

## **NEW YORK CITY WATER BOARD**

June 26, 2008

### **RESOLUTION**

**WHEREAS**, the water and wastewater systems (the “Systems”) of the City of New York (the “City”) have been leased by the City to the New York City Water Board (the “Board”) pursuant to an Agreement of Lease, dated as of July 1, 1985, as amended, between the City and the Board; and

**WHEREAS**, the New York City Department of Environmental Protection (“DEP”) operates and maintains the Systems; and

**WHEREAS**, the Board and DEP both wish to ensure that the Systems are operated and maintained in a manner that complies with all applicable laws, rules and regulations; and

**WHEREAS**, in furtherance of this important objective, the Board previously authorized the execution and delivery of consulting agreements between the Board and Robert McGuire, Martin P. Lanahan and Deirdre Daly, Esq. (the “Consultants”), to provide assistance to DEP in serving on the Investigatory Review Committee (IRC) pursuant to DEP’s Employee Concerns procedure; and

**WHEREAS**, the Board entered into agreements with Robert McGuire and Martin P. Lanahan on March 15, 2007 and with Deirdre Daly on July 1, 2007 to provide such assistance, each for a term of one year (the “Consulting Agreement(s)”); and

**WHEREAS**, the Consultants have not completed the work provided for in their Consulting Agreements; and

**WHEREAS**, DEP has determined that it is necessary and desirable to continue to retain the services of the Consultants as DEP moves forward with its Employee Concerns procedure; and

**WHEREAS**, DEP requests that the Board authorize an additional one-year extension of Mr. McGuire’s Consulting Agreement, without allocation of additional funds, and a

renewal of Mr. Lanahan's Consulting Agreement for one year, for an amount not to exceed \$75,000, so that Mr. McGuire and Mr. Lanahan may provide the additional services DEP requires; and

**WHEREAS**, DEP requests that the Board exercise its option to extend its Agreement with Ms. Daly for an additional year with fees and expenses not to exceed \$150,000; and

**WHEREAS**, in accordance with the Water Board's Policy on the Procurement of Goods and Services, in particular, Section 5.i (prior Board approval of contracts where the cumulative value exceeds \$100,000) and Section 6.iv (waiver of competitive solicitation where the procurement is a continuation of existing services and it is desirable for purposes of continuity and compatibility), the Board finds such justification reasonable and appropriate in the present circumstances; it is therefore,

**RESOLVED**, that the Executive Director is hereby authorized and directed to execute amendments to the Consulting Agreements with each of the Consultants to provide for continued advisory services as follows: for Robert McGuire, a term of one (1) year without additional compensation (total authorized compensation to date shall not exceed \$75,000); for Martin P. Lanahan, a term of one year provided that maximum compensation for fees and expenses during such term shall not exceed \$75,000 (total authorized compensation to date shall not exceed \$150,000); and, for Deidre Daly, a term of one year provided that maximum compensation for fees and expenses during such term shall not exceed \$150,000 (total authorized compensation to date shall not exceed \$500,000), and upon such other terms and conditions as the Executive Director considers reasonable and appropriate.