

RESOLUTION NO. 78-2011

Offered by All of Council

A RESOLUTION AUTHORIZING THE ENGAGEMENT OF EXETER ASSOCIATES, INC. FOR EXPERT CONSULTING SERVICES IN THE RATE INCREASE PROCEEDING INSTITUTED BY WATER AND SEWER LLC PENDING BEFORE THE PUBLIC UTILITIES COMMISSION OF OHIO

WHEREAS, the Mayor, in consultation with the Law Director, has requested that the Village contract with Exeter Associates, Inc. for expert consulting services and as a possible expert witness in the rate increase proceeding instituted by Water and Sewer LLC, currently pending before the Public Utilities Commission of Ohio ("PUCO") (PUCO Docket No. 11-4509-ST-AIR); and

WHEREAS, this Council believes that engaging Exeter Associates, Inc. for such services is in the best interests of the Village.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Richfield, Summit County, State of Ohio:

SECTION 1. That the Mayor and the Finance Director be, and they hereby are, authorized and directed to engage Exeter Associates, Inc. pursuant to the terms of the Letter Agreement attached hereto as "Exhibit A."

SECTION 2. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare and for the further reason that it is immediately necessary in order to assist the Village in pending proceedings before the PUCO; wherefore, provided this Resolution receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 12-6-11

Balbir Beshara
President of Council

William J. Hayes
Mayor

Dated: 12/9/2011

ATTEST:

Cawley E. Sullivan
Clerk of Council

William R. Hanna
whanna@walterhav.cc
216.928.2940 direct line
216.916.2377 direct fax

LETTER AGREEMENT

December __, 2011

Thomas S. Catlin
Exeter Associates, Inc.
10480 Little Patuxent Parkway
Suite 300
Columbia, Maryland 21044

**Re: Expert Witness Consulting Services
In the Matter of Water and Sewer LLC – Application for Increase of Rates
PUCO Docket No. 11-4509-ST-AIR**

Dear Mr. Catlin:

I am writing in my capacity as the Director of Law for the Village of Richfield (“Village”) as an engagement letter for the Village to hire you and your firm to provide consultation and expert witness services to the Law Director and the law firm of Walter & Haverfield LLP with respect to the above-referenced proceeding before the Public Utilities Commission of Ohio (“PUCO”). Accordingly, the purpose of this letter is to clarify and to confirm the terms and conditions of your engagement by the Village. Any time you have any questions or concerns, please do not hesitate to contact me.

Scope of Services

You have provided a proposal for services by way of correspondence dated November 3, 2011 and addressed to my associate, Heather Baldwin Vlasuk, in which you stated that you and your firm have had extensive experience with water and sewer rate cases. It is our understanding that you, with the assistance of Mr. Jerome D. Mierzwa and other staff members as necessary, will provide services which may include, but may not be limited to, reviewing the filings in this proceeding and prior documents filed with the PUCO, reviewing the Staff Report, assisting the Village with preparation of discovery requests and review of responses to same, and objections to the Staff Report.

Fees

You have stated that the rate for your firm’s services will be between \$70.00 to \$200.00 per hour, depending on the staff member assigned. You have provided an estimate for pre-hearing consulting services of \$5,000.00 to \$7,000.00. If the matter goes to hearing, necessitating submission of expert testimony and attendance at the hearing, you have estimated that the total cost of services would not exceed \$16,000.00, plus \$800.00 for traveling expenses.

Thomas S. Catlin
Exeter Associates, Inc.
December __, 2011
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At the present time, the Village would like to proceed to engage you for pre-hearing consulting services for an amount not to exceed Seven Thousand Dollars (\$7,000). In the event that additional services are mutually agreed upon, further authorization from the Village will be required.

If you have any questions, please do not hesitate to contact me. If you agree with the terms of this Letter Agreement for engagement of Exeter Associates, Inc., please sign where provided below, and I will obtain the necessary signatures on behalf of the Village. All invoices should be sent directly to the Village of Richfield, c/o Sandy Turk, Director of Finance, P.O. Box 387, Richfield, Ohio 44286, with a copy to me. Thank you for agreeing to assist the Village in this matter.

Sincerely,

William R. Hanna
Director of Law
Village of Richfield

cc: Michael K. Lyons, Mayor
Sandy Turk, Director of Finance

On behalf of Exeter Associates, Inc., I have read and understand the terms and conditions set forth in this Letter Agreement, agree to the terms of this Letter Agreement, and have the authority to bind Exeter Associates, Inc. to this Letter Agreement.

EXETER ASSOCIATES, INC.

Thomas S. Catlin

By: _____

Date: _____

Thomas S. Catlin
Exeter Associates, Inc.
December __, 2011
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VILLAGE OF RICHFIELD, OHIO

By: _____
Michael K. Lyons, Mayor

Date: _____

By: _____
Sandy Turk, Director of Finance

Date: _____

Fiscal Officer's Certificate

As the Director of Finance of the Village of Richfield, I certify that, as of the date of execution of the within Letter Agreement, the amount required to satisfy payment under the Agreement has been fully appropriated, or authorized or directed for such purpose is in the Village treasury to the credit of the fund for which it is drawn, or is in the process of collection, and not appropriated for any other purpose.

Sandy Turk, Director of Finance
Village of Richfield