

Boone County Board of Commissioners Minutes
April 6, 2020
Connie Lamar Meeting Room
Boone County Government Building

Commissioners Present: Donald Lawson, Jeff Wolfe, and Tom Santelli

Commissioners Absent:

Staff Attending: Bob Clutter (County Attorney) and Kaylee Jessie (Administrative Assistant)

Board President Donald Lawson opened the meeting at 9:02 am with the pledge of allegiance.

Approval of Minutes for March 6, 2020 (Special Public Meeting), March 16, 2020 (Regular Public Meeting), March 17, 2020 (Emergency Public Meeting), March 23, 2020 (Special Public Meeting), March 30, 2020 (Special Public Meeting):

Commissioner Santelli made a motion to approve the minutes presented at today's meeting.

Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Legal Issues:

Attorney Bob Clutter presented the following items:

1. Two ServPro proposals to be ratified for cleaning of the ductwork and fogging with disinfectant at the Witham Pavilion and Centennial Halls at the Boone County 4-H Fairgrounds.
 - Witham Pavilion proposal is in the amount of \$12,625.
 - Centennial Halls proposal is in the amount of \$16,000.

Commissioner Wolfe made a motion to approve the ServPro proposals.

Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Reestablishment of the Cumulative Capital Development Fund and the Cumulative Bridge Fund Public Hearings:

Commissioner Lawson opened the Public Hearings for the reestablishment of the Cumulative Capital Development Fund and of the Cumulative Bridge Fund at 9:04 a.m. to the public. County Attorney Bob Clutter began the hearings with a brief statement. The Public Hearings to reestablish the CCD Fund and Cumulative Bridge Fund were properly noticed. They were published on March 25, 2020, and April 1, 2020, in the Lebanon Reporter and Zionville Times Sentinel newspapers. We have some unusual times going on with the COVID-19, as part of that, we have taken various measures to comply with the Governor's orders and the recommendations of the Indiana Public Access Counselor. The Boone County Annex Building is opened to the public for this meeting. We are entitled under the Governor's order to limit the number of attendees at today's meeting. The seating in the Connie Lamar Room has been spaced out to be six feet apart. I would note that there are no members of the public here currently today. We do have a member of the press, Mr. Gus Pearcy. Thank you for attending today. If there comes a time where members of the public do attend, and there is insufficient seating for them, members of the county government will be asked to exit the room to ensure members of the public are given first priority in attending today's public hearings. Paige Sansone with Baker Tilley Municipal Advisors, LLC is attending today's meeting telephonically to answer any questions.

Commissioner Lawson asked if there were any questions at this time.

County Attorney Bob Clutter stated that based on the information provided, the Cumulative Capital Development Fund statutory maximum is \$0.0333, and Boone County currently has it set at \$0.0322. Paige Sansone replied that is correct. Bob Clutter continued stating that this would be a minor increase of \$0.0011 dollars. He then asked what type of proceeds could the county expect from reestablishing the Cumulative

Capital Development Fund to the statutory maximum? Paige Sansone replied that by reestablishing the fund the county would expect roughly a \$60,000 increase in the CCD Fund for CY 2021.

The Cumulative Bridge Fund is currently at a rate of \$.0125 for the Cumulative Bridge Fund, and it was advertised at a rate of \$.0217. Bob Clutter asked if the county were to increase the Cumulative Bridge Fund would that require a decrease in funding of other funds? Paige Sansone replied that is correct. It would more than likely impact the general fund levy. Bob Clutter then asked if there were, for example, a \$200,000 increase in the Cumulative Bridge Fund, then there would be a \$200,000 decrease in the General Fund, correct? Paige Sansone replied that is correct. Commissioner Wolfe added assuming there is no change in the revenue.

Paige Sansone commented that unfortunately with the COVID-19 situation, they do expect an impact on the revenues, and some could be significant. Baker Tilly has been running some revenue analysis. It is unknown how long businesses and schools will be closed. For example, the revenues that see significant impact would be the local income tax and gas tax. The county may begin seeing a decrease in those starting in 2021 and through 2022. During the last recession, there was roughly a 20% decrease.

The county's General Fund provides funding for a lot of the general operations in government. Each \$100,000 taken away from the General Fund that's about a 1% decrease in the General Cash Reserve. Currently, in 2021, Baker Tilly is estimating the cash reserve to be around 16% without any deductions to the property tax levy. If the county increases the Cumulative Bridge by \$200,000 then the county would then be looking at roughly a 14% cash reserve. Baker Tilly recommends the standard cash reserve percentage to be at 15% or greater.

The governor's order has extended the timeline for approval to June 30th.

It was discussed to have further discussion with the County Council regarding the Cumulative Bridge Fund.

The commissioners asked if there were any members of the public that would like to speak on this matter. No one came forward.

Commissioner Santelli made a motion to close the Public Hearings for the reestablishment of the Cumulative Capital Development Fund and of the Cumulative Bridge Fund at 9:19 am. Commissioner Wolfe seconded the motion. Motion carried 3-0.

Commissioner Wolfe made a motion to approve the reestablishing the Cumulative Capital Development Fund at the statutory maximum rate of \$0.0333. Commissioner Santelli seconded the motion. Motion carried 3-0.

Commissioner Santelli made a motion to table reestablishing the Cumulative Bridge Fund to a future advertised date. Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Resolution 2020-05 Renewing a State of Emergency:

County Attorney Bob Clutter presented Resolution 2020-05 Renewing a State of Emergency and read the resolution aloud in pertinent parts pursuant to Indiana State Law.

Commissioner Santelli commented that he would like to thank the efforts of the Unified Command, the Health Department, the Sheriff's Department, and Witham Hospital in preparing the county for the challenges we are experiencing.

Commissioner Wolfe made a motion to approve Resolution 2020-05 Renewing a State of Emergency based on the recommendations from the Health Department. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Ordinance 2020-02 Amending the Employee Handbook to Provide Emergency Paid Sick Leave and Emergency Medical Leave Policy:

The United States Congress passed an Emergency Family Medical Leave Act and The Families First Coronavirus Response Act, which provided paid sick leave under various different provisions. County Attorney Bob Clutter presented Ordinance 2020-02 Amending the Employee Handbook to Provide Emergency Paid Sick Leave and Emergency Medical Leave Policy and read the ordinance aloud in pertinent parts pursuant to Indiana State Law. The United States Congress put limitations on the Emergency Paid Sick Leave Policy beginning April 1, 2020, and expiring on December 31, 2020, unless extended by the commissioners.

Dennis Dunlap, Dunlap HR Consulting, commented that the law went into effect on April 1st, and employers were given thirty (30) days to get everything in order. Adopting the policy today does not put the county in any violation. Additionally, there is no retroactivity to leave. Anyone that had taken days off prior to April 1st due to the coronavirus will not receive another set of ten (10) days in the result of this policy being adopted today. Ten (10) days is the max for emergency paid sick leave. Commissioner Santelli requested clarification on if an employee takes emergency paid sick leave for the coronavirus, does that get applied against their vacation time or PTO time? Dennis replied that the act is very clear that an employer cannot require an employee to use their PTO prior to the ten (10) days. If the employee requests more time off beyond the ten (10) days, they are able to take it unpaid or they could qualify under the Family Medical Leave Act. County Attorney Bob Clutter added that Exhibit A of Ordinance 2020-02 that is being added to the employee handbook lists six qualifying events for this to take effect.

Commissioner Wolfe made a motion to approve Ordinance 2020-02 Amending the Employee Handbook to Provide Emergency Paid Sick Leave and Emergency Medical Leave Policy. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Timely Deposit of Funds:

Debbie Ottinger, County Treasurer, informed the commissioners that the Treasurer's office has requested other offices within the county to limit deposits of public funds to two times per week, Tuesday and Thursday. The State Board of Accounts is allowing the ability to do this per the State Examiner Directive 2020-01. The bank is also trying to limit exposure by requiring an appointment to make deposits. Additionally, tax statements will be printed and mailed out within the next day or so. The mailing will include an informational sheet on the coronavirus from the health department. The Treasurer's office is requesting the public to mail in their payments or pay online.

In the Matter of a Professional Services Agreement with SJCA:

Craig Parks, County Engineer, presented an on-call engineering services agreement with SJCA for the issues with the county bridges and culverts. Task Order #1 in the amount of \$18,384 was also presented for the inspection of several small structures that were listed in poor condition in the 2014 inspection report. The highway department does not have the funding necessary to perform another county-wide inspection but felt it was necessary to determine the safety of our poorest structures.

Commissioner Santelli made a motion to approve the professional services agreement with SJCA. Commissioner Wolfe seconded the motion. Motion carried 3-0.

Commissioner Wolfe made a motion to approve Task Order #1 with SJCA. Commissioner Santelli seconded the motion. Motion carried 3-0.

In the matter of Agreement with Comcast for Boone County Jail:

Craig Parks, County Engineer, commented that Metronet was no longer going to be able to support the system currently being offered, so the switch was made from Metronet to Comcast. He worked with the Sheriff and IT Support on this agreement. The business service order agreement falls under the scope of Boone County Resolution 2020-01 authorizing the county engineer to execute certain contracts and was included in Craig's report to the commissioners. No action was required at today's meeting.

In the matter of Old Business:

There was none at today's meeting.

In the Matter of Staff Reports

- a. APC – Rachel Cardis
- b. IT Support – GUTS
- c. Health Department – Cindy Murphy / Brett Peppin
- d. Highway Department & Facility Maintenance – Craig Parks

Craig Parks, County Engineer and Director of Highway Department presented the following items:

1. Three construction in right of way permits for Vectren Energy:
 - Permit# 202010008 for tap pit and bore at 7625 W. Stonegate Drive
 - Permit# 202010010 for tap pit and bore at 200S at CR 900E and CR 950 E
 - Permit# 202000014 for tap pit and bore at 875E and 250S

Commissioner Santelli made a motion to approve the three permits for Vectren Energy.

Commissioner Wolfe seconded the motion. Motion carried 3-0.

2. Construction in right of way permit (#202010009) for BSM Groups / QC Communications at 9501 Hunt Club Road for 294 feet of linear construction. Craig recommends approval conditional to some modifications that need to be made to the application submitted. The Boone County Highway Department is working with them on that.

Commissioner Wolfe made a motion to approve the construction in right of way permit for BSM Groups / QC Communications conditional to the modifications of the application be made.

Commissioner Santelli seconded the motion. Motion carried 3-0.

3. Construction in right of way permit (#202010011) for BSM Groups / QC Communications at Stonegate Drive. Craig recommends approval conditional to some modifications that need to be made to the application submitted. The Boone County Highway Department is working with them on that.

Commissioner Santelli made a motion to approve the construction in right of way permit (#202010011) for BSM Groups / QC Communications conditional to the modifications of the application be made.

Commissioner Wolfe seconded the motion. Motion carried 3-0.

4. Construction in right of way permit (#202010012) for REMC at 25W from 650S to 800S for one bore and 8,000 feet of new poles and aerial line. The Boone County Highway Department recommends approval with the condition that they coordinate with the department.

Commissioner Wolfe made a motion to approve construction in right of way permit (#202010012) for REMC conditional that they coordinate with the Boone County Highway Department.

Commissioner Santelli seconded the motion. Motion carried 3-0.

5. Construction in right of way permit (#202010013) for CenturyLink at 500S, 500W, 200S, 300S and 350S for seventeen bores, 53,100 linear feet of trenching and 215 feet of aerial line. The Boone County

Highway Department recommends approval with the condition that they will reimburse the county for consultant inspection and oversight.

Commissioner Wolfe made a motion to approve Construction in right of way permit (#202010013) for CenturyLink with the conditions that they will reimburse the county for consultant inspection and oversight. Commissioner Santelli seconded the motion. Motion carried 3-0.

6. Construction in right of way permit (#202010015) for James Jackson, a contractor, at 6717 E. Stonegate Drive to tap into the storm drain. The work has already been completed. The inspector gave them the ok to go ahead and do the work because it was for a sump pump failure. Commissioner Santelli made a comment that it was great judgement on everyone's part to get that completed.

Commissioner Wolfe made a motion to approve the construction in right of way permit (#202010015) for James Jackson. Commissioner Santelli seconded the motion. Motion carried 3-0.

7. A quote in the amount of \$21,440 from Indiana Sign and Barricade for the addition of railroad crossing striping at 7 locations. The Boone County Highway Department has received a reimbursement grant from INDOT to cover a large portion of the cost.

Commissioner Wolfe made a motion to approve Indiana Sign and Barricade quote.

Commissioner Santelli seconded the motion. Motion carried 3-0.

Other Elected Officials:

County Treasurer Debbie Ottinger and County Auditor Debbie Crum presented the request to make a wire transfer to purchase emergency supplies for the Boone County Sheriff's Office. The vendor is requesting payment upfront. In an emergency situation like this, the County Treasurer and County Auditor have agreed that they would be willing to proceed with processing this wire transfer with the commissioner's approval. The commissioners approved of the wire transfer and stated that Donnie has the authority to approve like claims outside of public meetings with the State of Emergency Resolution in place.

Curt Emmanuel, County Extension Director, commented that he was aware that the commissioners have decided to set up overflow triage at one of the buildings at the fairgrounds. He wanted to verify if the Extension Office staff will still have access to their office. Commissioner Lawson replied that if/when the hospital begins utilizing that space the commissioners will then close off the fairgrounds. Curt stated that he just wanted to make sure it was ok that they accessed the office. He added that their staff does have the capabilities to work from home if needed. It was requested that the commissioners give the Extension Office at least a 24-hour notice before closing the fairgrounds to allow their staff time to pack up materials needed.

In the Matter of Public Comments:

There was none at this time.

In the Matter of Document Signing:

1. Key Request Form for Katelyn Trafford (custodial) and David Hinkle (maintenance).

Commissioner Santelli made a motion to approve the key request forms.

Commissioner Wolfe seconded the motion. Motion carried 3-0.

2. An affidavit for payment in the amount of \$1,371.66 for Butler Fairman & Seufert. This is for the courthouse south walk entrance inspection services.

Commissioner Wolfe made a motion to approve the affidavit for payment.

Commissioner Santelli seconded the motion. Motion carried 3-0.

In the Matter of Claims presented in today's meeting

See (Appendix #2)

Commissioner Santelli made a motion to approve claims as submitted.
Commissioner Wolfe seconded the motion. Motion carried 3-0.

In the Matter of Mail

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

With no further business, Commissioner Wolfe made a motion to adjourn at 10:05 am.
Commissioner Santelli seconded the motion. Motion carried 3-0.