcommittee. She would prefer that the Board appoint two (2) negotiators; no more than three (3). The Board then discussed how to best accomplish this task.

A motion was made by Mr. Hagan to designate Mr. Williams and Mrs. Poindexter to negotiate on behalf of the District's full Board with the Carmel representatives. The motion was seconded by Ms. Merrill, and the motion was unanimously approved.

The Board then discussed the selection of an arbitrator. A motion was made by Mr. Starleaf to nominate Mr. Larry Wallace, a utility lawyer, as the District's arbitrator, and was seconded by Mr. Hand. The motion was unanimously approved. Mrs. Poindexter will convey the designation of the negotiators and arbitrator as an indication of the Board's good faith and optimism to work through this.

ADJOURN

A motion was made by Mr. Hagan to adjourn, and was seconded by Ms. Merrill. The motion was unanimously approved. The meeting ended at approximately 6:15 p.m.

Respectfully submitted:

Andrew Williams, Utility Director

Eric Hand, Secretary

Vice President, Marilyn Anderson

Accept the Meeting Minutes:

___ as Presented

___ as Amended