

**PERU UTILITIES  
MINUTES OF THE PERU UTILITIES SERVICE BOARD MEETING OF  
JANUARY 13, 2016**

The Peru Utilities Service Board held a meeting at the Peru office at 335 East Canal Street, Peru, Indiana, on January 13, 2016. Mr. Akers called the meeting to order at 4:00 p.m. following an executive session pursuant to notice as required by law. The following Board members were present: S. Akers, M. Costin, G. Ward, J. Richter and J. Edwards. Others present: R. Merriman, B. Tillett, J. Chance, L. Starkey, D. Woessner, and D. Herda-Peru Tribune.

It should be noted that the Board welcomed the newly appointed member, Mrs. Jami Edwards to the Peru Utility Service Board.

**1.) APPROVAL OF BOARD MINUTES OF DECEMBER 30, 2015:**

On a motion from Mr. Ward, seconded by Mr. Richter, the minutes from the December 30, 2015, were approved. Ms. Costin and Mrs. Edwards abstained from voting. Ms. Costin was not present at the December, 30, 2015, meeting and Mrs. Edwards was not yet a member as of December 30, 2015.

**2.) PAYMENT OF CLAIMS:**

A motion was made by Ms. Costin, seconded by Mr. Ward to approve the claims for payment as presented. The motion carried.

**3.) NEXT REGULAR MEETING:**

The next regular meeting will be held Wednesday, January 27, 2016, at 4:00 p.m. in the Utility Service Board room.

**4.) OLD BUSINESS: None**

**5.) NEW BUSINESS:**

Mr. Merriman asked for the Board's permission to amend the agenda and add Item E – Authorization of Form for Request of Disclosure of Public Utility Records. Mr. Richter made a motion to amend the agenda and add the new item as "E"; Authorization of Form for Request of Disclosure of Public Utility Records. The motion was seconded by Ms. Costin. The motion carried.

**A.) ELECTION OF OFFICERS:**

**ELECTION OF CHAIRPERSON:** Ms. Costin made a motion to elect Mr. Akers as Board Chairman for 2016. Following a motion by Mr. Richter, it was voted unanimously that Mr. Akers be Board Chairman for 2016.

**ELECTION OF SECRETARY:** Ms. Costin moved to nominate Mr. Richter as Board Secretary for 2016; Mr. Ward seconded the nomination and the motion carried. Mr. Richter abstained from voting.

**B.) ANNUAL REVIEW OF PERU SERVICE BOARD POLICY STATEMENT CONCERNING BOARD RESPONSIBILITIES AND FUNCTIONS:**

Mr. Merriman read the following from the policy statement, “Policy Implementation” - *The Board Chairman will cause this policy to be reviewed at least annually and revise as may be appropriate.* Mr. Merriman noted that the policy directs the work of the board and areas of responsibility and membership. Mrs. Edwards inquired if there had been any prior discussion about any concerns with the Board Policy Statement. It was noted that it had not changed for several years.

Mr. Richter made a motion to accept the Board Policy Statement as presented. Mr. Ward seconded the motion. The motion carried unanimously.

**C.) APPROVAL OF BID RECOMMENDATION FOR CONSTRUCTION OF THE 69161 kV TRANSMISSION PROJECT:**

Mr. Merriman stated that a summary and overview was given at the December 30, 2015, board meeting, about the 69161 kV Transmission Project. Mr. Merriman requested the Board’s approval to contract with L. E. Meyers the preferred bidder for the labor for the 69161 kV Transmission Project. It was noted that over time the construction materials needed for completion were purchased.

<b>L. E. Meyers Company</b>	<b>\$749,385.00</b>
<b>ARC American, Inc.</b>	<b>\$791,095.99</b>
<b>Gaylor Electric</b>	<b>\$851,775.00</b>

Mr. Richter recommended the Board; accept the bid of L. E. Meyers Company, as the low bid for the amount of \$749,385.00. Mrs. Edwards seconded the motion. The motion carried. Mrs. Edwards noted it invaluable that Peru Utilities had worked with L. E. Myers before and had a good working relationship with them.

**D.) CHANGE ORDER TO SECOND AND CHESTNUT SEWER SEPARATION PROJECT:**

Mr. Merriman said that when he had taken a look at the sewer separation project, it was evident what had occurred. Normally, the Board would first approve the change order, but the street was torn up and need to be fixed right away. Mr. Merriman asked for the Board’s ratification of his decision. Mrs. Edwards pointed out that even with the change order the project was still within budget. Mr. Ward made the motion to approve the change order to the Second and Chestnut Sewer Separation Project. Mr. Richter seconded the motion. The motion carried unanimously.

**E.) BOARD AUTHORIZATION OF THE FORM FOR REQUEST OF DISCLOSURE OF PUBLIC UTILITY RECORDS:**

Mr. Merriman requested that the Board authorize the use of the Request for Disclosure of Public Utility Record form. He noted that at the previous board meeting the Board had approved a policy that stipulated what records could be

disclosed to third party entities. Mr. Merriman said that staff had developed a form for people requesting such information will have to complete. The form will have to be picked up in person and completed. Mr. Merriman stated that should someone request information that by law and by policy can be disclosed, noted in the form is verbiage that Peru Utilities will inform our customer of such a request, providing our customer with the name of the inquirer and the nature of their request. Mrs. Starkey gave a brief background noting that an insurance company had inquired information on one of our customer's water account, asking for information about consumption, the money amount owed, and what action, if any had been taken. Our customer had claimed water leakage and their insurance company was questioning if it were prior to the time that our customer had purchased insurance with their company in order to ascertain whether or not the insurance claim was valid. As a general rule and as past practice we refused giving out that type of information, the insurance company then threatened to file a Freedom of Information Act against us, so we decided that we needed to have a policy in place that would guide us. We then contacted IMPA's legal department and found out that customer records of a municipally-owned utility are open for public inspection under the Access to Public Records Act (IC 5-14-3). In order to internally implement the new policy we created a disclosure form. Mr. Merriman said that any inquiries would have to come to our office to pick up the form and complete it. We will then notify our customer who had inquired about them.

Ms. Costin questioned how a customer would be informed of the inquiry and if it were to be furnished prior to giving the third party any information and what method of notification would be used. Mrs. Starkey explained that we are required to provide the information according to the Freedom of Information Act and that we would use the information on file to notify our customer, we have ten days to provide the information. Mrs. Starkey also noted that notes are kept in our information system, along with the form itself. Ms. Costin noted that she felt good that it was not a personal vendetta. Mr. Merriman said that since he had worked at Peru Utilities we had always treated that sort of information as confidential up until now. Mr. Merriman explained that the Attorney General's Opinion was issued in 1984 at the request of the state legislature and had been a requirement since then. Mrs. Edwards said that her understanding was that it was a courtesy by us to notify the ratepayer, not required by law, and left the ratepayer with no option in halting the process. Mr. Merriman explained that by offering that courtesy to our rate payer they would know that someone made an inquiry and who it was, if someone makes the request and completes the form there is little that we can do because what they are asking for is non-protected information.

Mr. Richter made a motion to approve the "Request for Disclosure of Public Utility Records" form and include it as part of Policy 1-2015, Policy to Protect Customer Information. Mr. Ward seconded the motion and the motion carried unanimously.

**JANUARY 13, 2016 – Cont'd.**

**6.) CITY ADMINISTRATION UPDATE:** None

**7.) CITY ATTORNEY'S UPDATE:**

It was noted that Pat Roberts was the Peru Utility Service Board new attorney, but was not in attendance today.

**8.) MANAGER'S REPORT:** None

**9.) ADJOURNMENT:**

There being no further business to bring before the Board, Mr. Richter made a motion to adjourn. Mrs. Costin seconded the motion. The meeting adjourned by unanimous consent.

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Jim Richter, Secretary Peru Utilities Service Board