

BOARD OF TRUSTEE MEETING

Monday October 12, 2020 6:00 p.m.
Memorandum

Mr. Mills called the meeting to Order at 6:07 p.m.

ROLL CALL

Present: President Carl Mills, Vice President Steve Pitman, Treasurer Jane Merrill, Secretary Michael McDonald, members, Barb Lamb, Chuck Ryerson, and Jeff Hill. Others in attendance were Utility Director Andrew Williams, Legal Counsel Anne Poindexter, Engineering Manager Wes Merkle, Controller Cindy Sheeks and Administrative Assistant Maggie Crediford

Eric Hand and Jeff Kimbell were absent.

PUBLIC COMMENT

There was no one present from the public.

APPROVAL OF MEETING MEMORANDUM

Ms. Merrill made a motion to approve the September 14, 2020 meeting memorandum, Mr. McDonald seconded the motion, and it was unanimously approved.

APPROVAL OF CLAIMS DOCKET

Mr. Williams said there was a payment made to Thieneman for a little over \$1.5 Million for the plant expansion. There were no other large expenditures for the month.

Ms. Lamb asked what was the COVID relief payment to employees? Mr. Williams said that Anthem Insurance issued the Utility a refund on premiums. Payments were then made to employees from that refund.

Mr. McDonald made a motion to approve the claims docket. Ms. Merrill seconded the motion, and it was unanimously approved.

ATTORNEY'S REPORT

Mrs. Poindexter said the Utility had a billing issue where a customer's automated monthly withdrawal was shut off and the system did not note who made the cancelation, why or when the request was made. The customer is very upset, despite receiving bills showing no payments were being made to his account. The customer did not reach out to the Utility to inquire why his account was incurring charges when he thought his payment was being auto drafted monthly. The account became past due enough that the Utility filed a lien against his property. Mrs. Poindexter noted that she believes filing a lien in this instance was proper, because notification was being sent to the customer that there were unpaid balances on his account. The customer has demanded that the lien be expunged. Mrs. Poindexter explained, expungement is an avenue available to individuals seeking to

have arrests or criminal convictions erased from their records. There is no expungement for liens. The lien has been released by the Utility. However, if his record is searched it will show a lien was filed and then released. There is no avenue to have it disappear once it has been filed. The customer claims the Utility besmirched his name by filing a lien when he believed an automatic payment was in place, even though he received monthly bills indicating there was a balance owed and it was accruing. Mrs. Poindexter said to achieve what the customer is asking for, she would need to file an action for declaratory judgment asking the court to declare that the lien is invalid although it was validly filed. Mrs. Poindexter did not recommend filing the action for declaratory judgment.

Mr. Pittman asked if the only place that record can be found is on title work if someone were interested in buying the property or a bank who would be making a loan against the property, and how having the lien on the record damages the customer. Mrs. Poindexter said it is public information can be searched by anyone searching records.

Ms. Merrill asked how long the lien was on the property. Mr. Williams said around a month or two. When the customer received the lien notice he reached out to the Utility at that point.

Mr. Ryerson asked how much the lien was for. Mr. Williams said \$180.00 which equates to around six months of bills.

Mr. Mills said the fact the lien was filed and closed quickly would not raise major red flags with a financial institution. Mr. Mills asked if the customer was receiving a bill every month. Mrs. Poindexter said yes, he was sent monthly bills which showed balances, however, he did not reach out and inquire why. Ms. Merrill noted the customer would have also been able to see the amount was not being deducted from his bank account either. Ms. Lamb asked if the Utility sends late notices. Mr. Williams said there is not a separate late notice sent, the next bill will reflect past due amounts.

Mr. McDonald said he does not receive paper copies of his TriCo bill, and he also would be upset if he found himself in a similar position. He asked if this issue in the billing software was an anomaly, and if compensation could be offered to the customer, and if so, what would it be. Mr. Williams said the customer has said the only acceptable remedy for him would be to have the lien expunged. The glitch in the software is something the software provider is aware of and does not have a remedy for. The Customer Service Department is looking into getting new billing software.

Mr. Pittman asked if the Utility reports late payments in a manner that would affect a customer's credit score. Mr. Williams said no. Mr. Pittman asked Mrs. Poindexter what would be achieved for the customer if an action for declaratory judgement is filed. Mr. Hill asked if it would just be an additional document on the record. Mrs. Poindexter said yes there would be the lien, the release of the lien and a declaratory judgment regarding the lien, there is no way to have a lien hidden or erased. Mr. Hill said he would not be in favor of pursuing a declaratory judgement, Mr. Ryerson agreed noting the result would not accomplish what the customer is requesting anyway. Ms. Lamb asked if the Utility could

provide him with written documentation explaining what occurred in the event the customer should have to explain the lien.

Mr. Mills asked Mr. McDonald if he receives any notification of his bill even though he does not receive a statement in the mail. Mr. McDonald says he receives an email with a statement attached. Mr. Williams said he will ask customer service once he was kicked off autopay if he then continued to receive an emailed statement or if that action would initiate a physical statement being mailed to his address.

There was no motion for Mrs. Poindexter to move forward in pursuit of a declaratory judgment on this matter.

UTILITY DIRECTOR'S REPORT

Mr. Williams suggested moving the Budget and Finance meeting from the fourth Friday of the month to the fifth Friday which would give Personnel and Benefits the opportunity to meet before the 2021 budget discussion. Mr. Mills said he will be out of town on the fifth Friday in October, Mr. Mills suggested moving the meeting to the first Friday of November. It was agreed the Budget and Finance meeting would be moved to Friday, November 6, 2020 at 7:30 a.m.

Mr. Williams said the 2020 Employee Appreciation lunch was held in September at TopGolf in Fishers adhering to social distancing requirements. Employees were also given company golf umbrellas. Mr. Williams brought an umbrella for each of the Board members to pick up on their way out of the meeting.

Mr. Williams said under the C&C discussion Mrs. Poindexter corrected easement paperwork provided by Mr. Bosma and is properly attached to the document for signatures if approved.

Mr. Williams said the administrative office move is scheduled for the first week in November. If the Certificate of Occupancy is obtained, staff will be moving Monday, November 2, 2020. Mr. Merkle is doing a walk through for punch list items this week and the remaining finishes should be installed in the next week or so. Furniture delivery is anticipated for the last week of October.

Mr. Williams invited the Board members to attend an open house lunch at the plant between 11:15 and 11:45 a.m. on October 14, 2020 to see the progress of the projects thus far.

COMMITTEE REPORTS

Personnel & Benefits Committee

Ms. Lamb said the Personnel and Benefits Committee did not meet.

Budget & Finance Committee

Ms. Merrill said the committee met but had no action items, she encouraged the Board members to review the meeting memorandum to see what was discussed at the meeting. The November 6, 2020 Budget and Finance meeting will be at the new office.

Capital & Construction Committee

Mr. Pittman made a motion to approve all associated work and materials to install Cured in Place Pipe patches to BLD Services in the amount of \$61,250. Mr. Hill seconded the motion, and it was unanimously approved.

Mr. Pittman made a motion to adopt Resolution 10-12-2020. Ms. Merrill seconded the motion, and it was unanimously approved.

Mr. Williams said the minutes from the C&C meeting that was held just prior to this meeting will be typed and sent to the Board members later in the week so Board members not on C&C can review the discussion on the Capital Budget.

Office Construction Committee

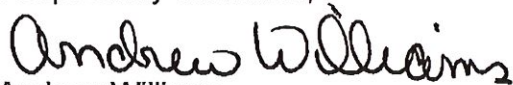
Mr. Pittman said the Committee did not meet and reminded the Board members to attend the open house lunch at the plant on October 14, 2020.

Adjournment

Ms. Lamb made a motion to adjourn the meeting. Ms. Merrill seconded the motion and the meeting adjourned at 6:30 p.m.

The next Board of Trustees Meeting is scheduled for Monday, November 9, 2020 at 6:00 p.m.

Respectfully submitted,



Andrew Williams
Utility Director

Approved:

as Presented
 as Amended



Michael McDonald, Secretary



Carl Mills, President