

The special meeting of the Board of Trustees of the Eldridge Electric and Water Utility Board was called to order at 4:02 P.M. on April 1, 2024, at the Water Treatment Facility at 505 W. Donahue Street in Eldridge.

Board members present were Paula Steward (acting Chair), Jeff Hamilton, Barb O'Brien, and Craig Gehrls. Also present via phone were Troy Dejode of IAMU, John Lande of Dickinson Bradshaw Law Firm, and Nicole Proesch of Dickinson Bradshaw Law Firm.

Public Present: Jody Coffman, Jake Rowe, Sarah Watson, Marty O'Boyle, Mark Ridolfi, Tate Olson, Collin Wilson, Scott Campbell, Ryan Iossi, and Nevada Lemke.

Motion by O'Brien, second by Gehrls to approve the agenda. 4 Ayes, 0 Nays. Motion Carries.

Public Comment- None

Item #4. Presentation by Troy Dejode of Iowa Association of Municipal Utilities (IAMU) on Services IAMU can provide to support the Utility. – Troy Dejode stated that he wanted to inform the Board about concerns and options for Utility staffing, and the 3 major services that IAMU provides. IAMU is a resource for municipal utility boards for their general board member roles, staffing and insurance related issues, and resources to assist operations. Troy stated he is the Executive Director for IAMU for 10 years and IAMU members include 540 municipal water utilities, 135 electric utilities, 52 natural gas utilities, and 29 broadband utilities. IAMU advocates for locally controlled utilities but he stated they do not advocate for how those utilities are governed. Of the IAMU members, 59 utilities are Board governed and 76 are City Council governed. Eldridge is the 13<sup>th</sup> largest utility in the State of Iowa. IAMU provides 3 main services – Operational Assistance (mostly in the natural gas arena); Training & Education; and Advocacy through contracted lobbyists that file matters of interest to its members in the legislature. They offer a program know as IPAIT (Iowa Public Agency Investment Trust) that offers low risk investment opportunities for members and partners with EMC and Jester Insurance companies. IAMU can act as a contractor and staff municipal utilities if they lose key members due to injury, retirement, etc... and sometimes hire a municipality's retired staff through IAMU to help fill gaps temporarily. Troy stated it is not uncommon to see concerns from Council in communities with Board run utilities. He further stated that he has never come across a municipal utility that does not have its own EIN. Troy reported that there is certainly some level of coordination between local municipalities and their locally owned utilities usually through sharing of equipment, etc. The size usually plays a factor in determining how formal or informal that sharing arrangement is. IAMU aims to provide a neutral 3<sup>rd</sup> party expertise to help utility boards make the best decision for their community. Troy spoke briefly on the IAMU program known as PULL which is rarely used and never in situations like this. He stated Insurance is usually split into 2 separate policies due to a separate set of risks. Troy stated many members get their insurance through IAMU while their municipal counterparts get their insurance from somewhere else. No questions from the Board.

Item #5. Authorize legal action against the City of Eldridge related to alleged trustee removal. A closed session may be held pursuant to Iowa Code 21.5(1)(c) "To discuss strategy with counsel in matters that are presently in litigation or where litigation is imminent where its disclosure would be likely to prejudice or disadvantage the position of the governmental body in that litigation." Motion by Steward, Second by Gehrls. 4 Ayes, 0 Nays. Motion Carries. Board enters Closed Session at 4:21 p.m.

Board resumed open session at 4:56 p.m.

Steward requests that the Board go back and address Item #3 on the agenda that was not addressed in Closed Session.

Item #3. Review Staffing Level and any potential action to address any concerns related to staffing. – John Lande asked how the Utility Board can continue to ensure that day to day operations run smoothly with 2 employees on administrative leave. Tate Olson stated that he and Collin Wilson are not comfortable performing Jake Rowe's role. Tate has been a lineman for 8 years. Requests and issues initially come to Jake or Jody by phone or email. Right now he and Collin have access to Jake's emails and are corresponding and delegating as necessary. He stated they are currently up to date on all tasks. Jeff Hamilton asked if they were qualified to do a Lock Out Tag Out if necessary. Tate confirmed that the staff could perform that and also can do hot work. Jeff asked if operations could be continued safely in the event of an emergency and Tate Olson confirmed that they could operate safely. Paula asked about authorizing purchases and approving credit cards in Jake's absence. John Lande stated that the Utility Board is responsible for expenditures and the Board should consider adopting procedures for approval of expenditures, and further stated that it is common for staff to approve expenses prior to Board approval. The internal process consideration should be based on staffing, workload, etc...

Item #7. Presentation by Dickinson Bradshaw regarding quotes for the costs of an investigator to do an independent investigation of city allegations and action to approve an investigator. Nicole Proesch reported that she had reached out to four firms/consultants that would be available as options for conducting the investigation, as long as no conflicts of interest were identified during the conflict of interest check. Lindsay Vaught with Ahlers & Cooney at a rate of \$290/hour; Kay Oskvig from Whitfield & Eddy at a rate of \$300/hour plus mileage at the IRS rates for reimbursement; Maggie Hanson from Dentons Davis Brown at a rate of \$375/hour; and Josie Lewis from JL Consulting at \$200/hour. Jeff Hamilton asked how long the investigation would take. Nicole stated approximately 1-2 days of interviews and then the investigator would write a report based on their findings. She stated that she does not know the exact scope of work but would estimate 20-40 hours. Nicole stated they have experience with all 4 and 3 of them had confirmed availability in the next 1-2 weeks. She stated Josie recently went on her own after previously working in HR for the Board of Education and had also been a licensed attorney. Paula stated she is supportive of an unbiased opinion. Craig Gehrls stated that he would like some time to consider the options. Paula urged action and stated that we need to find out why our employees are sitting at home. Craig said he wanted to think about the money being spent. Paula stated that the Board is paying the employees to sit at home. She further

stated that this is what the Board expressed it wanted in prior meetings. Jeff Hamilton agreed a third party mediator was an option he was interested in. Motion by Steward, Second by Hamilton. 4 Ayes, 0 Nays. Motion Carries.

Motion by Gehrls for adjournment, second by Hamilton. 4 Ayes, 0 Nays. Motion Carries. Meeting adjourned at 5:20 p.m.

Submitted by Nevada Lemke