

UTILITIES SERVICE BOARD MEETING

June 20, 2011

Utilities Service Board meetings are recorded electronically or stenographically and are available during regular business hours in the office of the Director of Utilities.

Board Vice President Roberts called the regular meeting of the Utilities Service Board to order at 5:01 p.m. The meeting was held in the Utilities Service Board room at the City of Bloomington Utilities Department Administrative Building in Bloomington, Indiana.

Board members present: Julie Roberts, Pedro Roman, Sam Frank, Jeff Ehman, Jason Banach, and ex-officio members Tim Mayer and Tom Micuda. Staff members present: Patrick Murphy, John Langley, Michael Horstman, Jane Fleig, Tom Axsom, Phil Peden, Mike Bengtson, Mike Hicks, and Barbara McKinney

Others present: Sue Mayer.

CLAIMS

Board member Roman moved and Board member Ehman seconded the motion to approve the claims as follows:

Vendor invoices submitted to the controller's Office on June 15 included \$207,735.39 from the Water Utility; \$257,353.12 from the Wastewater Utility; and \$15,534.79 from the Wastewater/Storm water Utility. Total Claims approved, \$480,623.30.

Motion carried, 4 ayes, 3 members absent, (Jason Banach, Tom Swafford and John Whikehart).

AUTHORIZATION OF THE BLOOMINGTON INDUSTRIAL WASTEWATER ZERO DISCHARGE PERMIT FOR INDIANA METAL CRAFT:

Utilities Deputy Director Langley said he was asking for approval of a new permit for Indiana Metal Craft which is a business that makes commemorative objects out of metal. CBU has regulated a 500 gallon per month waste stream for them for the last permitting period which exceeds five years. Over that time their discharge has diminished significantly, so they have decided it is more economically viable for them to capture their discharge and have it hauled off. The State of Indiana asked that a zero discharge permit be issued, which still regulates things like the right of Utilities' staff to enter and inspect. Indiana Metal Craft will have to annually certify they are not discharging regulated metal waste streams to the sewer.

Ex-officio board member Mayer asked what type of company does the removal. Mr. Langley said it would be a hazardous waste hauler. Part of the annual inspection will be to look at any hazardous waste manifests they have accumulated over the last three or four years, to verify the activity that has taken place, in what volumes, and where it is going.

Board member Roman moved and board member Ehman seconded the motion to authorize the Bloomington Industrial Wastewater Zero Discharge Permit for Indiana Metal Craft. Motion carried, 4 ayes, 3 members absent, (Banach, Swafford, and Whikehart).

OLD BUSINESS:

No old business was presented.

NEW BUSINESS:

No new business was presented.

SUBCOMMITTEE REPORTS:

There were no subcommittee meetings.

STAFF REPORTS:

Utilities Director Murphy introduced the City of Bloomington Human Rights attorney McKinney to review the City's ethics policies. She has been visiting the boards and commissions to update members on these policies.

Attorney McKinney said she is talking to as many boards and committees as she can talk to about the City's and State's ethics policies and laws. State law says that public servants commit a Class D felony if they do any of three things. One is insider trading. If a member learns in an executive session that Utilities is going to be buying some property and buys property adjacent to it to try to profit on the situation, it would be illegal, unethical, and a Class D felony. This is fairly uncommon.

Another Class D felony is if a member were to fail to deliver records to a successor in office. It is called a sore loser law. This doesn't come up very often.

What is a more common situation is if a member votes on something they have a financial interest in. This also a Class D felony that is more likely to come up. A board or commission member may not vote for a contract, purchase, or grant that they might personally benefit from. This applies to anyone in the member's household. If a member's spouse has a contract with the City that member cannot vote on it. It would be necessary to ask for recusal. A board member may be paid and have expenses reimbursed, but cannot otherwise benefit financially from being on the board. It is possible to enter into a contract with the City if it is not related to Utilities' work. If the spouse of a Utilities Service Board member were to win a bid on a contract to build sidewalks it would not be a problem. It is not allowed to personally benefit from what the department does.

The City, and probably Utilities as well, has a policy that a board member should do everything possible to avoid even the appearance of impropriety. If a brother in law is bidding on a Utilities contract a board member can legally vote on it, since they will not benefit directly from it, but it would look bad so it is better that they recues themselves. If that is impossible due to a quorum or something like that, it is best to disclose the conflict and explain the vote on the record, but it is better for them to recues themselves.

It is sometimes difficult to determine what is and isn't ethical. Ms. McKinney says her rule is to consider how it would look if the story were to be on the front page of the Herald Times and the board member had one sentence to explain themselves. If it is going to look bad it is creating an appearance impropriety.

Ms. McKinney said any board member should contact her if they ever aren't sure what is legal or a violation of policy. These policies can change from year to year as new State laws are passed.

Board member Roberts asked if Ms. McKinney had a summary of the ethics laws and policies that she could send to USB members. Ms. McKinney said she would send them something.

PETITIONS AND COMMUNICATIONS:

There were no petitions or communications.

ADJOURNMENT:

The meeting was adjourned at 5:07 p.m.

Julie Roberts, Vice President