

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE APRIL 1, 2024 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, April 1, 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 9:21 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

The meeting minutes for March 18, 2024 were tabled.

IN THE MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) AT&T renewal contract for dedicated internet pricing schedule.

Commissioner Wolfe moved to approve the AT&T renewal contract for dedicated internet pricing schedule. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF 2024 UMR PLAN DOCUMENT

Kaylee Jessie, Executive Administrator, presented the 2024 UMR plan acceptance letter, which includes a summary of modifications. Megan Smith, Human Resources Director, reviewed the summary of modifications and compared the 2024 SPD to the 2023 SPD. There were no major changes to the plan to report.

Commissioner Beyer moved to approve the 2024 Plan Document and Acceptance Letter. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF PUBLIC HEARING TO RE-ESTABLISH THE CUMULATIVE BRIDGE FUND

Bob Clutter, County Attorney, presented the re-establishment of the Cumulative Bridge Fund pursuant to the Indiana Code 8-16-3. The tax will be levied on all taxable real and personal property within the taxing

district and will not exceed \$.0228 per \$100 of assessed valuation. This tax rate will be levied beginning with taxes assessed for 2024 and payable in 2025. This is within the levy, so it is not a tax increase.

Commissioner Lawson opened the public hearing at 9:17AM. No members of the public came forward to comment. The public hearing was closed at 9:18AM.

Clutter presented Ordinance 2024-05 re-establishing the Cumulative Bridge Fund and increasing the tax rate for the fund pursuant to Indiana Code 8-16-3 and read it aloud in pertinent parts pursuant to state law.

The Notice of Hearing was published in the Lebanon Report on 3/19 and 3/26.

Commissioner Wolfe moved to approve Ordinance 2024-05. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF COMMUNITY CORRECTIONS 2025 GRANT APPLICATION AND BUDGET

Michael Nance, Community Corrections Director, requested a letter of support to the Indiana Department of Corrections for the Community Corrections grant applications and budgets for calendar year 2025.

Commissioner Wolfe moved to approve the letter of support for the Community Corrections grant applications and budgets for CY 2025. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF PROCLAMATION FOR PREVENT CHILD ABUSE AWARENESS MONTH

Matt Wilson, President of Boone County Prevent Child Abuse Group, presented a proclamation for Prevent Child Abuse Awareness Month and read it aloud:

CHILD ABUSE PREVENTION MONTH

WHEREAS, all citizens have a legal responsibility as individuals and a moral obligation as members of a community to ensure the well-being of children; and

WHEREAS, the effects of child abuse need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships among social service agencies, schools, religious and civic organizations, families, law enforcement and the business community; and

WHEREAS, citizens should become more aware of the negative effects of child abuse and its prevention within the community, and should become involved in supporting parents to raise their children in a safe, nurturing environment; and

WHEREAS, the State of Indiana, through the Department of Child Services, continues to facilitate progress toward realizing the goal of protecting children and of providing high quality, uniform treatment services for these children and their families; and

WHEREAS, Boone County continues to promote a proactive response to the problems of child abuse and neglect by supporting the efforts of Prevent Child Abuse Boone County, Department of Child Services, Sylvia's CAC, Boone County CACA, Boone County Mentoring Partnership, Healthy Families Boone County, Firefly and Mental Health America of Boone County; and

WHEREAS, it is imperative that we acquire a working knowledge of the phenomenon of child abuse and neglect and that we demonstrate support for work of both professionals and volunteers.

Wilson requested blue lighting at the government buildings along with the Prevent Child Abuse Awareness signage and pinwheels for display to bring awareness.

Commissioner Beyer moved to approve recognizing April as Child Abuse Prevention Month and permit the signage, pinwheels, blue lighting for the month. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF KEYBANK LEASE AMENDMENT

Bob Clutter, County Attorney, presented the KeyBank National Association third amendment to the lease. The parties have agreed to amend the renewal term from five (5) years to three (3) years terms. The next term will be March 1, 2025 through March 1, 2028.

Commissioner Wolfe moved to approve the KeyBank National Association third amendment to the lease. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

BOONE COUNTY JUSTICE CENTER PROJECT UPDATES

The commissioners received a report from the Project Manager regarding updates.

TIMECLOCK PLUS PROJECT UPDATES

The commissioners received a report from the Project Manager regarding updates.

NEOGOV PROJECT UPDATES

The commissioners received a report from the Project Manager regarding updates.

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) Task Order #1 with Kimley Horn, it is for the implementation of the right-of-way ordinance and utility accommodation policy. The master services agreement was executed at the 3/18 meeting. Commissioner Beyer moved to approve Task Order #1 with Kimley Horn. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) A bond release for Everstream GLC Holding Company LLC in the amount of \$70,000.

Commissioner Wolfe moved to approve the bond release for Everstream GLC Holding Company LLC. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

3) Indiana Sign & Barricade, Inc quote for construction sign installation and removal for Boone County Road Program.

Commissioner Beyer moved to approve the Indiana Sign & Barricade, Inc quote. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

4) The Boone County Highway Department is moving forward with the monument construction on Bridge 41. One of the commitments from the environmental and historic processes during project development was bridge stones would be used to create a monument commemorating the historic structure.

5) **Highway Items for Information/ Possible Discussion**

- 900 N between 1100 W and the Montgomery County Line is closed for the replacement of SC-015.
- Road work around the Lilly project
 - 450 N is closed for reconstruction and paving
 - Crews are working at the intersections of 375 N/SR 39 and 150 W/ SR 47
 - Sanitary sewer construction is anticipated to begin in the near future
- CR 100 S between Lyn Lea Ln and CR 650 S closes 4/1/2024 for the replacement of WO-016. 45 Day Closure.
- CR 250 S and John Shaw Rd – Traffic Pattern Change

IN THE MATTER OF DOCUMENT SIGNING

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

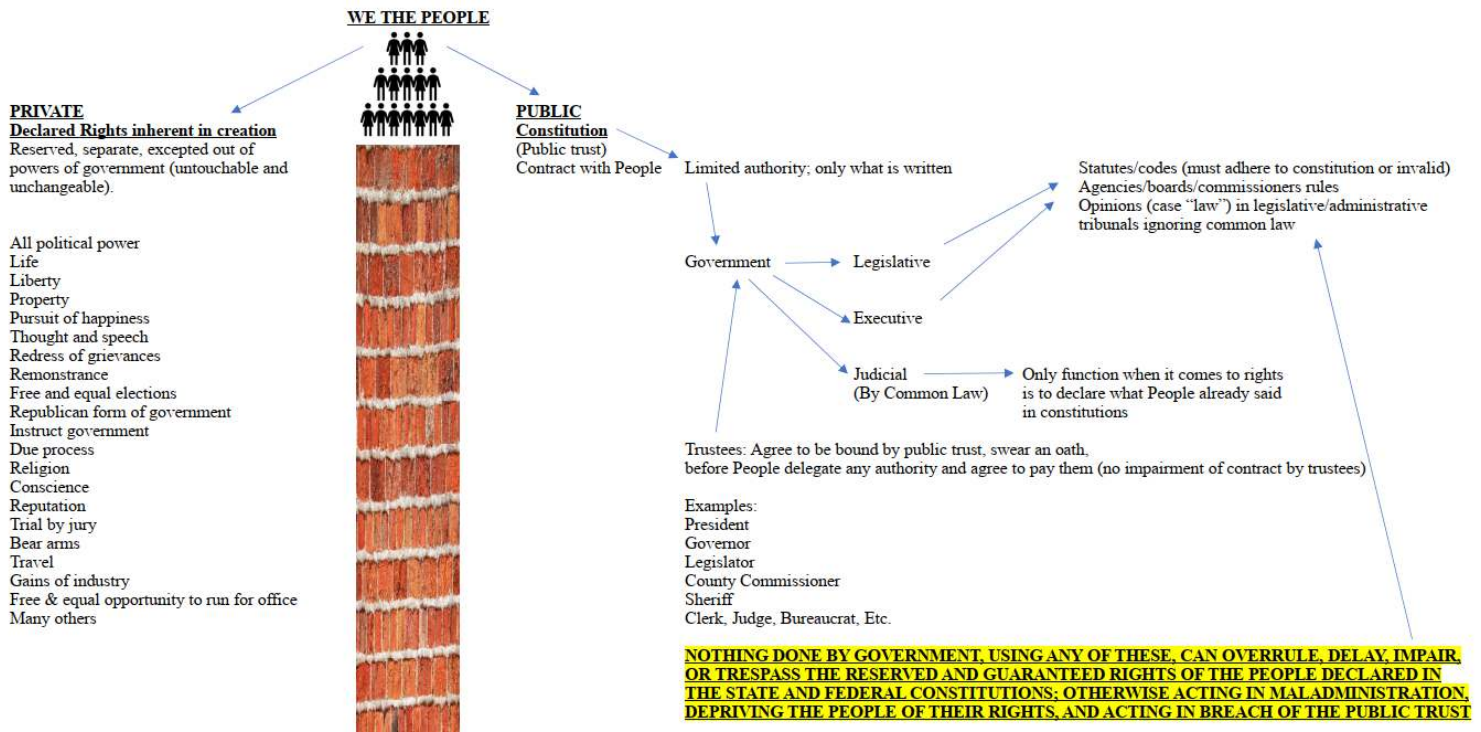
Commissioner Wolfe moved to approve Budgetary Claims presented from the Auditor’s Office. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF MAIL

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

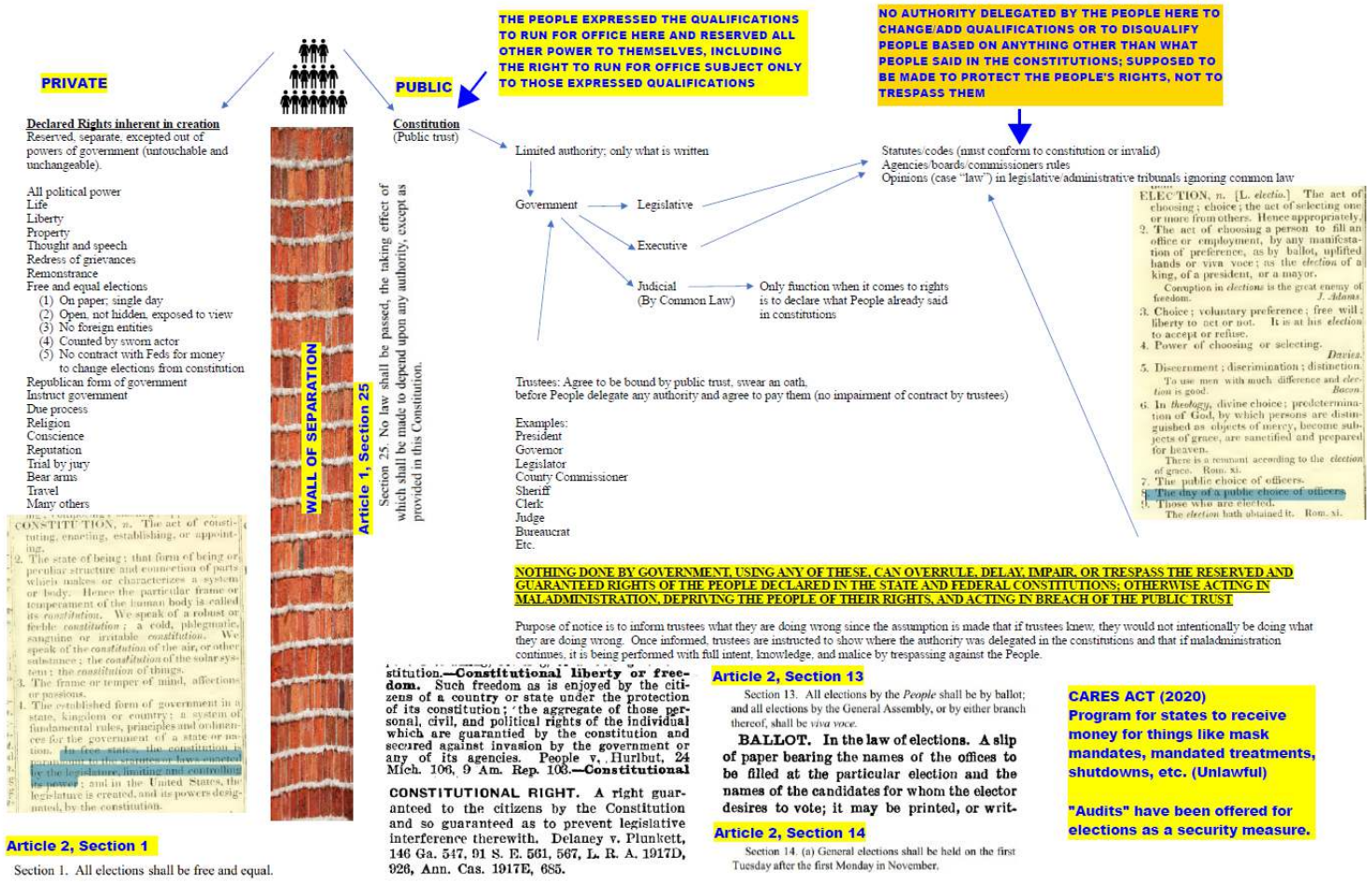
IN THE MATTER OF PUBLIC COMMENT

Dave Myers requested a status update on the records request regarding contracts/agreements related to the county elections. Kaylee Jessie, Executive Administrator, reported that she has reviewed the meeting minutes from 2002 – 2022. Will be reviewing 2023 and 2024 meeting minutes this week and will begin pulling the contracts/agreements referenced in the minutes from 2002 to present date. Commissioner Beyer thought there might be a question about this and would like to continue discussion related to elections. Commissioner Beyer presented the following four (4) slides:



stitution.—Constitutional liberty or freedom. Such freedom as is enjoyed by the citizens of a country or state under the protection of its constitution; 'the aggregate of those personal, civil, and political rights of the individual which are guaranteed by the constitution and secured against invasion by the government or any of its agencies. *People v. Hurlbut*, 24 Mich. 106, 9 Am. Rep. 103.—**Constitutional**

CONSTITUTIONAL RIGHT. A right guaranteed to the citizens by the Constitution and so guaranteed as to prevent legislative interference therewith. *Delaney v. Plunkett*, 146 Ga. 547, 91 S. E. 561, 567, L. R. A. 1917D, 926, Ann. Cas. 1917E, 685.



Commissioner Beyer stated we are about to engage in a process that looks like an election, but it is not an election based on what the people said in the constitution.

Commissioner Beyer also wanted to address Dave Myers's records request. There are approximately 77 different public meeting minutes that Kaylee Jessie has pulled thus far related to elections. Commissioner Beyer asked if we were at a point where we could release those to Dave Myers. Kaylee Jessie stated that Dave Myers only requested copies of contract/agreements related to elections but would include the meeting minutes if desired.

The discussion on election procedures and legal authority continued, with Lisa Bruder, the County Clerk, questioning Commissioner Beyer's presentations and his perceived use of his public position to influence others, especially given the upcoming elections. Bruder questioned Commissioner Beyer whether or not he was elected on the same machine as her previously. Commissioner Beyer defended his actions, stating that he addressed being elected on a machine earlier in his presentation. Additionally, that he was presenting information from the constitution and was not attempting to misuse his position. Commissioner Beyer stated that the Commissioners have received notices from the people—the election board received them too—instructing us to conduct elections procedures in accordance with the constitution. Commissioner Beyer emphasized the need for full disclosure of all contracts related to elections and highlighted the responsibility of elected officials to uphold the constitution. He challenged Bruder to provide the proof that had been requested in the notices supporting she has authority to continue conducting elections the way that she has been. Debbie Ottinger, County Recorder and Republican Party Chair, provided insight from the last Election Board Meeting, where Becky McClure, President of the Election Board, presented definitions from the state constitution regarding elections. She pledged to compile the information for the Commissioners to review. Ottinger also

reaffirmed that the Election Board is comprised of representatives from both parties and the County Clerk, ensuring bipartisan representation. Additionally, Ottinger expressed concerns about the fairness of a single day of voting and noted that there are various issues that warrant discussion.

IN THE MATTER OF ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners' Meeting at 10:09 AM on Monday, April 1, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.