

AGENDA ITEM 3-b

MINUTES OF REGULAR MEETING OF THE UTILITIES COMMISSION, CITY OF NEW SMYRNA BEACH, FLORIDA, HELD MONDAY, APRIL 17, 2017, AT 6:00 P.M., AT 200 CANAL STREET, NEW SMYRNA BEACH, FLORIDA

Chairman Biedenbach opened the regular meeting by providing the invocation and also leading in the pledge of allegiance.

Chairman Biedenbach then asked for a roll call to be taken. A majority of the Commissioners were in attendance as follows:

Commissioner Jack Holcomb
Chairman William E. Biedenbach
Commissioner Bernadette Britz-Parker
Commissioner James Davenport (ABSENT)
Commissioner Lee B. Griffith

Others in attendance were as follows: R. Mitchum, General Manager/ CEO; T. Beyrle, Director of System Ops. and Generation; D. Hoover, Director of Water Resources; B. Bilinski, Director of Finance; M. Rodriguez, Director of Electric Operations; D. Wainscott, Director of Engineering; B. Pitcher, Human Resources/ Benefits Manager; D. Wood, Customer Service Manager; D. Zorge, Customer Service Supervisor; E. Fisher, Info. Officer-Employee Relations Coordinator; B. Keehn, Interim I.T. Manager; J. Santrock, Billing Tech./Comm. Acct. Rep.; D. Simmons, Exec. Services Mgr./ Recording Secretary; W. Preston, U.C. Legal Counsel; Khalid Resheidat, Asst. City Mgr./City of NSB; and Walter Allen, and an unidentified man, members of the public.

(1) Agenda Changes, Additions and Deletions:

Chairman Biedenbach then stated to Mr. Mitchum, are there any changes or deletions or additions to our agenda tonight?

Mr. Mitchum stated there is one addition of 3-h*, a cable award bid that I think you guys were sent last week but it is also on your dais. (*ITB No. 15-17 – 750 kcmil Cable)

Chairman Biedenbach stated anything else.

Mr. Mitchum stated that's it.

(2) Public Participation:

Chairman Biedenbach stated okay, public participation. We have anybody in the public that would like to speak to us at this point.

(2-a) Request to Appear – Walter Allen RE: The Abrogating of Responsibility and Inappropriate/Misappropriate Action:

Mr. Allen stated from the audience, yes Mr. Chairman.

Chairman Biedenbach stated please identify yourself. Mrs. Simmons, you want to kick the clock on for three minutes.

Mr. Allen then provided Chairman Biedenbach with written copies of his prepared statement (entitled Observations and Concerns), and then stated copies, one for each.

Mr. Preston then stated this is a notice to appear, you noticed on the agenda?

Chairman Biedenbach stated yes.

Mr. Preston stated so there isn't a three minute limitation ordinarily.

Mr. Allen then addressed the Commission from the podium and stated good evening. Walter Allen, 3 Lynn Court, New Smyrna Beach, a citizen, rate payer, and former U.C. Commissioner. I have attended the Utilities Commission meetings and workshops and I have concerns from listening to the oratory over the last several months that clearly depicts you're not a policy oversight group responsibly seeing that these utilities operate in a sound business manner, and as set forth in the guide set in the City ordinance, section 82-8 (*sic* 82-2).

Mr. Allen stated I perceive that this commission is no longer functioning as it was designed by chapter 15 of the City charter, nor as established by the Florida Legislature. The City's own charter states that the U.C. shall be in complete charge of all utilities in accordance with the resolution of intent adopted by the City Commission. It states that the Utilities Commission shall be separate from the City Commission and that the City Commission shall cooperate to the fullest extent to guarantee the separation of the operation of the utilities from the politics of the City.

Mr. Allen continued, my observation is that through your actions you are, perhaps some unknowingly, being political surrogates, pawns carrying out wishes of the City. You continue to side step the CEO, to disrespect the general counsel, who gives you sound legal advice, and you are pushing into the operations of the utilities by your Monday morning quarterbacking. Through your senseless discussion and unwillingness to let the U.C. staff lead the operations of this business and by not listening to the CEO's direction and his timing of moving this business forward, you are abrogating your role and responsibilities as Utilities Commissioners policymakers. I must also caution, dual-office holding is prohibited, when policymakers delve into staff operations for the City's interests or personal interests.

Mr. Allen stated as an example, a Utilities Commissioner stating a desire to initiate a study of smart meters and radio reads just to reduce jobs or man hours in the field. If feasible and, and an operational priority, you would have received something from U.C. staff. My initial take on that discussion, if staff supported, supported it, it would be at least a \$50,000 to \$100,000

(2-a) Request to Appear – Walter Allen RE: The Abrogating of Responsibility and Inappropriate/Misappropriate Action (cont.):

study would be required. System definition of equipment to cover a service area of 70 square miles, ample backup inventory, and then not to mention the associated software requirements, billing considerations, and/or compatibility issues.

Mr. Allen continued, comments from Utilities Commissioners, stating they don't want to hear about the rate payer are extremely disturbing. It is the rate payer your position represents and it is the rate payer who must pay for the decisions made on the dais. It's not paid by taxes. An understanding of the sources of public monies also supports an understanding of your position.

Mr. Allen continued, oh, and by the way, you're not responsible for septic tanks. 30% of Floridians are served by septic tanks and are continuing to be permitted by the Department of Health and the Department of Environmental Protection. Malfunctioning septic tanks are then a DOH, DEP, and code enforcement matter. Older septic tank systems producing excess nitrogen, is either a sanitary nuisance and/or a non-source pollutant into the City's separate stormwater system. This is what happened in the mid-90's with the south beach area. The County was the responsible entity, contacted the service provider, the U.C., and then proceeded with the construction and turning over the constructed system for maintenance. Regarding future determinations of your responsibilities, if you aren't willing to respect the U.C. staff recommendations, then look at the permit requirements for each entity's public services.

Mr. Allen stated you have bought into, bought into the political distraction, personal opinion and desires, and conflicts of interests, rather than oversight with sound, responsible non-profit business sense. Your actions also put this utility into a, in hostile work environment because of your personal actions at these meetings, and when side stepping the CEO, conversing with City staff instead of U.C. staff, and then questioning the U.C. employees for answers off the cuff or in a form of personal grilling. There's some possible fallout that, from this inappropriate action include a Federal class action lawsuit by ratepayers, also a loss of productivity, due to the degrading of UC employees publicly, affecting their morale and leading into workplace chaos by subsequent resignations, the loss of knowledge. And both of these would create a situation leading into increased utility rates and would be directly caused by the abrogation of your responsibilities to the ratepayers. By unprofessional actions negating the authority of the CEO and by making decisions not beneficial to the utility system and rate payers.

Mr. Allen continued, I also think you need to hear that the misappropriate operations in the mid-2000's were extremely costly to the rate payers and injured the integrity of the U.C., the U.C. staff, and the U.C. Commissioners. It should be noted that the City, who was an integral part of the implementation of the U.C. communication operations, financially benefitted. The City's, City benefits from higher utility rates, increases the required 6% transfers.

(2-a) Request to Appear – Walter Allen RE: The Abrogating of Responsibility and Inappropriate/Misappropriate Action (cont.):

Mr. Allen stated again, political distractions, interference, and personal agendas, will always prove costly to the rate payer and the community. Section 82.2 doesn't say that you are to cooperate with the City Commission, but rather that the City Commission shall cooperate fully to guarantee the separation of the operations of the utilities from the politics of the City. There is a proper way for the staffs of both entities to work and to cooperate, within their responsible areas and authoritative means; such operation benefits all. Appropriate actions by the U.C. Commissioners will safeguard the operation of the utilities from the politics of the City. Thank you.

Chairman Biedenbach then stated Mr. Allen.

Mr. Allen stated yes sir.

Chairman Biedenbach stated I know that you sat in this same seat that I sit in.

Mr. Allen stated yes.

Chairman Biedenbach continued, and I take the responsibility as you did, as seriously as you did. I can assure you that the Commissioners sitting up here with me operate from the highest moral and integrity platform. And you as a citizen are free to express your thoughts any time. Thank you.

Mr. Allen stated thank you.

(3) Approval of Consent Items:

Chairman Biedenbach stated I need a consent agenda approval please. Does anybody have any of the consent agenda that they want to pull?

Commissioner Griffith stated Commissioner Biedenbach, Mr. Chairman, d. please, Central Office Building.

Chairman Biedenbach stated d.?

Commissioner Griffith stated yes, couple of questions, couple of questions on that.

Chairman Biedenbach stated okay, no problem, anybody else? Can I have a motion to approve a, b, c, e, f, g, and the new one, I believe is h.

Commissioner Griffith stated so moved sir. Specifically, a motion to accept and approve consent items 3-a. Minutes of Regular U.C. Meeting Held 3-20-17, approve as submitted; item 3-b. Proclamation Declaring April 2017 Water Conservation Month (FSAWWA), approve the proclamation as submitted; item 3-c. Release of Easement – 100 Lincoln

(3) Approval of Consent Items (cont.):

Avenue, approve release submitted by Mr. Robert A. Funk for 100 Lincoln Avenue and authorize GM/CEO or designee to execute; item 3-e. COB Building Envelope Assessment Project – C.O. No. 2, approve in the amount of \$73,120.00 as submitted by Gale Associates, Inc., and authorize GM/CEO or designee to execute; item 3-f. Amendment No. 1 to Developer’s Agreement and Addendum – Fountains East Townhomes – Phase 2 at Venetian Bay, approve amendment as submitted by GEOSAM Capital US (Venetian Bay) LP and GEOSAM Capital US GP, LLC, and authorize the GM/CEO or his designee to execute the document; Add-On item 3-h. ITB NO. 15-17 – 750 kcmil Cable, approve and award to evaluated low bidder Gresco Electric Supply for the purchase of 750 kcmil cable (30,000 ft.), in the amount of \$171,484.24 (\$161,754.00 plus tax \$9,730.24).

Commissioner Holcomb stated I second.

Chairman Biedenbach stated moved and seconded, any discussion? Please call the roll Mrs. Simmons.

Commissioner Griffith’s previous motion then passed unanimously on a roll call vote.

(3-d) COB Building Envelope and Building Repairs Project – Change Order No. 2:

Chairman Biedenbach stated go ahead Chair, Commissioner Griffith, on d., go ahead.

Commissioner Griffith stated Mr. Chairman a couple of questions for Mr. Wainscott. A couple of change orders now coming up, totaling about \$2.3 for the project, \$2.3 million for the project with these two new change orders. How are you feeling as far as going forward? Are we still looking at, where are we with respect to... What did we budget for this, I didn’t have time to look it up? Mr. Bilinski I’m sure can tell us, closely.

Mr. Wainscott stated \$2.1 million.

Commissioner Griffith stated \$2.19, okay.

Mr. Wainscott stated the building has a certain uniqueness to it because it’s not just one building. It’s four or five or six or seven different buildings that have been put together.

Commissioner Griffith stated yes.

Mr. Wainscott stated the change orders to date have been a result of oddities of construction from past practice. We are through what we have been calling a discovery phase where, for instance in this room, those windows were built at the same time as those windows. Those windows were built differently than those windows. So there’s, the change orders is basically a result of the uniqueness of the building and overcoming some of the, the discovery phases. We had some things that needed to be abated and removed and now we have to reconstruct

(3-d) COB Building Envelope and Building Repairs Project – Change Order No. 2 (cont.):

based on what we found there. The tunnel is the primary reason for this change order and its reconstruction of the walls. The walls that were there were built upon paper and that's it. It was paper and stucco and no substrate whatsoever. So we had, this change order includes the sheathing put back, the installation to put back, and the stucco repaired to cover, what is now covered in the moisture barrier, so.

Commissioner Griffith stated good, has your Engineering Department now, feel pretty good about what you've analyzed and looked at with respect to future type issues with the oddities that you've discovered thus far. Have you pretty well been through the entire project?

Mr. Wainscott stated this is my project so I'm handling it first hand, and we are, with input from other departments because the construction project affects multiple departments.

Commissioner Griffith stated sure.

Mr. Wainscott continued, we're, we're collecting as much information as possible with the wall stripped to the bones. Taking, you know, we're taking photos. I'm not anticipating any more substantial change orders as part of this project. That being said every time we do a little bit of demo to prepare for an installation, we, we find something that needs to be addressed. For instance last week we did a little bit of demo work in preparation of new windows on the far side of the building and what we thought was a concrete lintel was actually a brick lintel, so we were getting those still, kind of oddities, but that's not going to result in major change order.

Commissioner Griffith stated sure. Well, major concern is that we are at least within range of where we think we'll be for change orders, maybe a couple more, slight change orders may develop as you uncover new detail, especially with respect to what current permitting and requirements and codes, and so on.

Mr. Wainscott stated correct, I'm not expecting any more major change orders on this project.

Commissioner Griffith stated okay, good, thank you Mr. Wainscott.

Mr. Wainscott stated any other questions?

Commissioner Holcomb stated when's completion, when do you really anticipate completion.

Mr. Wainscott stated the original schedule was in May, but it's really looking more like June or July because of the discovery phase and having to get all of the shop drawings adjusted for what we found when we did the demo work, was kind of causing a little bit of a delay.

Commissioner Holcomb stated right.

(3-d) COB Building Envelope and Building Repairs Project – Change Order No. 2 (cont.):

Mr. Wainscott stated because of the uniqueness of the building and some of the new technology that we're going to place on the elevator shaft outside on the back wall, those shop drawings have to be precise. And in order to be precise, takes a little bit extra effort.

Commissioner Holcomb stated all right.

Chairman Biedenbach stated takes a little bit of what?

Mr. Wainscott reiterated extra effort.

Chairman Biedenbach stated all right, okay.

Mr. Wainscott added my tolerances aren't in feet, they're in millimeters.

Chairman Biedenbach confirmed there were no further questions from the Commissioners, and then stated thank you Mr. Wainscott.

Commissioner Griffith then stated motion to approve item 3-d. Mr. Chairman; specifically a motion to approve Change Order No. 2 for the Central office Building (COB) Building Envelope and Building Repairs in the amount of \$105,243.21 as submitted by Innovative Masonry Restoration, LLC, and authorize the General Manager/CEO or his designee to execute the documentation.

Commissioner Holcomb stated second that motion.

Chairman Biedenbach stated any other discussion, then stated please.

Commissioner Griffith's motion then passed unanimously on a roll call vote.

(4) General Manager's Report:

(4-a) Financial Status – March 2017:

Chairman Biedenbach stated Mr. Bilinski please.

Mr. Bilinski addressed the Commissioners by stating good evening Commissioners, for the month ended March 31, 2017, the Utilities Commission's change in net assets for the combined system is a positive \$189,409. The balance in the fuel and purchased power account is an over recovery of \$1,732,000, which is a reduction of \$145,000 for the month. He then offered to answer any questions.

Chairman Biedenbach stated anybody, then commented keep bringing the money, thank you.

(4-b) 2016 U.C. Challenges & Accomplishments:

Chairman Biedenbach then stated Mr. Mitchum.

Mr. Mitchum stated yes sir, the next item is our, what we like to call our Challenges and Strategic and Objective Accomplishments, that's for your consideration, over the last year. As a suggestion we did include some challenges also and where we went with those, and then plans going forward. I don't imagine that five days since you've got this has been time to go through the whole thing but if there's any particular questions we'll be glad to address those.

Chairman Biedenbach stated my..., then Commissioner Griffith do you have any questions for, on...

Commissioner Griffith stated have we jumped to the 2016 Challenges and Accomplishments?

Chairman Biedenbach stated yes sir.

(4) General Manager's Report (cont.):

Commissioner Griffith stated okay, I'm sorry, I did have one other question, back up on the General Manager's Report. May I, please?

Chairman Biedenbach stated go ahead, go ahead, yes.

Commissioner Griffith stated it's our information technology, projects one through nine. Again a lot of things written looks good, the timelines look good, feeling more comfortable with reading the reports every month now. My question is how are we feeling with respect to resources, current resources, manpower and obviously resources required as we think about 2017 and 2018.

Mrs. Keehn addressed the Commission by stating her name and title of Information Technology Manager. She stated it's looking good, we have Jason Michel now who's our technical expert. We've negotiated terms with him so in October he'll become our full time employee which is very positive for us. He has been part of Projects 1 through 3, which has been, he has been a huge asset to the Utilities Commission, and so much so that he is outshining Presidio. So I'm really excited that we have him, he understands where we're at and he's helping us get to the right direction. We've also made some changes that I will be presenting next month, as far as a database employee. So what we'd like to do now is hire someone sooner than later, while Heddy's still here so that she can transfer her knowledge to this person moving forward and then we'll have an internal person that also does our database. So that will take some time because we have two independent contractors that we work with fairly closely, Craig Belcher and Heddy Domingo/IBG, but their knowledge will be transferred but it will just take time.

Mrs. Keehn continued, so Mr. Michel is fully capable to do what's being requested of him but it's just going to take time to transfer all of that. In the meantime we are ahead of schedule on

(4) General Manager's Report (cont.):

Projects 1 through 3. We've had some setbacks but we gave ourselves plenty of time to work it out, so this weekend is our final stage. We'll make the determination this Wednesday but if everything looks good this Saturday we're going to do the data center move and also the last of our cutovers which will bring most of our infrastructure that we have, for that project up to date. We will, as Mr. Michel's dissecting and going through everything line by line, we are finding things that we're going to have to bring to you that we're going to have to update in the future. Just maintenance agreements that are end of life, end of coverage, and with that brings risks as far as vulnerabilities because they're not, there's not patches we can update or things we can do within that. So that will be coming to you but that's new things that we're learning.

Mrs. Keehn stated the disaster recovery's going to immediately follow and that's going to be built on the efficiencies that we're doing now. So all of those things are on, on project scope. Because of the building project and also Projects 1 through 3, GIS has taken a second seat, only because we only have so much resources. So as soon as this project is finished we'll be putting most of our efforts into getting GIS back on track, but it did have to take a back seat during these projects just because it was our entire infrastructure that we had to rebuild.

Mrs. Keehn stated so, and next month if we make the determination that Wednesday, yes it's time to do it, I'd like to come back to the Commission, give a report of where all the projects are, let you see what our progress has been, where we're headed and I'm hoping that Mr. Michel can be here as well so that he can introduce himself and his qualifications and if you have questions, just where we're headed with him. And then moving forward, what we're hoping to accomplish and what we're hoping to look like.

Commissioner Griffith stated that would be great, sounds good, appreciate all the work you're doing to give us a monthly report like you're doing.

Commissioner Holcomb stated right.

Commissioner Griffith stated and Mr. Chairman, would suggest that maybe we put an agenda item together next month or two, depending on where, where we are with the new employees, and obviously as we get closer to 2018.

Chairman Biedenbach stated to Mrs. Keehn would you get with Mrs. Simmons and make sure that you get on, if your time to get. He then asked what is Jason's last name?

Mrs. Keehn answered Michel.

Commissioner Holcomb stated also if I may.

Chairman Biedenbach stated go ahead.

(4) General Manager's Report (cont.):

Commissioner Holcomb stated I sat down with Mr. Mitchum and Mrs. Keehn last month as I had some concerns; very, very good conversation. I like the fact we have the 85%, the 70%, it gives me an idea. When I see 70%, I look for two or three meetings we've got conclusion. So, so it gives me an idea of what to expect when I start seeing that fulfilled with that, with the percentages with what we've achieved there. Moving forward, I was, a pretty good conversation, I think we both got to say what we all felt we needed to say. But what I did leave the meeting with is not an easy process to get through, it's still evolving as we put it together, but I felt more comfortable with the direction after the meeting than I did going into the meeting. So, I, I know it's, we were in there for an hour weren't we?

Commissioner Griffith stated good.

Commissioner Holcomb stated yes, so, so I can say that, it was, it was a little bit more one on one, a little more explanation, direction, so I can honestly say when I left there I felt a little better off where we're standing. And it was, you know, a lot of tough questions and I was happy to have the answers readily available because it wasn't, I wasn't looking for making me feel better, I needed, I needed answers. So that was it and I appreciate the honesty...

Commissioner Griffith stated substance. Then stated okay, thank you Mr. Chairman.

Chairman Biedenbach stated to Mrs. Keehn, you stated that Mr. Michel was going to be a full time employee in October.

Mrs. Keehn stated correct.

Chairman Biedenbach stated explain to me what's going on, if, if you did I have forgotten.

Mrs. Keehn stated that we had worked with Presidio, sort of a head hunting. We did two types of recruitment, we looked and then we also had a national organization look and they were scouting. I believe they had 200 applicants, then their engineers, which is network and data engineers, did a screening, and they kind of sift out the best. And then they found Mr. Michel for us to interview, after they..., and they go so far as they validate all of his education, all of his work experiences, everything that he put on his resume is validated by them before it moves forward. So it's very intense on how they find their applicants. Once they found him, Mrs. Pitcher and myself interviewed him and we felt like he would fit what we were looking for and then we began, we wanted sort of a test with what he could do as far as now with what we're doing, Projects 1 through 3, which he's proven himself, and then some. So we feel confident that he brings the skills that we're going to need moving forward and then into the future.

Chairman Biedenbach state so this is a contractual deal that you can't hire him.

Mrs. Keehn stated well we, any time, but we're going to do it in October and then at that point he'll become our employee, and that's with the new budget.

(4) General Manager's Report (cont.):

Chairman Biedenbach stated thank you. Anybody else?

Commissioner Griffith stated Mrs. Pitcher, do you feel good about that?

Mrs. Pitcher stated yes sir.

Commissioner Griffith continued, adding Mr. Michel, okay, great.

Chairman Biedenbach stated thank you to Mrs. Keehn. Mr. Mitchum I'm,... Anything else, Commissioner Griffith?

Commissioner Griffith stated a little later on.

(4-b) 2016 U.C. Challenges & Accomplishments (cont.):

Chairman Biedenbach stated okay, Mr. Mitchum you are now up.

Mr. Mitchum stated I am now up, okay, as I explained that's pretty much it. It's not a presentation, it was a compilation of this past year, accomplishments and challenges. Obviously, I.T. being one of those challenges that I think is being addressed quite well. And as Commissioner Holcomb said, I'm feeling much better going forward with the personnel we have that's directing that and also that we brought on board. As far as the rest of this, like I said it's, it's just a listing so you can see everything. If you have any particular questions about it, we're glad to address those.

Chairman Biedenbach stated yes, okay, I want to talk about Hurricane Matthew. I feel the, we did a great job of getting all the electricity back together but I know that there was some hiccups with telephone communication and other types of communication because of things being down. I'd like to see a recap of what actually did happen and what plans we have made to change the way that the next one will be handled, post mortem, call it what you want. Ten minutes, five minutes, hey this is what happened, this is why it happened, and this is what we're doing so it doesn't happen the next time.

Mr. Mitchum stated okay, we can present that. As far as a guarantee it won't happen the next time in a hurricane, we'll get as close as we can.

Chairman Biedenbach stated no, no, no. If I thought we could guarantee anything from up here, we, we would be doing something else. No, that's not what I'm asking for, what I'm asking for is...

Mr. Mitchum stated right, we are looking...

Chairman Biedenbach continued, whatever, whatever blew up, why it, why we think it blew up and what we think we can do to keep it from blowing up the next time.

(4-b) 2016 U.C. Challenges & Accomplishments (cont.):

Mr. Mitchum commented okay, we can get probably satellite phones to everybody, might do it.

Chairman Biedenbach stated well, I mean within, within a reasonable budget constraint. I mean, you know, I...

Mr. Mitchum stated that will be, it's definitely being, it's still being, you know, thought out, the whole process.

Chairman Biedenbach stated okay, and then go ahead Commissioner Holcomb.

Commissioner Holcomb stated so, one of the things in there is rates, and we always, and I appreciate the, the concern, and I, believe me, I like to keep track of this place myself and I can always use (inaudible) less. But we always tout our low, low, low rates. And I always ask myself, at, at what expense does it come to, you know. Yes, we're the lowest rate but if we have better technology, better resources, better things for our employees, to service our, our ratepayer better, are we kind of being a little... You know, I mean, it's a great thing don't, please don't misunderstand, being the lowest of the lowest rates is a great job and I commend you for it. But I do have concerns to the point we've talked about it a bunch where when you walk around here what's the reinvestment been back into the assets, the facilities, the technologies the employees have to, to be more efficient, to be better, to better serve the ratepayer and I just, you know you get to a point where you're like you want to be fiscally disciplined and not just go spend, spend, spend and get every dollar you can out of every asset you have and hopefully get it to the point. But there is a breaking point to where you start to lose efficiencies and I want to make sure you know that we're not, we're so worried about being second or third or second lowest that we overlook the fact that we could, you know, if we're shortchanging ourselves.

Mr. Mitchum stated well, we definitely strive to be as low as we can, not low in quality or services, absolutely, but to be able to do it at the level where we do it and keep the rates low, obviously. You may have a little outlook, different outlook once you see this next budget coming to you, as to what we need to do, there's a lot of stuff we have to address obviously. Things are growing, it's expanding quite rapidly and we are having to address personnel, also equipment, infrastructure, existing as well as you know expansion going forward. So we are definitely looking at that and still trying to keep it as low as we can get it, but addressing it to where it's not, you know, it's not to the detriment at all. To try to maintain that position, that's just what we need to as we feel as a service provider of a life important service that everybody's got to have. We need to do it the best we can but to keep it within reason, you know where we can do that. Definitely as I said, not to the detriment to the system and we will be as you'll see coming forward reinvesting considerably on this next budget, in the next CIP going forward for the next five to ten years.

Commissioner Holcomb stated be careful what you wish for is what you're telling me.

(4-b) 2016 U.C. Challenges & Accomplishments (cont.):

Mr. Mitchum commented something like that.

Chairman Biedenbach then stated Commissioner Britz-Parker.

Commissioner Britz-Parker indicated she didn't have anything.

Chairman Biedenbach then stated go ahead to Commissioner Griffith.

Commissioner Griffith stated Mr. Chairman, just one thing, I, it sounds like a broken record but it's not. It's a great job by the staff and the U.C. over the last five years. You look at this 2012 to 2016, the financial improvement, the health of the business is going to position us now to be able to grow and take on higher infrastructure opportunities and add to our services and so on and so forth, as I think out into 2017, 2018, 2019. But just a tip of the cap to everybody for a lot of hard work and effort, and successful financial work with respect to our performance for the last five years.

Mr. Mitchum stated thank you.

(5) Commission Counsel's Report:

(No report – discussed briefly under item 8. Below.)

(6) Old Business

(No items of consideration – discussed briefly under item 8. Below.)

(7) New Business

(No items of consideration – discussed briefly under item 8. Below.)

(8) Possible Other Business – Time for Commissioners:

(8-a) Confirmation RE: Attendance to FMEA/FMPA and/or APPA Annual Conferences – Requested by Chairman Biedenbach during 2-27-17 U.C. Mtg.:

Chairman Biedenbach stated okay, the last thing we have is for the meetings of the American Public Power and FMPA. Has anybody looked at their schedule, do we have anything, that... I know that you said you wanted to go to one and can't go.

Commissioner Holcomb stated I changed my scheduled so I'm going to go to the one in... I talked to Mrs. Simmons today, she's got it squared away. I talked with Mr. Mitchum and I think they're, July's when I'm going, and that's the one you guys want me to go to, makes more sense.

(8-a) Confirmation RE: Attendance to FMEA/FMPA and/or APPA Annual Conferences – Requested by Chairman Biedenbach during 2-27-17 U.C. Mtg. (cont.):

Mr. Mitchum stated right.

Chairman Biedenbach stated FMEA, Ponte Vedra, all right. Commissioner Britz-Parker?

Commissioner Britz-Parker stated I checked my schedule and the only one I can go to is the Ponte Vedra, but I, I don't see that as being a problem.

Chairman Biedenbach stated I don't, I don't see any problem with two of you going.

Commissioner Britz-Parker stated I had a question about the conference though, about how does it normally work. Are you normally going there and stay overnight, do you drive back and forth, I'm just asking the question, I don't know.

Mrs. Simmons stated you normally, confirmed with Mr. Mitchum to continue, usually you stay overnight. You have preconference seminars the first day, depending what they are, the next day you have breakout, you have seminars and sessions, and then the last day. So it's really two and half days, maybe two days depending if you attend pre-conference.

Commissioner Britz-Parker stated okay, thank you.

Mrs. Simmons then added, and I make arrangements, I'm, I walk you through that process and all.

Commissioner Britz-Parker stated okay, thank you.

Chairman Biedenbach then commented just don't the two of you drive up there together.

(8-b) Scheduling of Next Two Joint City Meetings in October 2017 and April 2018 – Requested by Chairman Biedenbach during 3-1-17 Joint City Mtg.

(ITEM 8-b NOT CONSIDERED NOR DISCUSSED AT THIS TIME)

(8) Possible Other Business – Time for Commissioners (cont.):

Chairman Biedenbach then stated all right, anything else, Commissioner Griffith?

Commissioner Griffith stated I'm good.

Chairman Biedenbach stated Commissioner Britz-Parker? Commissioner Holcomb? Mr. Mitchum?

Mr. Mitchum stated no sir.

(8) Possible Other Business – Time for Commissioners (cont.):

Chairman Biedenbach then stated Mr. Attorney, I'm sorry I forgot you down through the middle of the thing. I, I am sorry, I..., you weren't on the new one, I didn't miss it.

Commissioner Holcomb stated no it's not, it's right there, Commission Counsel's Report.

Commissioner Griffith reiterated the item and then stated first page.

Chairman Biedenbach stated oh, okay, not only that, I can't read. Mr. Preston?

Mr. Preston stated I have no report; also added there are other items of Old Business and New Business but I don't know if you had any, as well.

Chairman Biedenbach stated well, I don't think so, can I have an adjournment?

Commissioner Britz-Parker stated no.

Chairman Biedenbach stated oh, okay.

Commissioner Britz-Parker stated okay, I'm sorry because that's how, I got a response, not the last meeting when the audit was presented, I participated in that meeting through phone.

Chairman Biedenbach stated okay.

Commissioner Britz-Parker stated but the meeting before that, we had voted, my understanding of this, let's correct it, we had voted that I was supposed to get with staff, with Mr. Mitchum and figure out several things. But one of the things we also voted on unanimously was to take a look at engaging an independent attorney to take a look at the legality of what we can and cannot spend money on. More specifically, our unrestricted fund balance, I brought up the question as part of the audit report. I did speak with Mr. Mitchum briefly after that meeting where we voted on this and he said I'm not, you know, like we would have to get together later. I assumed you would call me, I didn't hear from him, I know he's a busy guy, but I did, I would like to move forward with this. I did inquire of several people, primarily other CPA firms in Florida because that is my frame of reference, talking to other CPA firms. Primarily Clifton, Larson, Allen (CLA), is one of the largest CPA firms in the United States. They're probably in a second tier, they're probably in a top employment. I asked an audit partner there that's in charge of the government practice, told them what we were, who can you recommend, what attorneys have experience with that. And I got two names and I got two names from more than one person. I can give you the information on them, I just don't know how to move forward now.

Chairman Biedenbach stated okay, what, originally as I remember the conversation coming up... Mrs. Simmons is there any way we can go back to look at the...

Commissioner Holcomb stated we, we, I, I know exactly what was (inaudible).

(8) Possible Other Business – Time for Commissioners (cont.):

Chairman Biedenbach stated you were the one that did it.

Commissioner Holcomb stated basically what we didn't want to do, is I think we found a solution in a way around and we wanted to be able to have the ability just if we decide to make, we called it investment. And then when I think the agreement was starting to come together we were having trouble with the language because of investment and I still don't understand the City's position but that's a, here for another day. So it's, it's, what we wanted the ability to do was if we stood up here and said hey, we want to do an interlocal agreement with the City, we don't need to call it investment, we don't need to... What's, is there a way we can just change policy and have the ability to do it, not saying that that's what we want to do but we didn't kind of like the means in which we had to, to achieve this, we just wanted to do it. If, if, if it was right, we, you know, I think it was how, how we got to the two agreements was referred to as investment. We took it from the, we took the money and, and declared it an investment versus what it was to be basically and inter-community agreement to solve a whatever, a problem. And that's what we, we were trying to figure out was instead of kinda having to mealy mouth around this how do we change policy if we want to, to do this so that we didn't have to do that. Because we're creating, what I felt, we were creating more conflicts in the language of the agreement than being straight forward than just this is what your side's going to do, this is what our side's going to do. And, you know, I still have concerns on our conversation with the recovery of all monies invested. I mean there's some things that, but I want to have the ability to do that, if, if we can change that policy. And that was, and, and the answer from counsel was we have showed a way to do it, we have found a way and it's through the investment and that's what he was comfortable with doing. We just want, we want to see if we can change policy. So, so that's...

Commissioner Britz-Parker stated that really wasn't my take on it at all.

Commissioner Holcomb stated yes, that's what, that's what...

Commissioner Britz-Parker stated I mean it was part of it, we wanted to, part of your motion I thought was just for us to, and I was the one who volunteered to get with Mr. Mitchum to..., but one of the things we were trying to accomplish was figure out how other entities like us, work together. That was one part of it.

Commissioner Holcomb stated that was phase two.

Commissioner Britz-Parker stated yes.

Commissioner Holcomb stated so phase two was, how, because we, when you go talk to Winter Park, or I think it's Winter Park, or Winter Garden, one of the two there.

Commissioner Britz-Parker stated Winter Park would be one.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Holcomb stated in their, in their public utilities, they, when they have problems the, the language that was given to me was they walk hand in hand solving the problems, like its sewers.

Commissioner Britz-Parker stated they're not separate though.

Commissioner Holcomb stated yes, they, well okay but there's...

Commissioner Britz-Parker stated it's all part of the City (inaudible), so it's a different animal, it's real, it's very different. I just, I don't mean to interrupt you but this is important to me and I have difficulty in moving forward, and listening to the budget for next year, I, I really... I'm a CPA with a lot of experience, I'm fiscally conservative, I just want to really stress that. Any fears that might be out there thinking that I'm, you know, I'm not in favor of loaning all the money, giving everything to the City in New Smyrna Beach. That is not where I'm coming from at all. But to be able to make intelligent decisions, I feel like I need to fully understand what we have the ability to do or not do. And if my understanding is correct, our legal counsel has told us on more than one occasion this unrestricted fund balance money that we have, \$30 million, as of the last audit report date, roughly \$30 million, is spoken for and, and we cannot spend it on infrastructure as defined in any number of ways. And that doesn't pass the sniff test to me, I don't think that's right. I think that the unrestricted fund balance, it's this body that decides and has the responsibility to decide how that should be spent. Of course, listening to staff and what they know and what you all have to tell us, but, but where I'm really stuck... And, and somebody brought up, oh yeah being, you know, that it's nice to be cheapest, and that's a cool goal, but I have very seldom in my life ever found that cheapest was the best. So, so I, so I would like for us to be able to move forward and once and for all, I mean I think Alex Kish told this already, but he's not an attorney, he told us, no, it's unrestricted money. Do you all have plans for it, absolutely, but ultimately the people that decide how it's going to spent is us. We approve it each year, we approve the budget, and, and there's a lot of things that have to be done, I totally understand that. Over the phone, I believe it was on the phone when we were talking about the budget and the things that we're planning to do down the road, there's a big debt repayment that happens annually, a lot of things that have to be spent. You know I, I've got to see the whole picture as far as here's the fund balance we have today, here's what we're scheduling to spend next year, here's the new monies that we think we're going to add to it. I mean because there's money going to go in and money going to go out, and so I need to really understand all the ins and outs of money. And we have legally restricted monies, okay, but we have a lot of unrestricted money, but do we have to be fiscally responsible, yes. But I, but I feel like I really need a legal opinion that tells me that I, and, and I'm sorry but I don't want to ask our attorney again because we've already asked him, twice.

Commissioner Holcomb stated right.

Commissioner Britz-Parker stated I want to get an independent legal opinion for someone that has a whole lot of experience dealing with entities like this one, to tell us what can we do.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated may I say a couple of words, for clarity and in defense. Tonight is the first night that I've heard any sense of definition of a request for a determination of a legal issue. And identifying that legal issue with some clarity, i.e., what can we spend our unrestricted funds on, period. Before that I have heard where there has been expressions of, multiple expressions on this dais of well we want this, we want that, without definition. I want him to tell us how to do it, doesn't give me an issue to answer for you. We worked through the Islesboro Project to give you the best answer within the legal parameters that I think we have. Not pertaining to specific expenditures of unrestricted funds, but in regards to the broader policy in addition to the expenditure of funds. You haven't given me a specific question to answer. Tonight has been the most specific that I have heard to date. But I cannot answer tell me how to do it, tell me how to we can be in good relationship with the City. If you want that I will tell you without much legal research, we have good legal relationship with the City within the parameters we have. But if you have specific questions, ask me a specific question for which you want an answer. That's my only...

Commissioner Holcomb stated (inaudible)...

Chairman Biedenbach stated well, wait, wait, wait a minute, wait a minute. You finished Mr. Preston.

Mr. Preston stated yes.

Chairman Biedenbach stated go ahead Commissioner Holcomb.

Commissioner Holcomb stated so, so, how we got here is we did ask you, way back when Ken Bohannon on the board and you told us no first.

Mr. Preston stated what did you ask me?

Commissioner Holcomb stated we asked you, how we were, how, when we were trying to enter into the agreement with the City, we were told we couldn't do it, or...

Mr. Preston stated and you're speaking now of the S.R. 44 issue.

Commissioner Holcomb stated no, yes, maybe that was..., okay.

Mr. Preston stated yes.

Commissioner Holcomb stated and we were told we couldn't do it and then you, we, we found a way to do it. And it was through an investment, we could take the money, we reinvested it, the language was more investment than...

Mr. Preston stated what I helped you do then is define the box, you can work within this box.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Holcomb stated right, and I, I always want the box, I'm not like you said, but and Mr. Preston to your point the hard part for us, and it's not your opinion like I said, and I said this to when you spoke to us that night, is that there is a fear, and obviously we're, Mr. Allen's here tonight. We don't want to open the flood gates and just start making deals with the City, I can assure, and I think a way, in my conversations with you, I hope you feel that way. What we do want to do is be a good partner and have the tools in which to be a good partner without having to kind of finagle to get to, to solving the problem. That, that I just don't...

Mr. Preston stated we have two projects.

Commissioner Holcomb stated I understand that.

Mr. Preston continued, and you have two relationships that have been built within each of those projects.

Commissioner Holcomb stated right, and like you said, and I've told you both this, I actually, going through the process have learned a lot to where the next time, if there is a next time when we do, and hopefully there is, that we can you know, these two facilities go on long beyond us, is that we do have a process that we do create that allows these things to get done. Where we do protect our every dollar, every dollar, when we recoup every dollar, every asset, every resource that we put forth and that we don't provide a free service to anybody. That means, you know, our, our employees working, we're recouping every asset dollar, whatever we put forth to the project. I just believe dealing with you that you are very opposed to this relationship or this process. Now you've helped us through this but I think it's with resistance. And I've said the counsel is with, with, and I just need to interrupt there, I just think you, you're not giving me my ways to do it, you're, it's hard to get that box from you. It is what it is, I don't think that you're doing anything to try to, to prevent us from doing it, but it's just hard to get the box from you. And I, as I've just said...

Mr. Preston stated simply because I think it is important to define that box, because what that box does is that box...

Commissioner Holcomb simultaneously stating no, no, I don't (inaudible)...

Chairman Biedenbach stated whoa, whoa, let...

Mr. Preston stated I don't want to argue, that box...

Chairman Biedenbach then stated whoa, hold it.

Commissioner Holcomb continued speaking (inaudible), then stated no, no, let him speak.

Chairman Biedenbach stated go ahead to Mr. Preston, just don't..., let him (inaudible).

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated thank you. What that box does is it teaches you not the specific for any particular relationship, but the broader and more important, in my opinion, parameters you have and under which you work as a Commissioner to develop and move forward the policy of this Commission. I think that's primarily important for you. Whether you see that as resistance or not I can't, I'm sorry, but what I'm defining for you is your role and I think that's important to know and understand. Then within that role, if you have particular projects, we'll work forward to either make them work or I'll define for you where they cannot work. But I do not believe if you read all of my opinions for the last three years, I do not believe first, that you will find anything contrary to policy and or practice. Secondly, I do not think that you will find anything that is more restrictive than what that is that we are permitted to do as an entity. And so with that you now have the box defined from which we can work. We worked with the S.R. 44 Project, we worked with Islesboro, but we had to take policy and apply it differently than we have in the recent past. I don't know if we ever have for that matter, but in the recent past. So yes, that takes a lot of massaging and, and, and manipulation to make it work, but they worked, and they worked in my opinion within the box. I think we were close on S.R. 44 to the edge of the box, but was satisfied by the time all was said and done that at least I have given you appropriate, proper legal advice to keep you within your bounds; that's where I've been. Lately I've heard you all from this dais say I want somebody to tell me how to do what I want to do. Well that to me is not an issue for which I can define, I mean, what you want to do is...

Commissioner Holcomb stated okay, so, so, okay, but, I've got to have this dialogue with him, I've got to have this, because I do work with a ton of attorneys. I, I absolutely work with a ton of attorneys.

Mr. Preston stated I believe it.

Commissioner Holcomb stated okay, and I come to them with my problems. My, I need a solution, I'm not the attorney. And I, and I sit there and we try to figure it out, we, and not a box, but a method that makes the box not such a pain to get through. So, so where I go pay or where I go apply to counsel is where I'm trying to figure out how to navigate in that, so we do need your, your guidance in there in how to achieve that. What you don't see is, is that we're looking for it, you're giving, because you're, you disagree with what the question is, so, so we don't believe. And again, it's an opinion, I don't know what you think inside your head but what I believe when we're done talking, my belief is that there's, there's resistance from you. That's, that's, so either you've got to do a better job of making me feel better about how you're solving my problems because that's how I feel. And if I have an attorney and I write the checks at \$350, \$250, \$150 an hour, whatever the hell it is, I, I've got to feel comfortable with them. The difference here is I don't personally write that check so I need you to solve my problems. And sometimes you can't, I understand, "Jack" we can't fix this, I don't know how to do it. I'm good with that too. But I've got to see that due diligence, you promised me up there that you would do that for me. I, we want us, we want to see you give us multiple, hey, if you try it this way or if you went this way, or this... That's what we're looking for, I

(8) Possible Other Business – Time for Commissioners (cont.):

get that every day, every day when I deal with attorneys, they 100% find a way for me to get it done from whatever the heck the problem is.

Mr. Preston stated well let me, if I may.

Commissioner Holcomb stated okay, so I just, I...

Mr. Preston stated you need something from me, I need something from you.

Commissioner Holcomb stated okay, let it.

Mr. Preston stated I need you to define that little word it.

Commissioner Holcomb stated okay.

Mr. Preston stated whatever it is.

Commissioner Holcomb stated okay.

Mr. Preston continued, as I'm sure you do with all your multitude of attorneys. You ask them, I have this issue, tell me how to resolve it.

Commissioner Holcomb stated I want to enter into an agreement like we did with the City and make it policy and not have to call it investment and circumvent all this crazy language to create it. And then have a, have a policy, because of moving forward I don't want when we need to work with the City, it have to be that hard. I'd like to see a policy created, this is the mechanism that we're going to work in, this is the box that we're going to work in, the City understands it, we understand it, if we check all the boxes we move forward with the project. That's what I'm trying to do, that is it every time. Can you help me with that?

Commissioner Britz-Parker stated well can I...

Chairman Biedenbach stated well, wait a minute, wait a minute, let me, let me read something here. It's from the Enabling legislation for this body and it says the Commission, meaning us, shall have the right to acquire, construct, maintain, extend, improve, and develop electric production and distribution systems, water production and distribution facilities and systems, gas production, distribution system, sanitary sewer facilities and systems including the right to construct and maintain electric lines, water and gas mains and sewage lines along, under public ways. Why, if this is our Enabling legislation, do we not construct sewers?

Mr. Preston stated because that is only part of our Enabling legislation, and that is only part of our foundation...

Chairman Biedenbach interjected where...

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston continued, which is what I spoke from, from the...

Chairman Biedenbach stated where is the other part...

Mr. Preston stated my first...

Chairman Biedenbach continued and stated and why haven't you brought it to us?

Mr. Preston continued, for four years I have brought that to you. For four years I have given you opinion after opinion after opinion...

Chairman Biedenbach stated I want to see...

Mr. Preston continued, many of which repeat themselves because obviously it wasn't understood the first time.

Chairman Biedenbach stated where is the legislation Mr. Preston?

Mr. Preston stated I can, I can bring up all of those opinions which makes reference to the legal foundation and the policy foundation of this entity. That's where I have spent my time in defining that box.

Chairman Biedenbach stated who makes policy for this, for this group?

Mr. Preston stated you make policies for this group...

Chairman Biedenbach stated can it be changed.

Mr. Preston continued, within your legal bounds.

Chairman Biedenbach reiterated, can it be changed.

Mr. Preston stated I'm not here to yell and argue at each other, I am here to answer your questions as best I can for legal...

Chairman Biedenbach interjected can the policy be changed by this group.

Mr. Preston stated policy can be changed within the legal parameters according to my recommendations. If you want to change them outside those legal parameters, and you get some other lawyer to tell you what, that you can do that, that's your business.

Chairman Biedenbach stated no, I don't want to change them outside the legal ramifications, hang on a minute. But I want to see if, if this group made a policy that says we're not going to install sewers, I want to know why and I want to see it.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated again.

Chairman Biedenbach stated not again, I want to see it, where, when did it happen, how long ago did that happen Mr. Preston.

Mr. Preston stated it started with the S.R. 44 Project, so I guess that was what, three years, two and a half years ago.

Chairman Biedenbach stated no, you told us then that we couldn't do S.R. 44.

Mr. Preston stated but you didn't like that so you wanted to get somebody else to tell you, you could. What I told you was what your legal and policy parameters for how, if any, relationship and installation could and should take place.

Chairman Biedenbach stated well, that's not my recollection. He then stated go ahead Commissioner Britz-Parker.

Commissioner Holcomb stated you just, you just made your point Mr. Preston, we asked you and you didn't, you told us no, and then, that, that right there, and then you came back after you (inaudible), we'd like to know and you kind of gave us a way and all's were asking for is a means how. Again, and I'm just, because here's the hard part, you have Mr. Allen out here that sat here and actually... We're, just so everybody's clear, we're absolutely not advocates for the City, I can assure you that. So if everybody's trying to draw some kind of conclusion that we're advocates for the City, because I've got 40 more problems with the City than I ever do with the U.C. Okay, so just so we're all clear, that box, I'm not comfortable by any stretch of the imagination, I've got more heartburn with them than I ever did here. All's were trying to do is so that when a person comes in or we have a problem to solve in our community we have the means that allows us to do it, that's all I want. I don't, I'm not saying that we're open, we're going to start giving all this money to the City and doing all these infrastructure projects, I just don't want to be as complicated. And I, like I told Mr. Mitchum, we had this conversation, know how you feel about it, I want to make sure that we're covered with every dollar that we put out we get it back. And the deal is good, good economically for us and fiscally for us when we enter it. It's a good project for us, it's good financially for us. That's all I'm looking for, and it hasn't been a smooth through these processes. It's been bumpy and hard and rough and it was a no at first. We, we didn't get there with oh, let's try this or try that, we got a no first, remember it was a no. That's true, that's factual, you can call it what you want but that's what went on. So I'm done with this conversation right now.

Commissioner Griffith stated Mr. Chairman, and then oh, I'm sorry.

Chairman Biedenbach stated wait a minute, wait a minute, Commissioner Britz-Parker you were next, go ahead.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Britz-Parker stated thank you. Moving forward, I feel that, I mean we're going to get ready to be sitting down and taking a look at the budget. Repeatedly, I feel that what you have told us, that what we could and could not spend unrestricted fund balance on, has been incorrect. That's my gut, having been an auditor of governments for the past 37 years. And I'm not going to...

Mr. Preston stated if I may just stop you there...

Chairman Biedenbach stated whoa...

Commissioner Britz-Parker stated no, I'm not done. And a meeting two, two months ago, you gave us a two page document in which I felt you were cautioning us once again that indicated that our Enabling legislation required us to be fiscally responsible, and that, and we had bond covenants. I mean that's basically what this two page document said in my opinion. And then at, your conclusion at the end of it, once again you know I, I really urge you, you can't spend money on infrastructure. And your definition of infrastructure to me is very broad. And so, I am not confident now, I mean for this whopping what do we get \$100 a meeting. I take this very seriously as far as the fiduciary responsibility that we have to our ratepayers and the overall community, to fully understand what we can and cannot do. I mean I am an extremely conservative person, what CPA do you know that is not fiscally conservative. I mean just point me out to one, I don't know any, you know, but I need to know the story and I feel like we're not getting it. So going back to you, this body unanimously voted two months ago to get an independent legal opinion, take that two page document that you gave us, and tell us okay, is this, do you agree with this, and tell us what we can and cannot spend money on. And policy, policy generally to adjust to your question, policy isn't generally, it's not even sometimes on a piece of paper. It's just this is how the Commission voted this time, and then a couple of months later it voted this way, but you know there's a difference between policy and what's legally required. And I think that this has gotten muddied and I don't feel confident. Like I feel like to move forward I need to feel more confident where we're at legally than I do today. So I, I would like to move forward with that and I need some direction. This is what we voted to do, it was unanimous. I, on my own, did some research. I don't know, I have two attorneys here, I've never met either one of them. I just talked to them on the phone just to see if they had any conflicts, that they were in, you know, if they even had any interests in participating, giving us any type of an opinion. I feel like we need to do that to be able to move forward. And, and, and constructively have a discussion about next year's budget, and not just for next year, but for a series of years, because we do have a lot of challenges that we have to take a look at and things are growing and a lot of things have to happen; so it's important. But I feel like I can't really weigh in on that appropriately if I don't, if I'm not starting from the right spot.

Chairman Biedenbach stated okay. Commissioner Griffith you wanted up.

Commissioner Griffith stated to Mr. Preston, did you have response for this, yes.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated I did have two items to respond to.

Commissioner Griffith stated let's get that.

Chairman Biedenbach stated whoa, whoa, Commissioner Griffith.

Commissioner Griffith stated no, I'm yielding to Mr. Preston, I asked him did he have a response.

Chairman Biedenbach stated go ahead, go ahead.

Mr. Preston stated thank you Commissioner Griffith. I challenge you to find where I gave any opinion regarding what you can and cannot spend unrestricted funds on. And I also suggest that should you go to another attorney, that you give that other attorney more than a two page recently written document. That you give the historical context and all of the opinions that I had provided to that attorney so that there can be greater knowledge and understanding by that attorney, when he or she makes the opinion that they do. Be fair.

Commissioner Holcomb stated I agree, I agree with that. I would think that would be the only way we would go approach this, I don't think we would, we would approach it any other way. But she's asking now, how do we do this, so how does she go work with Mr. Mitchum? Because we can't go do it ourselves, we can't just jump in there and just arbitrarily go start working on this, right?

Mr. Mitchum stated I think that would be a legal issue, I don't know that you could do it by yourself.

Commissioner Holcomb stated right, so how do we do it, there's a, there's it, we just defined it, how do we do it.

Mr. Preston then stated you're asking me?

Commissioner Holcomb stated yes, what do you...

Commissioner Britz-Parker stated I don't think he can, I'm sorry but I don't think he should be involved in this.

Commissioner Holcomb stated well, but, we're just trying to figure out how to get to the opinion. And like I said, I don't got no problem, so how do we get to the opinion, how do we get a second legal opinion, how do we do that?

Mr. Preston stated the way that you would do that is first determine what it is you want an opinion of.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Holcomb stated okay.

Mr. Preston stated second of which is you then screen whatever attorney or attorneys that are brought before you to render you that opinion. You do not have to issue an RFP.

Commissioner Holcomb stated okay. So, so, Commissioner Britz-Parker you would basically outline what it is. I, I have no problem with you putting your opinions next to it (directed to Mr. Preston), because we're going to go up here, you, you know, so that they don't..., Mr. Preston just as we don't know these attorneys. We want, want an unbiased, non-invested person that can look from the outside that doesn't have anything to do with this and go, you know, advise us properly. That's all we're looking for is, is to have that second opinion. It's no different than, you know, this is every day in my life that I'm trying to get a second and third opinion, so.

Chairman Biedenbach stated okay, but...

Mr. Preston stated and I don't know how you handle that from a budgetary standpoint.

Chairman Biedenbach stated all right, let me ask Mr. Preston. You indicated to me when I read you the Enabling legislation for this place, you said there are policy decisions that we have made that are, that define this further, is what I think you said.

Mr. Preston stated is there a question, I mean I don't know what you're saying.

Chairman Biedenbach stated when I read the Enabling Legislation it said that we can put sewers in.

Mr. Preston stated again, I refer you back to those opinions which have been rendered to you.

Chairman Biedenbach stated I understand that.

Mr. Preston continued, which quoted the Enabling legislation, quoted the statutory prescriptions, quoted you exactly why I came to the opinion I did regarding what you can and cannot do.

Chairman Biedenbach stated then how do you read this, this particular paragraph differently than I do.

Mr. Preston stated the word by word I don't, but I read it in context with all of it, all of the foundations of the U.C.

Chairman Biedenbach stated and what, then I'm asking you what are those foundations? I'm not, not your interpretation, I want to see the legislation or the, what was passed by this board.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated I'll be glad to send those to you again, I'll be glad to send those to you again.

Chairman Biedenbach stated thank you. Go ahead Commissioner Britz-Parker.

Commissioner Holcomb stated so we, we need, we need to appropriate funds.

Commissioner Britz-Parker stated I think Mr. Mitchum should..., I need to know how to move forward.

Commissioner Holcomb stated, need to appropriate funds, need to know the process, so...

Chairman Biedenbach stated and what do we...

Commissioner Holcomb stated do we, would we make a motion to make...

Chairman Biedenbach stated do we need a budget number, do we need a budget number before we start?

Commissioner Holcomb stated well, I would hate, yes, I just want a ton of money, I mean...

Commissioner Britz-Parker stated I really don't think this is a real expensive ticket.

Chairman Biedenbach stated can you, can you give us some parameters?

Commissioner Britz-Parker stated well how, I mean this is like if you came in... I understand what Mr. Preston is saying, well, you know the attorney making the decision needs to see every single legal opinion that he ever rendered in his time here. I'm fine to disagree with that, okay.

Chairman Biedenbach stated okay.

Commissioner Britz-Parker stated they have Enabling legislation. If I came in here to audit this entity, I would take all of the matters of law that are there and read it and make my own conclusion. If I had to get an attorney involved to help me clarify things I would.

Chairman Biedenbach stated then let me, let me make a suggestion now. It might now be what you want. Mr. Preston said that he's going to get us all this information that he's built, basing his decisions on. Can we read that this month and then have this discussion next month?

Commissioner Britz-Parker stated and what will the discussion be next month.

(8) Possible Other Business – Time for Commissioners (cont.):

Chairman Biedenbach stated I don't know, depending on what I read in that, because if it reads the same as this, then I'm going to tell, then I'm going to say we got a problem because this says we can put them in and we're going to start putting them in.

Mr. Preston stated and I make reference to every resolution that has been passed by this organization.

Chairman Biedenbach stated that's what I'm asking for.

Mr. Preston added, which can be found on the website as well, and all of the legal opinions which are found on the website pertaining to the, the substance and foundation of the organization.

Commissioner Holcomb stated is the use of unrestricted funds, how do we, how do we achieve this.

Commissioner Britz-Parker stated not that we're going to go and spend all this money.

Chairman Biedenbach stated I understand that.

Commissioner Holcomb stated they're going to draw that conclusion whether we like it or...

Chairman Biedenbach stated yes.

Commissioner Britz-Parker stated I'm just so... It's getting really aggravating to feel like I don't get a straight answer, you know that I, and... This body decides how that money is spent, and they could change their mind every meeting, which would be horrible I know, but I mean technically they could. The only money that is legally restricted, the only time something can be legally restricted by an outside third party or manner of law. And you've got an auditor that has never shown it that way. You've got, all right you do have restricted monies, your R&R, I don't, I don't know if you call it R&R funds Mr. Bilinski.

Mr. Bilinski stated Restricted R&R.

Commissioner Britz-Parker stated was that right, okay. Okay, and that's more like impact fees and things of that nature.

Mr. Bilinski stated right, can only be used for a treatment plant expansion.

Commissioner Britz-Parker stated okay, okay, so you, I mean we have those monies, that's all it can be spent on, I get that part. And, and I feel that you did, two months ago you gave us a two page document that really did not, it didn't tell me a whole lot, I couldn't have figured out how to audit from that thing. I wouldn't have even known what to test.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated it wasn't designed to.

Commissioner Britz-Parker stated but to tell us, I recommend you don't spend any of this for infrastructure.

Commissioner Holcomb stated let me walk through a scenario, this is why I have heartburn okay, or...

Commissioner Britz-Parker stated me too.

Commissioner Holcomb stated on a Friday I came in here, I sat down with you in the first deal. I was told that we could not enter into the deal because we were going to violate our bond covenants. That was a meeting with you, Mr. Mitchum, and Alex Kish. Couldn't do it, we were going to violate our bond covenants. I come in here Monday night, we got a deal, we can do it. What happened, what changed, we, you know from that meeting on Friday. Again, I sat in that meeting and I was advised by the three, there was Alex Kish, and you, and Mr. Mitchum, that we couldn't do it, we violated our bond covenants. I walk in here Monday, we've got a deal. I wasn't called back, I wasn't notified, I wasn't given an explanation, it was just we can do it, let's do it. Kind of like matter of factly, like yes, you can do it, just go on. That's what happened. Did that not happen on a Friday afternoon, you guys brought me in here, and then Monday we came in and we absolutely could do the deal on 44.

Mr. Preston stated I think something analogous to...

Commissioner Holcomb stated no, but (inaudible) have it.

Mr. Preston continued, what Chairman Biedenbach was saying as far as reading a portion of the Enabling Act is similar to saying that unrestricted funds can be spent on anything, because they cannot. We have restrictions with our bond covenants and resolutions as to what those unrestricted funds can be spent upon. And so if we say it's unrestricted, therefore free to be spent on anything, we are in error. And so the definition of what it is that we can spend those unrestricted, restricted funds on is very important to remain within the box.

Commissioner Britz-Parker stated but notes to the audited financial statements explain what the bond covenants does not allow us to spend money. It doesn't mean that, you know, its normally, its more certain parameters, you have to stay within certain parameters in terms of your working capital and money that's set aside for debt service and blah, blah, blah. And I'm sure that Alex Kish could show us, he's got a checklist, so he could show everything that he checked to see that's in, a...

Mr. Mitchum stated I'm sure he could, he can.

Commissioner Britz-Parker stated but I spent a lot of time with Alex Kish talking about that, okay, and it's like no, of course, you know, I don't know we're not going to take all the

(8) Possible Other Business – Time for Commissioners (cont.):

money and give it a charity, you know, I mean I don't know, think of something preposterous. You know, of course not, we're still supposed to be, but it, but it is unrestricted as it relates to this entity's ability to make the decision as to how it can be spent. And, and I just feel like that's not what you tell us, it's like that's never been the policy, it's not the policy, it's not the policy. Well, this board makes the policy, they don't make the law. But they still, I'm, I'm having, it shouldn't be this hard to consult with our legal counsel to say okay, let us know what's the difference between the law and policy. It shouldn't be this difficult, I don't think.

Chairman Biedenbach then stated Mr. Preston, I didn't hear you answer Commissioner Holcomb's question, is this what happened Friday night and is this what happened Monday.

Mr. Preston stated I don't recall, I don't recall when we met.

Commissioner Holcomb stated look, I'm not, so it doesn't matter, it's dead. Okay, so, so, but I'm not, there was no malice, I don't say that you came to me, you tried to... I don't, I don't want anybody to walk away from that. What I told you before, and Mr. Preston I don't question your integrity. I question, you have, I want, when I ask you how to do something I want your counsel, I don't want your policy. If you want to give me your policy you can give it to me on the side, but give me the counsel that I seek and then give me your opinion. I would, I would welcome that. Sixteen years as legal counsel here, I do respect that, and I don't want anybody in this meeting to think that I don't. But here's what I'm trying to do, I'm just trying to figure out a way that, and I understand protecting the money, I have no problem with that. I'm, I'm not in favor of just opening up any waiver of the day we want to spend money on, but I'd love to have the ability when we need to solve problems in our community with our City who's a, I want these two entities to work hand in hand and not be so difficult. I don't think, and I told you, I think we, Commissioner Griffith we did this the last time we talked, up here, is that we agree, we didn't, I didn't like the last deal. I think, we've done two deals, we've learned from them. If we could take both those deals and take little bits and pieces from each one of them, we could really make a better policy here. That's...

Mr. Preston stated one thing.

Commissioner Holcomb stated go ahead.

Mr. Preston stated before you get too far, because you made a comment early, and I hear you on that comment. I don't want to say I hear you on another comment that's made later.

Commissioner Holcomb stated okay, all right, fair enough. And that's all it is, so that's what I'm looking for and again, sometimes we, you know, when you differ with opinion, that's where the emotion comes in. I want to remove the emotion, I'm looking for the opinion. If you want to put policy with it, I'm good with that. But that's, that's what I believe. I believe that, and that's why the second opinion, that's why I support it. Because, the, the one thing you walk around here and you hear, and to Mr. Allen's point I have some things here I was

(8) Possible Other Business – Time for Commissioners (cont.):

going to say, it seems like when we're oversight, and we're going to have some questions. We're not asking questions to question the integrity of the decision, we're just asking some times for the knowledge what happened, why, is there a better way. You'd be surprised how many times we get because we just do it that way. I'm okay with we just do it that way if we're willing to look at the other ways, and the other ways don't work. But if you're standing still and you're not willing to be open to new ideas, that's just a bad recipe and sooner or later you're just going to be outdated. That's all I want, if you can sit, if I have a question because you're asking me to, in our conversation the other day, you're asking me for money. You want me to approve your request for money. I think it's incumbent of me to vet the request. That's all we're doing here. We could still get done with this and go after we get the opinion, hey, you can do anything you want, I'm not really comfortable with that either. I want, I want structure, and I want guidelines and I want, I'm only talking about solving this problem. You can probably show us how to, obviously, fix that process again or problem again once we learn how to fix this one. That's all I'm looking for is a tool that I don't have 96 phone calls when we have a, an agreement we want to work out with the City. I just, it seems like, the two that we've done have been painful and I just don't want to be that painful any more. Because I think the community, whether we want to agree, if it's County or City or whatever, I think the ratepayer, all that, I think our community's better off when the two, the U.C. and the City work well together. I believe that, whether I'm right or wrong, I just believe that, so that's it.

Chairman Biedenbach stated all right, let me see if I can sum this up. Commissioner Britz-Parker, can you talk to these guys and find out what their hourly rate is and what they might want to charge us.

Commissioner Britz-Parker stated yes.

Commissioner Holcomb stated can she do that, hang on a second.

Chairman Biedenbach stated that's what I asked, can...

Commissioner Holcomb stated okay.

Chairman Biedenbach stated okay, then we're okay with that, go ahead, go ahead.

Commissioner Britz-Parker stated I just want to make sure that I'm asking the right question of the attorneys, okay, that, because what my understanding was, certainly what my need was, what I felt I needed to get, is that I wanted him to be able to, or whoever, he or she, able to tell us, okay, here's our audited financial statements, here's our enabling legislation. Certainly I need assistance in making sure that they get all the right information that they need to get to make the decision. But I want to know is that okay, here's our restricted money, what can those only be spent for, then here's our unrestricted money, what can that be spent on what can they not be spent on, I mean whichever is the best way to say it, and then also of course, to say okay and then you have these bond covenants and here's what the bond covenants

(8) Possible Other Business – Time for Commissioners (cont.):

require. You know, I've been down that road, I've tested bond covenants a lot, I've looked at fund balance in a governmental entity a bunch. And so is that the right question?

Commissioner Holcomb stated yes, I mean, I mean learn how to use our unrestricted funds and then create a, basically a procedure to take those funds and move forward with it, and that's just a basically a mechanism in which to do so. Because what we've been told is no, we can't, and we are doing it, so I don't want to..., we found a way to do it. But we don't want to have to call it finance, that's the thing here, it's investment, it's finance, that's kind of the way we worked our way around this.

Commissioner Britz-Parker stated well that's just like...

Commissioner Holcomb stated I want to say we've got an old agreement, here's the agreement, let's set up the structure, let's use the unrestricted funds, let's go in here with a deal, and that's what we want to do. That's the means, to, to do that. I'm just using that as a scenario, it could be a completely different scenario, but we know how to go take and move unrestricted funds, not violate covenants, and take that money, apply it to whatever problem we need that we've identified, and move forward, that's all we want to know how to do.

Chairman Biedenbach stated are you okay?

Commissioner Britz-Parker stated yes.

Chairman Biedenbach stated okay.

Mr. Mitchum stated if I may, just for clarification.

Chairman Biedenbach stated well, wait a minute, whoa, wait a minute, wait a minute. Mr. Preston, you're going to get, you're going to give the five of us, you're going to go through and run the policy changes or policies that the U.C. has put together to, that you're quoting, to us on why we can't do these things, is that correct.

Mr. Preston stated I am going to supply to you the opinions, which I have done that, in the past.

Chairman Biedenbach stated I'm not looking for your opinion.

Mr. Preston continued, and refer you to the resolutions which we have passed as a body since day one, refer you to the Enabling legislation for an understanding as to the foundations and policies of the Utilities Commission.

Chairman Biedenbach stated I'm looking for the policies, if you want to throw your opinions in that's fine, but I'm looking for the policies.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Holcomb stated well, I think, I think we'd be irresponsible not to apply that, so we're going to ask the question, we're going to apply his opinion here to the side, we'll send it all forward and then they can draw the conclusion, (inaudible)...

Chairman Biedenbach simultaneously stated okay, okay.

Commissioner Holcomb continued, and that way they can say and this is why I agree or disagree with the opinion. I think that's, there's nothing wrong with that, what's the harm in that.

Chairman Biedenbach stated thank you Commissioner Holcomb, I'm, I get...

Commissioner Holcomb stated okay, that's all right, no, I'm...

Chairman Biedenbach stated okay, Mr. Mitchum you wanted to say something.

Mr. Mitchum stated I just wanted to ask for clarification, because Commissioner Britz-Parker stated what you can spend restricted funds on, what you can spend unrestricted on, that's a pretty definite. When you get into tell me how I can work better with the City, we start muddying things. I'm just trying to understand exactly what, what is the state, what are you trying to determine.

Commissioner Britz-Parker stated my issue right now is to truly understand what we can spend restricted monies on and what we can spend unrestricted monies on. That's step one.

Mr. Mitchum stated my question is, is that what we're going for.

Commissioner Holcomb stated the City's the example in trying to take it off the unrestricted sidelines and apply it to the City being the problem. It could be a multiple issues that we're dealing with, but that's just the example that we're going to give them. The deal with, I agree with you to the point where the interactions between the City, that's a whole different game.

Commissioner Britz-Parker stated yes.

Commissioner Holcomb stated but just the issue of getting the money off the sidelines, getting it into the agreement and not violating bond covenants, and not having it (inaudible). Because I'm going to tell you something, going through it, it wasn't exactly a warm and fuzzy process, it was, you know, I wanted to make sure that I was doing things right and I didn't want... You know, for \$100 bucks I don't want to have that liability of making that mistake.

Commissioner Britz-Parker stated yes, well and with the budget, I mean our budget is coming up, but we need to look at the budget.

Commissioner Holcomb stated right.

(8) Possible Other Business – Time for Commissioners (cont.):

Commissioner Britz-Parker continued, and I feel like I need that foundation in order to move forward, just to feel comfortable with knowing (inaudible).

Commissioner Holcomb stated it's just knowledge, guys, that's all it is, you're giving us knowledge.

Mr. Preston stated may I also say, if there was a need for clarification by Mr. Mitchum, just to ensure the same question is being asked to get a second opinion, as was asked for the first opinion. It's only fair.

Commissioner Britz-Parker stated I'm sorry, I don't get...

Mr. Preston then stated, ask the second opinion attorney, you're taking it with only a two page opinion, not the full opinion to an attorney and saying render me a second opinion. And I'm saying just make sure that you ask that attorney the same question, if you ask a different question you will get a different opinion.

Commissioner Holcomb stated see this is why I think we need to work, this is, I have no problems with this, this is what we need to do. We have our question that we have, it's how do we take unrestricted funds and we apply them to, the, the "it" in this thing is the City, okay. You know, I'm, violating bond covenants, how do we...

Commissioner Britz-Parker stated and it's not, I don't mean to, but to me it's not all about the City.

Chairman Biedenbach stated no, no, no, that's what...

Commissioner Holcomb stated the City's the example...

Chairman Biedenbach stated right now.

Commissioner Holcomb continued, moving it out, that's all it is. And then, and then we apply the question, you apply your opinion to that. Mr. Preston, again, when it comes back from, whether they have, we'll read it together. If, if, if their conclusion's the same as yours fine, if their conclusion's different and it's a way you haven't looked at, I'm sure, you know, things happen where people look at things differently. Have been through different experiences, different issues, and come up with different conclusions, and they've worked. You might agree with it or disagree with it. I don't have a problem with you when we get the findings back, even disagreeing with it. I'd rather have that, then it's easier for me to make a decision. They give me a way to create policy, you tell me why I don't need to create policy, then we go make a decision. That's what I, I don't mind that part of it, I just, I want that opinion of the person that's kind of going, this is how you do what you want to do.

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated are you asking the attorney to tell you how to create policy or are you asking the attorney how to spend unrestricted funds.

Commissioner Holcomb stated well, no, no,...

Mr. Preston continued, or are you asking the attorney how to do it, which his...

Commissioner Holcomb stated that's, that's very simple, taking unrestricted funds and applying it, that's how we'll do it.

Commissioner Britz-Parker stated aren't you going to give him the most recent audited financial statement and say here we go, here's the balance sheet.

Commissioner Holcomb stated right.

Commissioner Britz-Parker stated here's what's showing up as being restricted fund, here's what showing up being unrestricted fund, help us out here and tell us what can these two things be spent on, and what are the bond covenant rules, which Alex Kish can give us that, I mean I'm sure he's got it.

Mr. Preston stated and that's easy.

Commissioner Britz-Parker stated you know, I mean, that, and whatever you've got that you want to add to that that you feel would help him, whatever attorney we would choose, to give them that you think would be helpful, that's fine.

Commissioner Holcomb stated yes, absolutely.

Commissioner Britz-Parker stated that's fine, but I just, you know, and I don't think, obviously I'm not alone as far as feeling like we need that clarification.

Chairman Biedenbach stated okay, do we need to...

Commissioner Holcomb stated Commissioner Griffith.

Commissioner Britz-Parker stated you still wanted to talk.

Commissioner Griffith stated well, that's okay, I'm hearing everything, just a couple of quick thoughts.

Chairman Biedenbach stated go ahead, go ahead.

Commissioner Griffith stated number one, let's go back to the first challenge we got into, not to discuss it or open it up or anything like that. Obviously we felt as if we were sabotaged so

(8) Possible Other Business – Time for Commissioners (cont.):

to speak or we were going to lose our ability to have our budget approved and so on, we were being held hostage, to use that phrase, by the City because obviously they wanted to get this done. All right, we tried, we took a first pass at it, it didn't work, okay. But let's give some people some credit, and this is where Mr. Preston and Mr. Mitchum came forward with working with Alex Kish and so on and we got it done. And we didn't like it, didn't feel good, it was a mix mash and so on and so forth, but we got it done. Second request, obviously Islesboro, not a bad process, we understand what the objective or the issue is and we also got there. Now we again, it was not a, very cumbersome process. So what we're looking for is simple processes that we can answer questions with against what specific objectives we have and we have to deal with. And to do that, we can do that, we can direct staff and we can direct Mr. Mitchum, and outside counsel as well as Mr. Preston. And I strongly suggest that Mr. Preston is part of this process because he will help us get to the conclusion. And there's nothing wrong with having two lawyers, especially if we get downtown. You deal with several, I dealt with several for years, you have specialists here and there, you've got to culminate them, get them together...

Commissioner Holcomb stated you end up with a better product.

Commissioner Griffith continued, you end up with a better product. And we can solve this ourselves right in here with this body.

Commissioner Holcomb stated right.

Commissioner Griffith continued, it's not easy, but let's work together on this thing.

Commissioner Holcomb stated right, no, I agree with that, 100%. I don't want to alienate you Mr. Preston in the process, I'd rather have you go through it with us.

Commissioner Griffith concurred by stating absolutely not.

Commissioner Holcomb stated but here's what I'm saying, be prepared that if the results come back and they're different, that doesn't mean we've, I've lost confidence in you, I just it's a different opinion, I deal with it every day. Some of the best attorneys that I work with, I think the world of, aren't always the ones that come up with the best ideas.

Commissioner Griffith stated that's right.

Commissioner Holcomb stated but I still go back and I still use them because they've come up with multiple great ideas. I'm not against you I just, I want, I want the second opinion. It's hard to ask that without trying to offend you, because I don't want to do that, I respect you and I (inaudible).

(8) Possible Other Business – Time for Commissioners (cont.):

Mr. Preston stated I appreciate that but I am not so sensitive as to be offended should you want more or better, or seeking better information. I am only primarily concerned and maybe the reason for the defensiveness tonight, I'm only primarily concerned that we're speaking the same language from the same page when we're dealing with anyone else providing advice or opinion. That's what, my primary concern has been from day one. Let's make sure that the question is shaped.

Commissioner Griffith stated exactly.

Mr. Preston continued, so that it is consistent.

Commissioner Griffith stated and understood.

Commissioner Britz-Parker stated for clarification, so I come to the next meeting with what I'm supposed to have, is, an approximation of cost, ask a billing rate and approximate of cost, along with a couple, you know. And I can get with Mr. Mitchum and let him know, you know maybe he's got some other attorneys in mind, we didn't get that done. I just didn't want to show up at this meeting and have nothing, so.

Mr. Mitchum stated thank you, I'd like to communicate with you this week.

Commissioner Britz-Parker stated okay, great.

Chairman Biedenbach then stated are you okay now.

Commissioner Britz-Parker stated yes.

Chairman Biedenbach confirmed with the remaining Commissioners, Mr. Mitchum and Mr. Preston there were no further comments; then stated that's it, can I have a motion.

Commissioner Griffith stated so moved.

Chairman Biedenbach stated I need a second somebody.

Commissioner Britz-Parker stated second.

Chairman Biedenbach then stated we're done.

(8) Possible Other Business – Time for Commissioners (cont.):

There being no further business to come before the Commission, the Regular U.C. Meeting closed at 7:30 p.m.

APPROVED:


CHAIRMAN

ATTEST:


SECRETARY-TREASURER

These minutes were formally approved by the Utilities Commission at their May 15, 2017 meeting.