

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE JANUARY 16, 2024 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Tuesday, January 16, 2024 in the Connie Lamar Meeting Room located on the main floor of the Boone County Annex Building at 116 W. Washington Street, Room 105, Lebanon, IN 46052 with the following personnel in attendance:

Donnie Lawson	Commissioner, President
Jeff Wolfe	Commissioner, Vice President
Tim Beyer	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Executive Administrator

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Lawson opened the meeting at 9:17 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Beyer moved to approve the Minutes of December 18, 2023 Commissioners' Meetings as presented. Motion seconded by Wolfe; motion passed unanimously 3-0. The January 2, 2024 meeting minutes were tabled.

IN THE MATTER OF LEGAL ISSUES

There were no legal issues for today's meeting.

IN THE MATTER OF GUTS SECOND AMENDMENT TO LEASE

Bob Clutter, County Attorney, presented the Government Utilities Technology Service, Inc (GUTS) second amendment to the Lease agreement for the fifth floor of the KeyBank building. The term of the Lease shall be extended by three (3) years from January 1, 2024 through December 31, 2025. The rent shall remain at the current rate.

Commissioner Wolfe moved to approve GUTS second amendment to the Lease. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF PHONE SYSTEM CONTRACT

Sean Horan, GUTS / IT Support, recommended award RingCentral the phone system project and presented contracts. The Technology Board also supports this recommendation. Bob Clutter, County Attorney, has reviewed the contract and has a minor change. Clutter recommends approval subject to the change being accepted by the vendor.

Commissioner Wolfe moved to approve the RingCentral contracts for the phone system project subject to the revisions being accepted. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF BCSSI THIRD PARTY USE / LEASE SERVICE AGREEMENT

Bob Clutter, County Attorney, presented the Boone County Senior Services Inc (BCSSI) third party use/lease services agreement to operate Section 5311 funded vehicles.

Commissioner Beyer moved to approve the BCSSI third party use/lease services agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF ORDINANCE 2024-01 AMENDING ORDINANCE ALLOWING FUNDS TO BE DISBURSED BY A DISBURSING OFFICER FOR LAWFUL COUNTY PURPOSES

Bob Clutter, County Attorney, presented Ordinance 2024-01 amending Ordinance allowing funds to be disbursed by a disbursing officer for lawful county purposes (prepays) for the disbursing officer to also be allowed to make payments to Contracts or Invoices for goods and/or services executed by the Director of Highways or the Director of Capital Investments in an amount not to exceed that authorized by the Commissioners, prior to a regularly scheduled Commissioners' meeting (Section 27). Commissioner Beyer had a minor revision to update the paragraph regarding the amendment to reflect what is described in Section 27 as the current copy in front of board describes Section 26.

Commissioner Beyer moved to approve Ordinance 2024-01 with the revision. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

Auditor Crum requested an additional change to include all the contracted entities (Boone County 4H, Aspire, etc.) that Boone County pays in the Ordinance. Commissioner Wolfe asked if she had language from the State Board of Accounts (SBOA) Auditor that they could consider adopting at the next meeting? Auditor Crum will forward a specified list of items for consideration.

IN THE MATTER OF OLD BUSINESS

1) APPOINTMENTS FOR 2024

Kaylee Jessie, Executive Administrator, presented the remaining 2024 Board Appointments and interested parties for consideration.

BOARD APPOINTMENTS	TERM	TERM BEGINS	TERM EXPIRES	
ALCOHOLIC BEVERAGE BOARD				
	1 Year			No appointment made –waiting on interest.

BOONE COUNTY HEALTH BOARD				
Received letters of interest for appointment from: Crystal Jones [R], Jill King [D], Matthew Baim [?], Nicole Molinaro [R], Paulette Berger [D], Tricia Wright [R], John Casey [D] (John Casey appointed by Council on 12/12), Robert Guckien [?] Mayor Stehr recommends one of the following: Paulette Berger, BS, MS + Sandra Burkhardt, PhD, ABPP + Nicole Molinaro, MSPT				
Crystal Jones	4 Year	1/16/2024	12/31/2027	Commissioner Beyer nominated Matthew Baim as an appointment to the board. No second, motion failed. Commissioner Wolfe nominated Crystal Jones, Paulette Berger, and Tricia Wright. Motion seconded by Commissioner Lawson; motion passed 2-1.
Paulette Berger	4 Year	1/16/2024	12/31/2027	
Tricia Wright	4 Year	1/16/2024	12/31/2027	

CENTRAL INDIANA REGIONAL TRANSPORTATION "CIRTA"				
	1 Year			No appointment made –waiting on interest.

PTA/BOA				
Received letters of interest for appointment from: Nicole Lewis				
Nicole Lewis	1 Year	1/12/2024	12/31/2024	Commissioner Wolfe nominated Nicole Lewis to the PTABOA Board. Motion seconded by Commissioner Beyer; motion passed 3-0

2) **COMCAST LOCAL MATCH LETTER (ARP FUNDS)**

Jeremy Burton, Comcast Manager of Government & Regulatory Affairs, requested a letter in support of Comcast’s application for the Next Level Connections Grant application to expand its gigabit network to Boone County, Indiana. The areas included in their application have been unserved/underserved for many years. Comcast recognizes the overwhelming interest by our residents and businesses in having access to internet speeds 1 gigabit or faster.

Commissioner Wolfe moved to approve the letter in support of Comcast’s application for the Next Level Connections Grant. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

3) **HOLIDAY CLOSURE DISCUSSION**

Bob Clutter, County Attorney, presented various information relating to the events happening around Boone County on Monday, April 8, 2024 for the Total Eclipse. Three of the streets surrounding the courthouse will be closed for the Total Eclipse in The Heart

Concert – Downtown Lebanon. Corey Kutz, President of Heart of Lebanon, stated Lebanon is expecting an additional fifty thousand (50,000) people to come to the city to experience the Total Eclipse and the events. We may even experience gridlock on the streets. Kentucky experienced something similar about five or six years ago.

Commissioner Beyer moved to approve adding April 8th to the 2024 . Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

4) **BOONE COUNTY JUSTICE CENTER PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for the Boone County Justice Center project:

Safety	<ul style="list-style-type: none"> • 206 days without a recordable incident. • Heated mats on temporary ramps were installed and are working well. • Hagerman will be ramping up on Safety Audits. • Deep storm structures will start in the next week or so. Will be fenced off completely during the digging. • Safety Site visit from Travelers Insurance who is our county Builders Risk carrier and Risk Management insurer. This happens on the 29th.
Issues	<ul style="list-style-type: none"> • Had several trusts that were damaged in Building A roof structure due to wind. Wind caught a stack of roofing material that was strapped down, broke the straps, picked them up and slammed them back down on the roof and trusts. Beyond repair and these several trusts need replaced.
Milestones accomplished since last update	<ul style="list-style-type: none"> • The new kitchen area was prepped for mason to begin building interior walls in building B. • The VAV's for the Heating and Air flow is being installed in Building B. • Poured concrete for the first stairwell (stairwell 4) • Unit A main entrance steel installation underway. • E precast placement was complete with Crane in Unit D. • Met with IT this week to go over Cable Tray layout and wire labeling for data, TV, switches, etc.
Schedule milestones to be accomplished	<ul style="list-style-type: none"> • Building A roof is a focus this week. Trusts from damage has been ordered. • This week the masons will be inside the kitchen area to begin walls. • Unit C the masons will be laying block to slab height. • Working out the underground details for the washer and dryer installed in Unit C.

5) **TIMECLOCK PLUS PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for TimeClock Plus (TCP):

- We had a meeting last week with the Prosecutors Office to go over several things that they do differently in payroll and how we can accommodate those into TCP.
- We had an internal meeting as well to discuss TCP and final clean-up of some of the data.

- We are on track this quarter to have one payroll voucher and the auto transfer of TCP data into that payroll voucher. Key will be training for department heads and elected officials so that the process can be explained in detail.

6) **K2M 20 YEAR NEEDS ASSESSMENT PROJECT UPDATES**

Michael Nielsen, Project Manager, presented the following updates for K2M 20 Year Needs Assessment Project:

- The final report is in its final stages and being reviewed for any errors or omissions.
- Goal to present to the Commissioner and the Council in February.

IN THE MATTER OF STAFF REPORTS

- APC – Stephen Elkins
- Capital Investments / Facilities – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Other Elected Officials

Nick Parr, Director of Highways presented the following item(s):

- 1) **R.H. Cowan Quote:** Request ratification of the executed quote for a 2-post lift. The lift is for raising vehicles up for repairs and services in the highway department shop and was included in the ARP safety and remote working equipment list of needs. The quote is for a total of \$10,921.77. There is a 50-day lead time before installation can occur.
Commissioner Beyer moved to approve ratifying the R.H. Cowan Quote. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 2) **Comcast Fiber Build:** Requesting execution of the Butler Fairman & Seufert (BFS) Task Order #39 which is for construction inspection of a Comcast fiber build taking place along 96th St, Pineview Drive and Ford Road, Boone County work in the right of way permit #202310159. The inspection services include conducting project meetings, site inspections, overseeing compliance with county standards and permit requirements, and reviewing final construction documents. The total not to exceed of this task order is \$15,000.
Commissioner Wolfe moved to approve the BFS Task Order #39. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 3) **Spectrum Fiber Build 0H14E:** Requesting execution of Butler Fairman & Seufert (BFS) Task Order #42 which is for construction inspection of a Spectrum fiber build taking place in the general area from SR 32 to CR 300 S between 400 E and US 421, Boone County work in the right of way permit # 202310170. The inspection services include conducting project meetings, site inspections, overseeing compliance with county standards and permit requirements, and reviewing final as-built drawings. The total not to exceed of this task order is \$12,000.
Commissioner Beyer moved to approve the BFS Task Order #42. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 4) **Spectrum Fiber Build 0H01E:** Requesting execution of Butler Fairman & Seufert (BFS) Task Order #44 which is for construction inspection of a Spectrum fiber build taking place in the general area from SR 32 to CR 500 S between 100 E and Mid-Jamestown Road,

Boone County work in the right of way permit # 202310133. The inspection services include conducting project meetings, site inspections, overseeing compliance with county standards and permit requirements, and reviewing final as-built drawings. The total not to exceed of this task order is \$12,000.

Commissioner Wolfe moved to approve the BFS Task Order #44. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 5) Project 2023-08, Pineview Small Structure Replacement (New EA-021):** Requesting execution of the consultant services agreement with CivilCon, Inc. for the hydraulic design, cost estimates, permitting, creation of bid documents and other related services needed for the replacement of the existing structure. The current structure is in poor condition and after investigating several other options we have determined that it must be replaced. This structure is located on Pineview Drive just north of 96th street and is the only access to several homes, therefore a temporary run around must be constructed to provide access. The total not to exceed is \$57,500. This will be paid for with funds reimbursed to the county for expenses incurred to construct a pedestrian path on Bridge 217 (Templin Road over Eagle Creek).

Commissioner Beyer moved to approve the consultant services agreement with CivilCon, Inc. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 6) VS Engineering On-Call Agreement:** Requesting execution of an on-call hourly agreement with VS Engineering, Inc. VS Engineering is the consultant under contract for our bi-annual bridge inspections and there are occasional needs for assistance when a critical finding is found during inspection. Having an agreement in place allows us to move quickly toward resolving urgent issues that could come up.

Commissioner Beyer moved to approve the on-call hourly agreement with VS Engineering, Inc. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

7) Other Highway Items for Information/Discussion

- 450 N from 350 W to 275 W is anticipated to close for construction 1/26/2024 for the replacement of WA-030. Contract documents allow for a 45-day closure.
- 900 N between 1100 W and the Montgomery County Line is anticipated to close 2/8/2024 for the replacement of SC-015. Contract documents allow for a 90-day closure.
- AES Indiana is planning to close Indianapolis Road at the Hendricks County Line for utility pole work from 1/8 to 1/12
- CCMG funding applications have been submitted for bridges 17 & 19, award announcements are anticipated in May.

IN THE MATTER OF PUBLIC COMMENT

Dave Meyers, Boone County resident, presented the Notice and Demand to Immediately Release All State and Federal Contracts Related to Boone County Elections Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent and read it aloud. (See Appendix #2)

Commissioner Beyer commented on the number of months constituents have attended meetings and expressed concern regarding elections. There are three main concerns are: 1) impossibly similar elections in all 92 counties of Indiana. 2) Straight Party button for all the candidate races, such as at large or school board races. 3) Notices that have been served to the Commissioners, Election Board, and other state officials informing and instructing them to do the job they agreed to

do. Beyer also presented The Federalist Number 46, [January 29, 1788] that were sent to him directly and read it aloud.

“Resuming the subject of the last paper I proceed to enquire whether the federal government or the state governments will have the advantage with regard to the predilection and support of the people. Notwithstanding the different modes in which they are appointed, we must consider both of them, as substantially dependent on the great body of the citizens of the United States. I assume this position here as it respects the first, reserving the proofs for another place. The federal and state governments are in fact but different agents and trustees of the people, constituted with different powers, and designated for different purposes. The adversaries of the constitution seem to have lost sight of the people altogether in their reasonings on this subject; and to have viewed these different establishments, not only as mutual rivals, and enemies, but as uncontrolled by any common superior in their efforts to usurp the authorities of each other. These gentlemen must here be reminded of their error. They must be told that the ultimate authority, wherever the derivative may be found, resides in the people alone; and that it will not depend merely on the comparative ambition or address of the different governments, whether either, or which of them, will be able to enlarge its sphere of jurisdiction at the expense of the other.”

Tom Whitsitt, Boone County resident, commented that he is astounded that we are having this kind of discussion. It seems to him that a group of people, a vocal minority, is coming forward demanding paper ballots and only allow for one day to vote as a measure to suppress voting rather than encourage it. Whitsitt also attended the most recent Election Board meeting and listened to Becky McClure, who is a lawyer, previous Judge, and is well acquainted with the law. Whitsitt also reviewed some of the materials presented. The authority is with the Election Board, not the County Commissioners or County Council. He recommends anyone who would like to change that to go to the state legislature to request a change in the law. This request is being made to the improper body.

Richard Porter, Boone County resident, commented on Boone County using voting machines for elections dating back to when he was a child. His parents stressed to him the importance of voting and he never missed an election. Porter is proud to be an American living in the great state of Indiana-and Boone County. He trusts the people running the elections. These people are his friends and neighbors, not enemies. They may not always agree, but he trusts that they will do a great job. He is proud of the job they have done.

Commissioner Wolfe prepared a statement for today’s meeting.

“First off, I want to commend the citizens that have been presenting to us for the efforts that have been made to this point. As County Commissioner's we do not often get feedback on issues from the citizens until after a decision was made, and then some choose to criticize the process and use phrases like "I did not know anything about that" or "the County has done this behind closed doors". While these statements could not be farther from the truth, this seems to be a mantra that continues to be repeated. We meet here in this chamber twice a month in public meetings to conduct the business of the county.

These citizens made efforts to be on our agenda several times, and also approached the County Election Board to be on theirs. The efforts made to engage the public have been admirable with over 165 members of the public reaching out to the commissioners with a document they believe in, and that they have signed.

This group has presented several forms of information as well as some statistical analysis that may have some merit, and I likely agree with some of the conclusions which have been presented. However, I do not agree with other of their conclusions, or more importantly, the proposed process, which they believe provides a remedy to their concerns.

*I have researched the state constitution, the related State Codes, along with several examples of case law, and have determined for myself that this body does not have the authority or the ability to supersede the decisions made by the County Election Board. I am sure there is disagreement with that conclusion by many members of the public, and specifically by many of the citizens who have recently attended our meetings. It has been stated that this board must uphold the constitution by any means and these suggestions have mostly been focused on the language in Article 2 of the Indiana Constitution, however, we have a responsibility to support the constitution in its entirety, including Article 4 which gives specific rights to the state legislature to pass laws that govern the process by which we operate, including how elections are performed. Indiana Code, under which we **must** operate, specifically addresses electronic voting machines and the methods of voting. During the presentations before the commissioners, it has been stated that the group has found no specific, supportable evidence of voter fraud or where the machines used currently have been tampered with.*

*I recently met with two citizens who support the requests made for balloting changes. I found them to be remarkably informed and very respectful, and I hold both of them in high regard for the research they have done and the dedication to their beliefs. We found agreement on some issues and not on others. One of the strongest foundations of our republic is that discussion and public debate are supported by our constitution, and this is also supported by **most** who live in this country. Unfortunately, it has become common practice in our country to ignore the value of debate and the ability to respectfully disagree without extensive animosity. I asked if these gentlemen had met with our legislators, they said they had not so I offered at that meeting to assist in any way that I could to facilitate meetings with them with our state legislators.*

Some members of this group have stated to me that if we did not take the actions requested of us, that they would make every attempt to get me defeated in the next election. That is your right to do so, I encourage everyone to take an active role in our elections process. I would, however, encourage these individuals, and any others paying attention, to review the body of work of the commissioners have completed the last several years, consider that work as a whole, and not make hasty emotionally charged decisions over one issue. I have never taken any action, nor have I voted for any action, specifically to garner a vote, and I do not intend to do so now.

Therefore, my conclusion is that this board has no authority nor any mechanism by which to take over the local election process. I believe that such efforts to do so are unlawful, and as an elected official I do not feel that I can support any action that would violate state or federal laws.

In conclusion, I cannot make or second any motion superseding the authority of the County Election Board. As always, I am happy to discuss my position further."

Commissioner Lawson commented that he appreciates all the information that has been presented to the board, it is very important. He echoed not being able to support any action that would violate state or federal laws. Discussions are always welcome as they want to hear from the people.

IN THE MATTER OF DOCUMENT SIGNING

1) Claims Dockets – regular, prepays, payroll, and insurance.

Commissioner Beyer moved to approve Budgetary Claims presented from the Auditor's Office. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

See (**Appendix #3**) for a list of mail opened by the Commissioners on this date.

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 10:23 AM on Tuesday, January 16, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.