



Hamilton County

Board of County Commissioners

Greg Hartmann
President
Phone (513) 946-4405
Fax (513) 946-4404

Chris Monzel
Vice President
Phone (513) 946-4409
Fax (513) 946-4407

Todd Portune
Phone (513) 946-4401
Fax (513) 946-4446

Room 603
County Administration Building
138 East Court Street
Cincinnati, Ohio 45202

TDD/TTY (513) 946-4719
www.hamilton-co.org

Christian Sigman
Administrator
Phone (513) 946-4420
Fax (513) 946-4444

Jacqueline Panioto
Clerk of the Board
Phone (513) 946-4414
Fax (513) 946-4444

November 19, 2015

Hon. John Cranley
Mayor, City of Cincinnati
801 Plum St.
Cincinnati, OH 45202

Re: MSD; FBI Investigation; 1968 Agreement; Management of MSD

Dear Mayor Cranley:

Today's lead story in the Cincinnati Enquirer revealing yet another major problem at the Metropolitan Sewer District of Greater Cincinnati ["MSDGC"] compels us to unanimously write to you and express our concerns about the oversight and management of MSDGC under the terms and conditions of the current operating agreement between Cincinnati and Hamilton County ["the 1968 Agreement"]. The details that were revealed in today's article coupled with the statements and memoranda by the Cincinnati City Manager describe yet another scenario where MSDGC, in its role of reporting to both the City and County, is instead acting in a manner where it is accountable to neither.

The public's confidence in MSDGC has already been eroded over several years because of ongoing rate increases and other concerns about individual matters [i.e., project costs; Mercury spilling; incinerator waste trucking; odor complaints without resolution; etc.] The City Manager's public admission that costs have been unnecessarily increased through use of non-vetted, inflated professional services multipliers, non-competitive procurement, and paying preferred vendors more to do work that City employees should have done demonstrates that MSD has interfered with the timely, expeditious implementation, and cost-effective completion of the Consent Decree. Simply put, it further erodes the public trust. To add an FBI investigation is, in our collective opinion, the final straw.

As the owner of the MSDGC and responsible party under the Consent Decree, we cannot tolerate a scenario where MSDGC is able to engage in practices that subject the District to such investigations and that subject ratepayers to pick up the cost of the past actions and future consequences. We can no longer tolerate delays in effecting the changes that must occur in the oversight and management structure at MSD that allow the kind of conduct, acts and omissions as are the subject of the now disclosed FBI investigation to continue.

To date, the City has not responded to the County Resolution requesting that a mediation occur regarding the future operating model of the MSDGC. This can no longer wait. Accordingly, we call upon you and those you designate to agree to meet with us and our designees for the purpose of effecting an early termination of the 1968 Agreement that places Hamilton County in sole charge of all MSDGC operational duties and responsibilities including, without limitation, oversight, management, procurement and Consent Decree obligations.

In doing so we acknowledge the important role that MSD employees play in the settlement of the city's pension challenges. Our call for an immediate and early termination of the 68 Agreement is not meant to impair that settlement in any manner whatsoever and we will agree to work with you to effect a satisfactory resolution of that issue up to and including continuing to maintain the status of MSD employees as employees of the City of Cincinnati who pay into the city's pension plan, if need be.

Please note that our dissatisfaction is with MSDGC management personnel and those at the City, as the County's agent, charged with overseeing MSDGC activities. It is not with the many loyal, hardworking MSDGC employees. We can envision that many if not most of those employees would thrive under a new operating system run by the County.

We thank you in advance for your anticipated assistance, cooperation and agreement to work with us as described above.

Respectfully yours,



Greg Hartmann



Todd Portune

cc: City Manager Harry Black
County Administrator Christian Sigman
MSDGC Director Gerald Checco