

March 2, 2022

Via Email and Regular Mail

Mr. Brian M. Helminger, District Director brian.helminger@hvmsd.org
Heart of the Valley Metropolitan Sewerage District
801 Thilmany Road
Kaukauna, WI 54130

RE: Public Records Request

Dear Mr. Helminger:

The City of Kaukauna is looking into the cost allocation method that the Heart of the Valley Metropolitan Sewerage District (“HOVMSD”) has selected for the Interceptor System Improvement Project (the “Project”). To assist the City’s review of HOVMSD’s chosen methodology, we are requesting copies of the following records:

1. All documents provided to Trilogy Consulting, LLC (“Trilogy”) and identified in Trilogy’s March 1, 2021, report titled “RE: Allocation of Debt Service for Interceptor Rehabilitation Project,” including:
 - a. 2008 HOVMSD User Rate Study;
 - b. Documentation of the allocation of the original interceptor construction costs (“reach method”);
 - c. The 2005 ICA agreement between the District, the Village of Combined Locks, and the Darboy Sanitary District;
 - d. Exhibit and memorandum regarding previous and proposed improvements to the interceptor sewer;
 - e. Proposed method of allocating debt service for the Project;
 - f. HOVMSD’s last three years’ financial statements;
 - g. Schedule of debt service payments for all existing debt;
 - h. The 2021 budget summary and allocation of operating expenses and debt service to functional parameters;
 - i. Resolution No. 177 establishing a minimum fund balance for the District; and
 - j. Last five years of billable flows for each HOVMSD member community.

2. The Memoranda of Understanding (MOU) referenced in the agenda for the 2/8/2022 HOVMSD Commission Meeting.

3. The detailed Interceptor Action Plan – Progress Report & Update by Scott Schramm of Strategic Municipal Services, Inc. (“SMS”), as referenced in the Minutes of the 10/26/2021 HOVMSD Commission Special Meeting.
4. The detailed 2022 Budget and Rate Charge materials presented or provided to the Commission for the 10/12/2021 HOVMSD Commission Meeting.
5. The SMS Monthly Activity Report presented or provided to the Commission for the 10/12/2021 HOVMSD Commission Meeting.
6. The detailed 2022 budget material presented or provided to the Commission for the 9/14/2021 HOVMSD Commission Meeting.
7. The Long Range Cash Flow and Debt Modeling Analysis presented by Jon Cameron of Ehlers at the 7/13/2021 HOVMSD Commission Meeting.
8. The Power Point on rate development requested by Commissioner Siebers at the 7/13/2021 HOVMSD Commission Meeting.
9. The three most recent loan applications submitted by HOVMSD for Clean Water Fund Program financial assistance.
10. All engineering reports which include an opinion of probable cost for the Project.
11. All monthly activity and progress reports prepared by SMS and provided or presented to the HOVMSD since January 1, 2017.
12. The Donohue & Associates, Inc. report from 1976 on “Capital Cost Allocation of the Proposed Wastewater Treatment Facilities Heart of the Valley Metropolitan Sewerage District.”
13. All records related to the following meetings with HOVMSD member communities:
 - a. 12/17/2020 meeting with Kimberly
 - b. 12/29/2020 meeting with Little Chute
 - c. 1/5/2021 meeting with Combined Locks
 - d. 1/7/2021 meeting with Kaukauna

Under Wisconsin's public records law, these records are public records which "any requester" has a right to "inspect, copy, or receive copies of." Wis. Stat. § 19.35(1)(a). We request, pursuant to law, that this request be fulfilled "as soon as practicable and without delay." Wis. Stat. § 19.35(4)(a). Records need not be produced in duplicate.

A "record" is defined as "[a]ny material on which written, drawn, printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, which has been created or is being kept by an authority." Wis. Stat. § 19.32(2). A "record" includes records stored or kept on personal devices or personal email related to public business. *See Schill v. Wis. Rapids Sch. Dist.*, 2010 WI 86.

If any requested record is kept in digital format, please provide the record in its original digital format. *Lueders v. Krug*, 2019 WI App 36, ¶¶ 2, 15, 388 Wis. 2d 147, 931 N.W.2d 898.

If you are not the custodian of the requested records, please notify me and forward this request to the individual serving as custodian of the requested records.

Please provide an estimate of the cost as soon as you know what the charges will be. If you require payment before copies are provided, please let us know with the estimate. If not, you can send an invoice along with the copies and we will forward payment promptly.

You may send electronic copies of the requested records by email to JSmith@boardmanclark.com. Alternatively, if physical copies are provided for any record, you can send the materials by mail to:

Attorney Jared Walker Smith
Boardman Clark LLP
PO Box 927
Madison, WI 53701-0927

Thank you in advance for your prompt attention to this matter. If you have any questions about the City's request, you can contact me at the phone number or email address provided above.

BOARDMAN & CLARK LLP



Jared W. Smith