

A special meeting of the Board of Directors of The Miami Conservancy District (MCD) was called to order at 2:00 p.m. by Mark G. Rentschler, President, with Beth G. Whelley, Vice President, and Michael H. van Haaren, member, present. The special meeting was held at MCD headquarters, 38 East Monument Avenue, Dayton, OH 45402.

Members of the staff in attendance: MaryLynn Lodor, General Manager, Donald P. O'Connor, Chief Engineer, and Rhonda K. Snyder, Secretary.

Legal counsel in attendance: Lee A. Slone, McMahon DeGulis LLP and Gregory J. DeGulis, McMahon DeGulis LLP.

Guests in attendance: None

COMPLIANCE WITH SUNSHINE LAW AND BYLAWS

The special meeting was held in compliance with the Sunshine Law and MCD and Subdistrict Bylaws. The meeting information was posted on MCD's website. Miami Valley news media and individuals requesting such notification were notified of the meeting by electronic mail dated April 24, 2023.

The special meeting was to hold an executive session for the purpose of conferences with attorneys for matters that are the subject of pending or imminent court action as allowed by Ohio Revised Code Sections 121.22(G)(3).

EXECUTIVE SESSION

Accordingly, it was moved by Mr. van Haaren and seconded by Ms. Whelley that the Board adjourn to Executive Session pursuant to Ohio Revised Code Section 121.22(G)(3), for the purpose of considering pending or imminent court action. The roll was called and the vote was: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.

A motion to exit Executive Session was made and moved by Mr. van Haaren and seconded by Ms. Whelley. The roll was called and the vote was: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.

The meeting returned to open session at 3:10 p.m.

M 2023-6649

The Board of Directors, on motion by Mr. van Haaren and seconded by Ms. Whelley, unanimously authorized the following actions related to the Lockington Dam Right Wall Drain System and Concrete Repair project litigation for a mediation hearing on May 4, 2023:

1. Authorized the General Manager to reject any commitment for payment of the \$569,000 Sunesis claim that The Miami Conservancy District owes it for extra work and materials.

2. Authorized the General Manager to accept no less than a \$140,000 settlement from Sunesis for The Miami Conservancy District's counterclaim regarding Sunesis' inability to complete the project on time.
3. Instructed legal counsel and staff to obtain the redline as-built drawings from Sunesis.

EXECUTIVE SESSION

The Board of Directors adjourned to Executive Session on motion by Ms. Whelley and seconded by Mr. van Haaren for further conferences with attorneys for matters that are the subject of pending or imminent court action as allowed by Ohio Revised Code Section 121.22(G)(3). The roll was called and the vote was: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.


A motion to exit Executive Session was made and moved by Ms. Whelley and seconded by Mr. van Haaren. The roll was called and the vote was: Mr. Rentschler, aye; Ms. Whelley, aye; and Mr. van Haaren, aye.

The meeting returned to open session at 3:20 p.m.

ADJOURN

There being no further business, the meeting was adjourned by unanimous consent.

ATTEST:


Rhonda K. Snyder
Secretary

APPROVED:


Mark G. Rentschler
President