



## ***Jennings Northwest Regional Utilities***

### ***Meeting Minutes***

February 16, 2022

#### **I. Public Meeting - Call to order**

- Brian Hatfield stated he would take the roll as acting president until officers can be elected. Acting President Brian Hatfield called to order the regular meeting of the Jennings Northwest Regional Utilities' Board of Trustees at 9:00 AM on February 16, 2022, at the Jennings Northwest Regional Utilities office.

#### **II. Roll Call**

- No roll call was performed but introductions of everyone in the room were made. The following members were present: Brian Hatfield, Michael Gerth, Richard Plamp, Dale Boyd, and Marshall Jenkins. Member(s) absent was zero (0) although Ed Whitaker and Brian Roney were removed from the board by the county commissioners on January 27, 2022. Also in attendance: Jeff Maddux (Utilities Superintendent), Dan Wooton (Financial Controller/Utilities Manager), Cindy Summerfield (Office Manager), Andrew Klescht (Assistant Utilities Manager), John Gay (Gay Law Office), and zero (0) member(s) of the public.

#### **III. Election of Officers**

- Acting President asked for motions to elect officers.
  - President
    - Michael Gerth made the motion to elect Brian Hatfield, Marshall Jenkins seconded. Motion carried with three votes. Richard Plamp and Dale Boyd abstained.
  - Treasurer/Secretary
    - Brian Hatfield made the motion to elect Michael Gerth, Marshall Jenkins seconded. Motion carried with three votes. Richard Plamp and Dale Boyd abstained.



- Vice President
  - Michael Gerth made the motion to elect Marshall Jenkins, Brian Hatfield seconded. Motion carried with three votes. Richard Plamp and Dale Boyd abstained.
- Dale Boyd asked what had happened with Ed Whitaker and Brian Roney being removed from the board.
  - Dan Wooton explained that the Jennings County Commissioners removed Ed Whitaker and Brian Roney from the board. The commissioners had not followed the procedure for appointing the utilities' board for many years for Brian Roney and his term in fact may have been expired since they had been appointing him annually instead of by four years terms as designated by IDEM. The commissioners had also been appointing Cadie Mathis to the board for annual terms for a few years without explanation since she had resigned the board and moved from the county in 2012. According to the Jennings County Commissioners meeting minutes Ed Whitakers term was not due for reappointment until January 2023.
  - A letter from Ed Whitaker was sent to the county commissioners requesting the appointment of Anna Seibert and confirmation of the other board members.
  - Dan Wooton explained the county commissioners apparently did not understand that the term in the letter finishes out the current year and sets the terms for four years as directed by IDEM. These appointments and confirmation letters had been sent the same way for over fifteen years. Without communication or clarification with Jennings Northwest Regional Utilities, they stated Ed Whitaker and Brian Roney's terms were up and the removed them from the board. John Gay explained that the utilities could pursue legal avenues about the situation, but it would be costly and end in the same result when the terms are up.

#### **IV. Approval of Minutes**

- Prior meeting minutes were presented. Dale Boyd made the motion to approve the minutes as presented, Marshall Jenkins seconded. Motion carried with three votes. Brian Hatfield and Michael Gerth abstained.

#### **V. Utilities Superintendent – Jeff Maddux**

- Jeff Maddux presented a verbal report.
  - Requested approval for supplies.
    - Will be addressed in Financial Controller/Utilities Manager report.



- IDEM Administrative Signatory for reports
  - Will be addressed in Financial Controller/Utilities Manager report.

## VI. Financial Controller/Utilities Manager – Dan B. Wooton Sr.

- Dan Wooton compensation.
  - Brian Hatfield questioned the compensation of the Financial Controller/Utilities Manager stating he felt the compensation was too much as compared to the Utilities Superintendent of North Vernon stating North Vernon had more flow and employees.
    - Dan Wooton stated he felt that was not a comparison since he is unsure what Russel at North Vernon Utilities does and he believes they are completely different positions and Dan Wooton holds multiple positions.
    - Brian Hatfield stated they would have to look into the agreement.
  - Michael Gerth stated he felt the timing of the decreased contract looked bad as there were obvious problems with the utilities.
    - Dan Wooton, he did not feel it was since it was a decrease in compensation in order to make sure funds were available to give the utilities' employees a wage increase for 2022 since they did not receive one for 2021.
  - John Gay stated he felt there was no issue with the agreement especially since it was a decrease for 2022 and 2023.
    - John Gay was asked if he signed the contract. John Gay stated he did not sign it as he was not a signer for the utilities, but he had reviewed it and had written the original one in 2015. Marshall Jenkins stated he felt it was new contract. John Gay stated it was an update to an existing agreement again stating his support of it since it was a decrease and not out of line with other agreements he is seen in the past. Brian Hatfield stated he has not seen an agreement like this before in any utility.
  - Marshall Jenkins questioned John Gay about his rate he charges, how he bills Jennings Northwest Regional Utilities, and if he has a contract with the utilities.
    - John Gay stated his rate is \$300 per hour, he does not bill for every call and in fact under bills quite often. John Gay also stated he may have had a contract originally with the board, but he has been with the utilities for so many years that he is sure it would be expired.
    - John Gay then informed everyone that it is the new utilities boards right to seek an attorney of their choosing and he was submitting his resignation as the utilities' attorney.
    - Dale Boyd wanted clarification if he was quitting as the attorney. John



Gay stated he felt the new board should have their pick of representation.

- Dan Wooton presented a verbal report.
  - Dan Wooton presented a large list of duties asking for new authorization and direction or to proceed as usual with how we currently manage utilities' business.
    - The board instructed Dan Wooton to continue with no changes until next meeting.
  - Dan Wooton explained the agreed order with IDEM and the requirement from IDEM to inform them by the end of the week if the new board planned to continue with the current project and PER to remedy the agreed order.
    - The board instructed Dan Wooton to send IDEM an email requesting an extension of time since there is a new board now.
  - Bank Signatories
    - Dan Wooton explained that the new president and treasurer would have to sign the signature cards for PNC.

## **VII. Treasurer's Report – Michael Gerth**

- Approval of Claims:
  - The board went through each claim asking questions that were answered by Dan Wooton and staff.
    - Document Archiving/ Storage
      - Andrew Klescht was instructed to look into online document archiving/storage options.
    - Mike Ruby
      - Mike Ruby's agreement was explained.
    - Culligan
      - The board questioned DI water purchased for the Wastewater Treatment Plant for testing.
  - Michael Gerth presented the claims. Marshall Jenkins made the motion to approve all claims; Marshall Jenkins seconded. Motion carried unanimous to approve all claims.

## **VIII. Old Business**

- None Presented



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## **IX. New Business**

### ➤ Board Meeting Schedule

Board Meetings will be held the second Wednesday of each month at 6:00 PM at the utilities' office. Michael Gerth made the motion to set the new schedule; Dale Boyd seconded. Motion carried unanimous.

## **X. Adjournment**

- Dale Boyd made the motion to adjourn, Michael Gerth seconded. Motion carried unanimous to adjourn.
  - Brian Hatfield adjourned the meeting at 11:30 A.M.

**Brian Hatfield**  
**President**

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**Attest:**

**Michael Gerth**  
**Treasurer/Secretary**

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