

BOONE COUNTY BOARD OF COMMISSIONERS

Meeting Agenda for August 5, 2024 at 9:00 AM

Connie Lamar Meeting Room
Boone County Annex Building
116 W. Washington St., Room 105
Lebanon, Indiana 46052

This is a friendly reminder that the Commissioners meeting will be open to the public. The Commissioners ask that Elected Officials/Department Heads to be mindful to members of the public and media as seating will be limited. There is a conference bridge functionality that is available to you.

ZOOM LINK- <https://zoom.us/j/4874385613>

Please mute your audio while on the call unless you are presenting an agenda item.

****Revised****

1. Call Commissioners' Meeting to Order.
2. Determination of Quorum and Pledge of Allegiance to the Flag
3. Approval of Minutes of the July 15, 2024 Commissioners' Meeting
4. New Business
 - A. Legal Issues County Attorney
 - B. Discuss Bus Safety on Witt Road Corbin Burnell
 - C. Request Use of Courthouse Mike Spidel/Rockie Wilson
 - D. Wildman Credit Application Max Mendenhall
 - E. Discuss Housing Development and Wastewater Jamestown Representatives
 - F. ARPA Project List Amendment Commissioners
 - G. Civilcon Inc. Design Contracts (PE001 & HA015) Nick Parr
 - H. Add a New Cellular Data Line to the Verizon Plan Nick Parr
 - I. Seal Master Credit Application Nick Parr
5. Old Business
 - A. Project Manager Updates Mike Nielsen
6. Staff Reports
 - A. Area Plan
 - B. Capital Investments / Facilities Max Mendenhall
 - C. Health Department Lisa Younts / Abby Messenger
 - D. Highway Department Nick Parr
 - E. Human Resources Megan Smith
 - F. IT Support GUTS
7. Elected Officials
8. Document Signing

9. Acknowledgment of Correspondence

10. Adjourn

This agenda is subject to change after official notification. All times are approximate. The meeting may be extended depending upon the circumstances. The meeting will be held at the same time on the next Tuesday if the regularly scheduled Monday meeting has been canceled due to an emergency.

The Board of Commissioners for Boone County Indiana acknowledges its responsibility to comply with the American Disabilities Act of 1990. In order to assist individuals with disabilities who require special services (i.e. sign interpretative services, alternate audio/visual devices, and amanuenses) for participation in or access to County sponsored public programs, services and or meetings, the county requests that individuals make request for these services forty-eight (48) hours ahead of the scheduled program, services and/or meeting. To make arrangements, contact Kaylee Jessie, Executive Administrator at (765) 483-4492 or email: kjessie@co.boone.in.us.

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE AUGUST 5, 2024 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, August 5, 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 9:10 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF AMENDING THE AGENDA

Commissioner Beyer moved to amend the agenda to include Boone County Senior Services Section 5311 Quarter 2 claim. Motion seconded by Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF MINUTES

Commissioner Beyer moved to approve the Minutes of July 15, 2024 Commissioners' Meetings as presented. Motion seconded by Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Bob Clutter, County Attorney, presented the following item(s):

- 1) Indiana Family and Social Services Administration (FSSA) incarcerated offenders provider renewal agreement (503Boone24CountyMed). Adult and juvenile offenders may be eligible for Medicaid coverage as offered through FSSA's programs while receiving inpatient services delivered at a Medicaid approved facility during incarceration. This Agreement covers two scenarios: 1) FSSA makes coverage available to eligible offenders for inpatient services and the county reimburses FSSA in the amount of the State share; and 2) the County assists offenders whose period of incarceration is ending to apply for Medicaid, including HIP 2.0.

Commissioner Beyer moved to approve FSSA incarcerated offenders provider agreement and authorized Commission Lawson to execute the document on behalf of the board. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Acceptance/release of the following bonds:
- **Accept** Maintenance Bond for Jackson Run East 2
 - Storm & SSD Drains in the amount of \$92,080.00
 - **Accept** Maintenance Bond for Prairie Chase Section 2
 - Storm & SSD Drains in the amount of \$144,220.00
 - **Release** irrevocable letter of credit for Prairie Chase Section 2
 - Erosion Control in the amount of \$50,000.00
 - Storm Drains in the amount of \$350,000.00

Commissioner Beyer moved to approve the acceptance/release of bonds as presented. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) Veridus Group recommendation letter 091 for Hagerman's PCO #064A in the amount \$126,720.00 dated July 25, 2024, or the design fees associated with a new fueling station.

Commissioner Wolfe moved to approve Veridus Group recommendation letter 091 – fueling station design fees. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF BUS SAFETY ON WITT ROAD DISCUSSION

Corbin Burnell, Boone County resident and student, read aloud a speech he prepared for today's meeting providing updates of the bus safety on Witt Road.

“Hello commissioners. My name is Corbin and I live at 5125 N 150 W on the construction road to Eli Lilly. I thought it was important to update you on the conditions of our road now versus last year when we were last here. Living on Witt Road has been hard for all of us this past year. Our lives have been totally different than how they ever were before. The trucks wake us up really early and they go all day long, it can be very hard to relax. They are super loud and it's been hard to get used to. I want to start by thanking Sheriff Tony and his team for everything they have done to try to help us out there. My sister and I love it when we look outside and see those guys at the end of the driveway making sure drivers are being safe. This is very important as the traffic numbers are continuing to grow all the time. The traffic has more than doubled since the last time we talked about this. North Witt road has a very serious speeding problem, with dump trucks and cement trucks sometimes going almost twice the posted speed limit. Large trucks going too fast would never be able to see my school bus stopped until it was too late, putting so many of us kids in danger and that is a scary thought. As the number of trucks and cars keep growing I am very worried about how we can keep the school buses safe and make sure we can all get to school and back home without trouble. School starts Wednesday and we don't have a bus driver anymore for our bus. We will have one bus that we ride to school in the morning and then a different one that we come home on. I ask you all to help us make sure that our road is as safe as possible starting Wednesday morning when we go back to school. I also ask for assistance with the roads surrounding Eli Lilly so that all of my friends and their families are able to get to the places they need to go safely and on time. Although I am just a kid, I understand that Eli Lilly is here to stay. But I also feel that they should be aware of how much they are affecting our lives and try to do whatever they can to help us. Again thank you to the sheriff's department for always being present and thank you Donnie, Jeff, and Tim for letting me talk and trying to help my family and neighbors during all of this.”

Jeff Wagoner, who handles community relations and communications for FLOUR Corporation, was present and thanked Corbin for his presentation. He also commended Corbin for a job well done. Jeff acknowledged concerns about driver speeds coming in and out of the Lilly site. He explained that there are around 300 drivers using the north access point, which is currently the only entrance open. Additionally, the site has about 600-650 employees entering and exiting daily. FLOUR enforces a strict 15 mph speed limit on-site and addresses speed

limits and respect for neighbors during their weekly safety breakfast meetings. They also have a digital speed limit sign along CR 150 W, though not all drivers pay attention to it. To improve compliance, FLOUR will be hiring off-duty officers starting next week to monitor the area. Jeff emphasized the importance of communicating these issues and putting a face to the concerns, and he will share today's message with the staff to help independent drivers understand the significance of following speed limits. The south entrance is expected to reopen in approximately six weeks, which should alleviate some of the traffic congestion on the north side.

Katie Reasoner, Lilly representative, works closely with the FLOUR team, emphasized that they talk daily to ensure the site and surrounding areas are as safe as possible.

Sheriff Tony Harris complimented Corbin on his presentation and confirmed that the sheriff's department will maintain a heavy presence in the area. He supported the initiative to employ off-duty officers to monitor traffic and echoed the importance of proactive measures to ensure safety during the construction.

IN THE MATTER OF REQUEST USE OF THE COURTHOUSE

Mike Spidel, Veterans Affairs Office, introduced Colonel Rockie Wilson and presented a request to use the courthouse rotunda for his retirement ceremony. The event is scheduled for Friday, February 14, 2025.

Colonel Wilson expressed his gratitude to Spidel for the introduction and shared a bit more about his background. As Lebanon is his hometown, he would be deeply honored to hold his retirement ceremony at the courthouse. The ceremony would be opened to the public for anyone who wishes to attend.

Commissioner Wolfe moved to approve the use of the courthouse rotunda for Colonel Wilson's retirement ceremony. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF WILDMAN CREDIT APPLICATION

Max Mendenhall, Director of Capital Investments, presented a credit application for Wildman.

Commissioner Wolfe moved to approve the credit application for Wildman. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF HOUSING DEVELOPMENT AND WASTEWATER DISCUSSION

Lori Hieston, the Clerk Treasurer of Jamestown, requested Boone County's assistance with an urgent sewer infrastructure project in the town. Jamestown would like to grow, but the existing sewer plant is insufficient to meet the demands. Currently, there is a 199-home development planned for the town; however, the sewer capacity only supports 64 homes, corresponding to the first phase of this development. In 2023, Jamestown completed a sewer rate study and has planned a 28% increase in rates over three years: 22% in the first year (beginning November 2023), followed by 3% in each of the subsequent years. The town has secured a \$4 million loan from the Residential Infrastructure Fund to address these challenges. However, to cover the bond repayment, an additional 62% increase in rates would be necessary. This would result in an average monthly residential bill of \$144.55 solely for sewer services. The soft costs associated with this project are approximately \$1 million, which are not eligible under the current fund program. Jamestown is seeking \$3

million in funding to cover these soft costs, which would help mitigate the impact on residents by limiting the rate increase to 17% above the planned 28%. This additional funding would also enable the town to double its sewer capacity, facilitating future growth and addressing the needs of the new development. Without this additional funding, the town may face similar constraints by the end of the first development phase. While Jamestown could consider scaling back the project, this would only delay the issue, leaving the town in the same situation as it faces the growth demands.

Joshua Hawkins, Utilities Superintendent of Jamestown, has been diligently working on sourcing wells and developing a long-term strategy involving connection to the Lizton citizen's water system. Within the next two years, Jamestown will need an additional \$5 million to construct a 5-mile water line. Given the anticipated expansion, including three housing developments and potential commercial projects along the interstate, any assistance to mitigate these costs would be greatly appreciated. The demand for wastewater capacity will directly depend on the extent of future development in the area.

Jamestown is currently in the design phase of the expansion of the current system. They already own the plant and an additional 5-acres for the expansion.

Commissioner Wolfe informed the Jamestown representatives that Boone County has already committed most of its American Rescue Plan Act (ARPA) funds, which means this option is no longer available for this project. He expressed uncertainty about other potential options at this time but assured that he would give further thought to possible solutions to assist with the funding needs.

IN THE MATTER OF ARPA PROJECT LIST AMENDMENT

The County's American Rescue Plan Act funding plan as follows:

A. Proposed Actions to Support Public Health Expenditures.

- i. Investment in Boone County Drug Court – Estimated cost of \$80,000 (EC 1.13)
- ii. Infirmary and programming space at county correctional facility for treatment of inmates and to provide space for mental health and substance abuse programming – Estimated cost of ~~\$2,250,000~~ \$2,096,600 (EC 1.12)
- iii. Economic Development Corporation/Community Corrections life skills and financial training – Estimated cost of \$125,000 (EC 2.10)
- iv. Sylvia's Child Advocacy Center (CAC) – Estimated cost \$21,400
- v. Boone County Child Advocacy Center (CAC) and Witham Hospital for Center of Hope – Estimated Cost of \$10,000 (EC1.12)
- ~~vi. Community Corrections Opioid Grant Match – Estimated cost \$225,000 (Removed – Boone County did not receive the grant.)~~

B. Proposed Actions to Respond to the Negative Economic Impacts of COVID-19.

- i. Grant to Convention and Visitors Bureau for lost revenues – Estimated cost of \$280,000 (EC 2.35)
- ii. Grant to Witham Hospital for lost revenues – Estimated cost of \$350,000 (EC 2.36)

C. Proposed Uses for the Replacement of Lost Public Sector Revenues.

- i. County information technology updates and cybersecurity improvements to protect citizen health data – Estimated cost of \$350,000 (EC 6.1)

- ii. Protective and remote equipment for Boone County Highway Department – Estimated cost of \$110,000 (EC 6.1)
- iii. Boone County Child Advocacy Center (CAC) for lost revenues - Estimated cost of \$21,400
- iv. HVAC Control Upgrades (Courthouse & Annex) – Estimated cost of \$125,000
- v. Tractor for Trail Maintenance - Estimated cost of \$125,000

D. Proposed Actions to Invest in Water, Sewer, Broadband, and Infrastructure.

- i. Advance wastewater generators project – Estimated cost of \$132,000 (EC 5.2)
- ii. Advance READI Grant Match – Estimated cost of \$50,000
- iii. Thorntown sanitary sewer project and lagoon enlargement – Estimated cost of \$2,000,000 (EC 5.2)
- iv. Jamestown sidewalk improvement project – Estimated cost of \$400,000
- v. Broadband service expansion – Estimated cost of ~~\$2,000,000~~ \$260,000 (EC 5.21)
- vi. Jackson Run two-stage ditch improvements to County Road 650 East – Estimated cost of \$400,000 (EC 5.6)
- vii. Trailside 36-inch outlet across Main Street – Estimated cost of \$700,000 (EC 5.6)
- viii. Carroll regulated drain reconstruction – Estimated cost of ~~\$500,000~~ \$358,793.02 (EC 5.6)
- ix. Terhune drainage improvements – Estimated cost of ~~\$300,000~~ \$900,000 (EC 5.6)
- x. Grassy Branch regulated drain and two bridge replacements necessary for reconstruction – Estimated cost of ~~\$3,000,000~~ \$1,371,262.14 (EC 5.6)
- xi. Pearson regulated drain reconstruction and replacement or repair of bridges and culverts necessary for reconstruction – Estimated cost of \$200,000 (EC 5.6)
- xii. Regulated Legal Drain Improvement Projects - Estimated cost of \$508,000
- xiii. Bridge Replacement Projects - Estimated cost of \$650,000
- xiv. Bridge Rehabilitation Projects – Estimated cost of \$490,000
- xv. Small Structure Replacement Projects – Estimated cost of \$890,000
- xvi. Contour Data / LiDAR Readings for the Entire County - Estimated cost of \$67,960.81**

E. Revenue Replacement and Administrative Expenses

- i. Costs of administering the program (EC 7.1)
- ii. Provision of government services, replacing lost revenue – All remaining funds (EC 6.1)

Commissioner Beyer moved to approve adding the Contour Data/ LiDAR Readings for the entire county to the ARPA Project List. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF CIVILCON INC. DESIGN CONTRACTS (PE001 & HA015)

Nick Parr, Director of Highways, presented an agreement with Civilcon Inc. for the hydraulic sizing, plan details, quantities and permitting for two small structures along Belt Ditch- PE001 and HA015 – Projects 2024-12 and 2024-13. These are projects included in the ARPA project list.

Commissioner Wolfe moved to approve the Civilcon Inc. design contracts for PE001 & HA015. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF ADD A NEW CELLULAR DATA LINE TO THE VERIZON PLAN

Nick Parr, Director of Highways, requested an additional data line for a tablet that will be used for collecting data.

Commissioner Wolfe moved to approve the additional data line for the highway department. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF SEAL MASTER CREDIT APPLICATION

Nick Parr, Director of Highways, presented a credit application for SealMaster. Having the account will allow tools and materials used by the Highway Department to be purchased.

Commissioner Wolfe moved to approve the credit application for SealMaster. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF BCSSI 5311 QUARTERLY CLAIM

Bob Clutter, County Attorney, presented the Boone County Senior Services Inc (BCSSI) Section 5311 2nd Quarter claim in the amount of \$94,919.00.

Commissioner Beyer moved to approve the BCSSI Section 5311 2nd Quarter claim. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

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"> ● Conducted OAC meeting #76. ● Project is at 77% completion. ● On budget and on schedule. ● We are 96 days without a recordable safety incident. ● Hagerman working on housekeeping continuing with almost 150 contractors on site daily. ● As the project moves into the third quarter Hagerman is stressing with subs the importance of PPE gear. ● Hagerman requesting escorted tours as well as log in at site prior to onsite tours. ● Just so the public is aware, as we enter the final stages of the project we will see more contractors on site during the weekends until the end of September. We don't see any night work at this point.
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Issues	<ul style="list-style-type: none"> • After many meetings and on-site discussions with the civil engineers, Crosby has removed the 10-inch check valve at structure 130 and Max and his team will be installing a six-inch check valve up stream outside of the garage area in the trench drain. We all feel this will resolve any issues with water getting back into the building. • Parts for kitchen dishwasher are coming in the next four weeks. Were not shipped for unknown reasons.
Milestones accomplished since last update	<ul style="list-style-type: none"> • Kitchen Floor Complete. • RTU 6 and 7 are up and operational. • The infirmary floor is completed. • Kitchen cooking equipment and prepping equipment installed. • Unit E masonry veneer is installed. • Exterior windows in building A and Building B installed. • All commercial doors are installed in Lower Level of B. • County working with Health Department in the next few weeks to complete a soft walk through of kitchen area.
Schedule milestones to be accomplished	<ul style="list-style-type: none"> • The elevator in Building B is to be on site for installation this week. • Unit B upper-level flooring starts this week. • Lighting is all building continues. • Unit E interior masonry started last week and will continue through this week. • Upper-level A painting to start this week. • Max is working with BCSO on the shooting ranges about building up of the back stops or berms. • Continue to work on power to the lift station to get the sanitary lines switched over to the new sanity connect with the city.
Utilities	<ul style="list-style-type: none"> • Will work on connecting to City Sewer with new sanitary in the next few weeks. • We are on permanent power in some of the buildings. There will be a point in time in the next few weeks that a scheduled power outage will need to occur, but the Sheriff's Office will be run on generator power and a back-up generator and fuel will be on stand-by. We anticipate 8 hours shutdown. Max and his team are working with the Sheriff's Office to coordinate this.

TIMECLOCK PLUS PROJECT UPDATES

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

- We are still working through the straight time overtime issue with the Auditor. There was a letter drafted to be sent to Auditor Crum addressing the policy, which has not been sent yet.

NEOGOV PROJECT UPDATES

Michael Nielsen, Project Manager, presented the following updates for the NeoGov Project:

- The next module in NeoGov is currently on hold as we wait for confirmation of funding by the council for CY 2025.

IN THE MATTER OF STAFF REPORTS

- APC –
- 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) An amended 2024 Community Crossings letter of support that was previously executed at the July 1st, 2024 meeting. During the Community Crossings Matching Grant (CCMG) application process, we were notified that the INDOT road records included different names than were on our letter of support. In order for the application to be considered, the road names on the letter and the application had to match INDOT's records. The funding amounts were not impacted by the change and the application was submitted prior to the 7/31 deadline.

Commissioner Wolfe moved to approve the amended 2024 Community Crossings letter of support. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 2) An Unofficial Local Detour (ULD) letter of understanding indicating the Boone County can be reimbursed for costs incurred for the maintenance of local roads during an upcoming closure on SR 75 over Wolfe Creek north of CR 400 N. The ULD includes 350 N, 900 W and 500 N. Additional barricades have been added to the project at 350 N, 400 N and 500 N on SR 75 at our request. The official detour includes SR 47, US 52, I-65 & SR 32 and construction is anticipated to begin in June of 2025.

Commissioner Beyer moved to approve the SR75 ULD letter of understanding. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 3) The USI Authorization to Proceed for the hydraulic sizing, plan details, quantities and permitting for two small structures in Jackson Township- JA005 & JA027 – Projects 2024-16 and 2024-17. These are two of the small structures included in the ARPA project list.

Commissioner Wolfe moved to approve The USI Authorization to Proceed for Projects 2024-16 and 2024-17. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 4) The supplemental to the Stantec agreement for Pearson legal drain structure replacements. Stantec will provide conceptual plan sheets and structure layouts for bidding MA002 and MA003 structure replacements – Projects 2024-14 and 2024-15. These are also 2 small structures included in the ARPA project list.

Commissioner Beyer moved to approve the supplemental to the Stantec agreement for Pearson legal drain structure replacements. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 5) Change Order #1 with Rieth-Riley Construction Company, Inc. for Project 2024-02 resurfacing in various townships. This change order removes a quantity that was found not to be needed and adds resurfacing to an additional section of road that was not included in the original contract. This change order reduces the original contract amount by \$57,410.34.

Commissioner Beyer moved to approve the Change Order #1 with Rieth-Riley Construction Company, Inc. for Project 2024-02 resurfacing in various townships. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 6) An agreement to be executed with Montgomery County to provide us the opportunity to use their chip spreader to complete our chip seal program for 2025. The equipment manufacturer and local distributor have not been able to locate and provide the parts needed so we can repair the highway department's chip spreader. An agreement between Boone and Montgomery County was executed when Montgomery County used Boone County's dump trucks several years ago, it is currently being modified to fit this situation. Requesting this agreement to be executed when it has been reviewed by the county attorney which will likely happen before the next meeting.

Commissioner Wolfe moved to approve the agreement between Boone and Montgomery County for use of the chip spreader to complete our chip seal program for 2025. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 7) Other Highway items for information/discussion:

- Violation Letters to Verita Telecommunications and Charter Communications enforcing Boone County Ordinance 2017-13, relating to construction and permitting in county rights-of-way. Commissioner Wolfe moved to approve authorized Nick Parr/Highway Department to work with the County Attorney on violation letters regarding the issues with the broadband installations and violating Boone County's Ordinance. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- The IMPO call for projects is open. An application for a bridge rehabilitation project is planned to be submitted. A letter of support will be coming for consideration at a future meeting. The MPO only funds the construction and construction inspection phases of projects, preliminary engineering and right of way phases are funded with local dollars. This type of project in this call for projects would use state dollars instead of federal dollars, which reduces some of the costs that would be incurred with a project using federal dollars.

IN THE MATTER OF PUBLIC COMMENT

Charles Bookwalter, Boone County resident, presented the Notice of Obligations Impervious to Judicial Discretion and Notice of Lack of Immunity for Unofficial Acts – 2024 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 highlighted that the 2024 voting process was notably less efficient than that of 2022 during the Indiana Republican Party State Convention. The transition to electronic machines in 2024 resulted in a longer voting period for fewer votes. In 2022, there were five votes conducted efficiently using paper ballots, while the 2024 election experienced delays despite having 40 election machines and 6 tabulators on site. The fees for participating on machines also increased by \$50. It was also noted that the 2024 election saw approximately 1,800 delegates voting in a single day. This is significantly larger than the typical size of a precinct.

There was further discussion involving Clerk Lisa Bruder, Commissioner Beyer and Charles Bookwalter centered around their respective roles, constitutional matters, and election processes. It was agreed that this is not the proper form for this discussion. Commissioner Beyer and Charles Bookwalter requested a meeting, as they have done so in the past, to discuss the issues at hand with the Clerk and Election Board. Clerk Bruder

stated that there is no need for a meeting as the Election Board has already ruled to move forward with utilizing machines during future elections.

IN THE MATTER OF DOCUMENT SIGNING

1) Affidavit for payment to GM Development Companies LLC in the amount of \$3,398,620.95 for Draw Request 020 for construction of the Boone County Justice Center (BCJC) expansion project. Commissioner Beyer moved to ratify the affidavit for payment to GM Development Companies LLC. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

2) Claims Dockets – regular, prepays, 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 ADJOURNMENT

With no further business, Commissioner Beyer moved to adjourn the Boone County Commissioners’ Meeting at 10:44 AM on Monday, August 5, 2024. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

Notice of Obligations Impervious to Judicial Discretion and Notice of Lack of Immunity for Unofficial Acts – 2024 Elections

Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent

To: Boone County Election Board, Indiana Secretary of State, Diego Morales
 Cc: Boone County Commissioners, Indiana Election Commission, Indiana House of Representatives (All Members), Indiana Senate (All Members); Indiana Attorney General, Todd Rokita; Indiana Supreme Court; Supreme Court of the United States

I, one of the People (as seen in the **Indiana Constitution, Article 1, Section 1**), republican in form, *Sui Juris*, do serve you, Boone County Election Board Members Rebecca McClure, Lisa Bruder, Brian Jones, and Indiana Secretary of State, Diego Morales, this Notice, by Necessity, that you do provide immediate due care:

Please take notice that the People have come together and assembled in order to examine the vitally important issues regarding the failure of government servants and their attorneys to teach or use fundamental law and how it affects carrying out obligations of government servants to conduct lawful elections; and

Please take further Notice that the People began to put the Supreme Court of the United States on notice, as well as Jim Jordan and other Congressional members, as is our duty under the constitutionally supported concept of creating an atmosphere wherein the People instruct government in a frequent recurrence to fundamental principles. See maxim below (maxims referenced herein are from *A Selection of Maxims of Law* by Charles A. Weisman).

Maxim of Law 51q: A frequent recurrence to fundamental principles, and a firm adherence to justice, virtue, and original law, are indispensably necessary to preserve the blessings of liberty and good government.

Please take further Notice that the Supreme Court of the United States declared the fundamental law in a May 16, 2024 opinion, *Smith v. Spizzirri*, by stating that “*Here, as in other contexts, the use of the word “shall” creates an obligation impervious to judicial discretion*”; and

Please take further Notice that the word “shall” is defined in *1828 Webster’s Dictionary* as a duty, obligation, unavoidable, indispensable (meaning absolutely necessary and that cannot be omitted), requisite, and essential (meaning important in the highest degree). The use of the word “shall” in the trust indenture, known as the Indiana Constitution, creates the following unavoidable duties and obligations that cannot be omitted for elections to be lawful:

1. General elections shall be held on the first Tuesday after the first Monday in November (**Indiana Constitution Article 2, Section 14**).
2. All elections by the People shall be by ballot (**Indiana Constitution Article 2, Section 13**).
3. All elections shall be free and equal (**Indiana Constitution Article 2, Section 1**).

This means that elections shall not be held other than specifically described in the constitution (shall not be held on or for any period of time besides the day specified; shall not be other than by ballot as defined at the time that the constitution was ratified; and shall not be anything other than free and equal).

Please take further Notice that the Supreme Court of the United States declared the fundamental law in a June 23, 2022 opinion, *New York State Rifle & Pistol Association, Inc., Et Al. v. Bruen, Superintendent of New York State Police Et Al.*, that the constitutions mean what they meant at the time of ratification by making multiple references, in its opinion, to the plain text of the constitutions, tradition, and history (what it refers to as historical analysis) and by stating that the constitution’s “*meaning is fixed according to the understandings of those who ratified it*”, and by citing a prior June 26, 2008 opinion, *District of Columbia v. Heller*, where the court stated “*constitutional rights are enshrined with the scope they were understood to have when the people adopted them, whether or not future legislatures or even future judges think that scope too broad*”, and

Please take further Notice that constitutions are founded on common law and that acts by government servants contrary to the constitutions and common law are seen as unfavorable. See maxim below.

Maxim of Law 63x: Judges are by no means favorable to things raised recently and subtly against the common law.

Please take further Notice that the Supreme Court of the United States declared the fundamental law in a July 1, 2024 opinion, *Trump v. United States*, by stating that “*There is no immunity for unofficial acts*”, and by stating that “*determining whether an action is covered by immunity thus begins with assessing the...authority to take that action*”, and

Please take further Notice that in *1828 Webster’s Dictionary*, “**Official**” is defined as “*pertaining to an office or public trust*”. The People are aware that, even when following an enactment of the legislature, there is no immunity for actions taken by any government servants against the People’s guaranteed and reserved rights or without the expressed authority delegated by the People in public trusts, known as constitutions, and that when government servants act outside of the limits of their delegated authority, those actions are null and void and they can be held individually liable as they are not acting within their official capacity. See evidence below.

Maxim of Law 52d: Permission is a license to do a thing or an authority to do an act, without such authority, would have been unlawful.

Please take further Notice that the Supreme Court of the United States declared the fundamental law in a February 24, 1803 opinion, *Marbury v. Madison*, by stating that “a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument”.

Can you show me where there has ever been a situation where an enactment of the legislature supersedes the Constitution?

Please take further Notice that Secretaries of State from six States, including Indiana, issued a joint statement on July 18, 2024 on *Election Integrity Opposing Federalization of State Election Processes*. In that joint statement, the Secretaries of State said that “No votes should ever be accepted or counted that are derived from outside the laws as passed by an official act of each state’s legislature”. The People are aware that for elections to be performed in accordance with **official acts** and to be eligible for acceptance or counting, they must be free and equal elections, as the Indiana Constitution secures, which means that elections are one day, use paper ballots, hand count the ballots, only have mail-in ballots for People physically unable to vote on election day (such as physically handicapped or deployed military), that all paper ballots are retained and ready for audits and verification, and that no foreign or extraordinary party is involved in any official conduct of the People’s Elections. Elections performed in any other form, even when following an enactment of the legislature, are derived from unofficial acts and ineligible for acceptance or counting.

Please show me in the Indiana Constitution where you have been delegated the authority to conduct elections in a manner outside of the scope that they were understood to have when the people adopted the constitution. Failure to show this delegated authority means that such authority does not exist, and that proceeding with elections outside of that scope, constitutes both an unlawful and unofficial act, and a breach of the public trust.

Please take final Notice that for nearly the past year, the People have served many notices to you and other government servants concerning lawful elections being performed exactly as specified in your employment contract, the Indiana Constitution, to which you have voluntarily agreed by way of sworn oath as a condition of receiving such employment.

You are also obligated by sworn oath to follow lawful instructions from the People. On what authority are you disobeying such lawful instruction? Did you agree to the constitution when you took the job and swore an oath and you just changed your mind and so now you are breaking your oath or did you not know what you swore to and you did so negligently and you should not be in the office that you now hold?

My constitutionally sound wish, order, and demand, which you are bound by oath to follow unless you can prove by way of sworn affidavit that I have misconstrued the Indiana Constitution or the Maxims of Law, is that you, immediately and without further delay, provide remedy to the People by restoring free and equal elections, as secured by the Indiana Constitution.

If you disagree with any of the information or claims in this notice or if you claim to have been delegated the authority to ignore the People’s instruction pursuant to the constitutions and Maxims of Law, please show, within 10 (ten) days where you were delegated the Constitutional Authority, or agree by acquiescence, all statements in this notice to be truth and fact. Any response from an attorney not directly addressed by this notice will be considered a non-response. All responses not sworn under penalty of perjury are non-responses. If remedy, as instructed, is not given, the People, to whom you swore an oath, will recognize it as being done purposely, with full knowledge, intent, and malice. No court shall be able to rehear this matter, but it shall stand as evidence, truth, and law in all courts of record.

This notice is sent in the peace and love of Jesus Christ that you will give due care to the People, who hold all political power.

Signed at:

Autograph

Printed Name

Date

List and Copies of Prior Notices to Local and/or State Government Officials: <https://shorturl.at/RU8bj>

1. Notice of Maladministration in Elections and Unconstitutional Form of Government
2. Notice of Maladministration of Federal Funds Impairing Free Elections of State (including separate information sheet accompanying notice)
3. Notice and Demand on Redress Regarding Speaking in Public Assembly and Notice of Maladministration and Trespass Against the Rights of Freedom of Thought and Speech
4. Notice and Demand to Immediately Comply with the Indiana Constitution – 2024 Elections <https://form.jotform.com/233597898227072>
5. Notice and Demand to Immediately Release All State and Federal Contracts Related to Boone County Elections <https://form.jotform.com/240145044896054>
6. Notice and Demand to Immediately Correct State Policy Concerning Free and Equal Elections <https://form.jotform.com/240213707539050>
7. Point of Clarity Regarding Indiana Constitution Bill of Rights Article 1 Section 1 and Section 31 <https://form.jotform.com/240140560648148>
8. Notice and Demand of Immediate Redress and Notice of Maladministration and Trespass Against Rights of Free and Equal Opportunities for Those Wishing to Run for Office <https://form.jotform.com/240494046373053>
9. Notice and Demand to Immediately Declare the Fundamental Law Concerning Rights of Free and Equal Opportunities for Those Wishing to Run for Office <https://form.jotform.com/240494450828057>
10. Notice of Breach of the Public Trust - 2024 Elections <https://form.jotform.com/241535182309050>
11. Notice of Fiduciary Capacity as Public Trustee and Agent of the People <https://form.jotform.com/241778387621063>