

BOARD MEETING

Pursuant to notice by publication, the Board Meeting of the Ben Davis Conservancy District (“District”) was held on Thursday March 9, 2023, at the Board Meeting Room at the District Office, located at 703 S. Tibbs Avenue, Indianapolis, Indiana. Those in attendance: Mr. Fred Buckingham, Chairman; Ms. Beverly Matthews, Vice Chair; Mr. Jeff Wood, Director; Ms. Jennifer Hess, Counsel for the District; Ms. Micah Sarabyn, Project Coordinator; Ms. Angela Wirth, Secretary/Finance Officer; Mr. Jim Frazell and Ms. Dee Revnyak of Triad Associates, Inc.; Mr. Steve Brock, Therber Brock Associates, LLC; Mr. John Thurman, Maintenance, Maintenance Department; and Mr. Corey Foster, Maintenance Department. Also in attendance were Mr. Ryan Heathco, City-County Councilor Jared Evans, and Mr. Greg Broz.

The meeting was called to order at 9:05 a.m. by Mr. Fred Buckingham, Chairman. Mr. Buckingham opened the meeting with the Maintenance Team Report with Mr. Foster presenting. It was mentioned that SAMCO was in the area for the “Biltmore Project” and were televising the District’s Sewer Lines in order to help CEG locate their utilities. The Maintenance staff received word that some residents complained about backups and no previous notifications were received from SAMCO or CEG about working in the area. Ms. Hess confirmed that a letter was sent to CEG and SAMCO and all parties were informed of their obligation to notify the District and get permission prior to accessing the District’s sewers. Mr. Foster also indicated that he and Mr. Thurman were picking up debris at the 900 S. Tibbs lot.

Mr. Buckingham, asked Mr. Broz if he had any updates for the District. Mr. Broz stated that all matters regarding the Blue Line and Airport expansion are on hold.

Mr. Ryan Heathco indicated that there is a Love Where You Are community cleanup and asked if the District would like to host a cleanup April 14-15th. Mr. Heathco said he would send more information and Ben Davis Christian Church supplies the gloves, bags, pickers, etc. Businesses are encouraged to adopt their roadside areas. The District indicated that they would like to participate.

Ms. Revnyak of Triad Associates, Inc. informed the Board she had not received a response from IDEM on the NPDES Permit. Ms. Revnyak also mentioned she had not received a response on the easement being pursued on property owned by Fortune Enterprise. Ms. Hess will follow up with the owner regarding the easement or offer to purchase.

Ms. Hess mentioned HB 1402 and the amendment regarding transparency of Conservancy Districts. Given the continued efforts of the BDCD Board to be transparent and the BDCD's compliance with all current Indiana Code, Ms. Hess did not see this as an issue.

Ms. Revnyak also mentioned she was still waiting to hear from the Airport regarding payment of Ad Valorem taxes to the District. Ms. Revnyak, Ms. Wirth, and Councilor Evans reached out to the Indianapolis Airport Authority to get a response. Ms. Revnyak also mentioned property owned by the Boys and Girls Club which was annexed into the District in the 1970's. The institution requested permission to de-annex in the 1990's which was approved by the Board as they were given permission to discharge into the City of Indianapolis. However, there is no record of the Boy's and Girl's club actually pursuing de-annexation through the court system so it appears they are still in the District. Ms. Sarabyn found 197 properties that are within the District but are not contained on the assessor's list of District properties. This will benefit some contact customers who will now be exempt from the 15% surcharge.

Ms. Revnyak provided an update on the two PERs (Preliminary Engineering Reports) that were submitted to the Indiana Finance Authority (IFA) for consideration of funding through the State Revolving Fund (SRF) loan program. Both the collection and plant projects scored low so an amendment will be submitted for the collection system in order to have it re-ranked and possibly scored higher on the Project Priority List (PPL). The District should fall into the "disadvantaged community" category which will also improve the ranking. This will occur around June.

Mr. Brock reminded the Board the \$1,000,000.00 Bond Anticipation Note (BAN) was due on June 30, 2023 and discussed some options for repayment or refinancing. Mr. Brock suggested rolling the BAN into financing an open market bond for a smaller collection system project in anticipation of SRF funding for a larger project. Mr. Brock gave a list of possible options for the Board to consider.

Two parts of a collection system project were discussed by Ms. Revnyak and Mr. Frazell and Mr. Brock. One part was a \$6M (Phase II) project to make improvements in the collection system and the other part was a \$2.5M (Phase I) project that involves televising to determine the areas with the greatest repair and greatest infiltration and inflow which need to be remediated to continue to improve efficiency and reduce flows. When asked what this does to rates, Mr. Brock estimated that the cost per EDU would be about \$1.488 per month. Mr. Frazell recommends the

\$2.5M project. Mr. Brock recommends filing the largest project with SRF (\$6M project with the SRF). This \$1.48 a month is deemed a good investment to get the information needed for the collection system project. Mr. Frazell commented that the overall project could result in a reduction in flows which would reduce the treatment cost to CEG.

Mrs. Matthews made a motion to proceed with Phase I of the collection system project as proposed by Triad for televising and to make repairs as needed. Mr. Wood Second. Mr. Buckingham approved.

Mrs. Matthews made a motion to proceed with the 2.5 million dollar issuance of Bonds with Baird which will include a rollover of the 1 Million BAN. Mr. Wood Second. Mr. Buckingham approved.

Mrs. Matthews made a motion to approve the engagement letter with Baird. Mr. Wood seconded. Mr. Buckingham approved. Mr. Buckingham executed the engagement letter. Mr. Brock gave the monthly status update. We will not hear back from SRF until the 1st week of July. The first time we would be able to close the loan with SRF would be December 2023 to March 2024. Mr. Brock informed the Board the IURC granted CEG another rate increase that began on January 1, 2023. The cost of 3 users unmetered is \$67.86 and four or more occupants is \$83.39.

Mr. Evans noted frustration with the failure of IDEM to timely issue an NPDES discharge permit after issuing a construction permit and preliminary effluent limits upon which the District relied in pursuing this treatment plant.

Ms. Hess provided a copy of the letter sent to CEG and SAMCO as previously discussed. This letter was sent certified US Mail and requested both parties to notify the District when televising was to be done on the District's sewers so our maintenance staff can be on site. The letter also requested that a copy of the televising be provided to the District when the televising is complete.

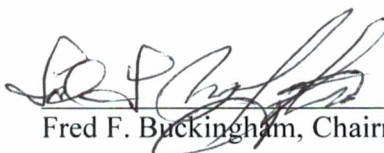
Ms. Sarabyn noted that \$12,467.20 was collected in February of 2023 from Contract Customers. Ms. Sarabyn presented the District Flows for the past few months and answered questions regarding daily averages and maximum flows. Ms. Sarabyn sent liens, 570 pre-lien letters, 346 sewer liens filed, 150 sewer liens released. Further, she completed payment processing software companies and parcel list (huge project) completed for the Marion County Treasurer's Office. Ms. Sarabyn will speak further on the above-mentioned matters at the next

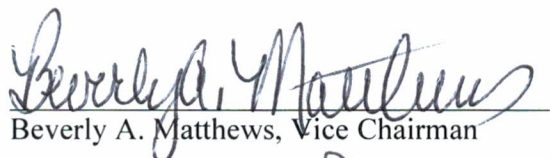
meeting. Ms. Sarabyn and Mrs. Wirth have been working with Mr. Heathco to inform the public regarding new items, check valves, permits, and sewer backups for the website. Ms. Sarabyn and Mrs. Wirth have been seeking a new company to assist the District with credit card processing, payments and permits. Two (2) companies have been reviewed and quotes presented.

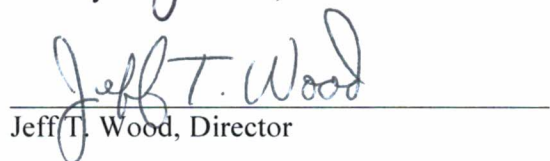
Ms. Sarabyn is continuing to follow through with the EAP program and the John Bonner Center for financial assistance with the sewer bills for the residents that have applied for funding. Ms. Wirth completed the Debt Affirmation to the Indiana Gateway for the \$1 M Bond due by Feb 28, and submitted and completed all ARF information to the Indiana Gateway due by Mar 1st. Mrs. Wirth updated the 2022 General Fixed Asset Account Group overview. Ms. Wirth worked with Ms. Revnyak and Mr. Thurman regarding a resident located on Hardin Blvd and a back up in which he stated was 10 million gallons of raw sewage but did not prove to be what was stated. After review of photos and Mr. Thurman physically going to the home and reviewing the ditch area and neighbor's back yards, a letter was sent to Mr. Abashier explaining the District is not responsible and based on the photos, there did not appear to be damage or residue from any sewer back up. The District had a water leak and it was apparent by the water bill received in February. Ms. Wirth reached out to CEG and then called Pristine Plumbing to locate the leak. The leak is back by the pole barn and water has been shut off. Astbury began sampling this past Sunday, March 5, 2023 for the District's annual testing for CEG.

Mr. Buckingham made a motion to approve the February Board minutes. Mrs. Matthews seconded the motion and Mr. Wood agreed. Motion was passed. This concluded the regular monthly Board Meeting of the Ben Davis Conservancy District.

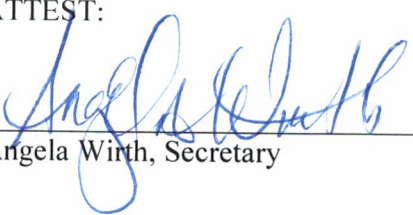
The next board meeting is the first of two evening Board Meetings to be held on Tuesday, April 11, 2023 at 6:00 p.m. at the District Office Board Room. There being no further business to come before the Board at this time, Mr. Buckingham, Chairman, and Mr. Jeff Wood, Director, motioned to adjourned at 12:08 p.m.


Fred F. Buckingham, Chairman


Beverly A. Matthews, Vice Chairman


Jeff T. Wood, Director

ATTEST:



Angela Wirth, Secretary