

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE AUGUST 15, 2022 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, August 15, 2022 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:

Jeff Wolfe	Commissioner, President
Donnie Lawson	Commissioner, Vice President
Tom Santelli	Commissioner
Bob Clutter	County Attorney
Kaylee Jessie	Administrative Assistant

DETERMINATION OF QUORUM AND PLEDGE TO THE FLAG

Commissioner Wolfe opened the meeting at 9:21 AM with a quorum of all three (3) Commissioners present. The Pledge to the Flag took place during the Drainage Board Meeting this morning.

IN THE MATTER OF MINUTES

Commissioner Santelli moved to approve the Minutes of August 1, 2022 Commissioners' Meeting as presented. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF LEGAL ISSUES

Attorney Bob Clutter presented the following items:

- 1) The request to release an irrevocable letter of credit #94749 for Jackson Run North Section 1 for storm sewer and erosion control in the amount of \$625,000. The Boone County Surveyor's Office has completed the inspection and recommends the release.

Commissioner Santelli moved to approve the release of an irrevocable letter of credit #94749 for Jackson Run North Section 1. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 2) Maintenance Bond for Jackson Run North Section 1 for acceptance
 - o Erosion Control in the amount of \$15,000.

The Boone County Surveyor's Office recommends approval.

Commissioner Santelli moved to approve the acceptance of the Maintenance Bond for Jackson Run North Section 1. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 3) A bid package for the exterior limestone panel replacement at the KeyBank building put together by Etica. He and Max Mendenhall, Capital Investments Director, have reviewed the bid package and would recommend acceptance for publication.

Commissioner Lawson moved to approve the acceptance of the bid package drafted by Etica. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

- 4) LPA consulting agreement with USI Consulting for the design Bridge #61 with a not to exceed of \$346,900.

Commissioner Santelli moved to approve the LPA consulting agreement with USI Consulting, subject to the final approval. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

- 5) Government Utilities Technology Service Inc. (GUTS) Addendum 2 for the project management contract for the payroll and human resources implementation project.

Commissioner Santelli moved to approve the GUTS Addendum 2 for the project management contract for the payroll and human resources implementation project Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 6) The Professional Development Academy Enrollment Agreement for Councilwoman Jennifer Hostetter to attend the National Association of Counties (NACo) High Performance Leadership Program. The total for tuition is \$1,645 and the commissioners have agreed to pay for this out of their training line.

Commissioner Santelli moved to approve the Professional Development Academy Enrollment Agreement. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF RESOLUTION 2022-13 AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

County Attorney Bob Clutter presented Resolution 2022-13 authorizing the disposal of surplus property and read it aloud in pertinent parts pursuant to state law. The Commissioners have previously adopted Ordinance 98-24 (codified in the Boone County Code of Ordinances as Section 30.04) which permits an eligible merit officer to retain his standard issue service weapon upon retirement after at least twenty (20) years of service. Boone County Sheriff's Deputy Scott Pell was issued a Colt Model 1911 service weapon with a serial number of CGP 1047 as required equipment pursuant to his duties with the Sheriff's Office. Deputy Pell is retiring effective July 18, 2022 from his post at the Boone County Sheriff's Office. The Boone County Commissioners desire honor and recognize Deputy Pell for his years of service to the Sheriff's Office and the citizens of Boone County by declaring the aforementioned service firearm surplus and transfer ownership to him.

Commissioner Santelli moved to approve Resolution 2022-13 authorizing the disposal of surplus property. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

**IN THE MATTER OF RESOLUTION 2022-14 AMENDMENT TO RESOLUTION 2020-28
IN SUPPORT OF THE VISION ZERO INITIATIVE**

County Attorney Bob Clutter presented Resolution 2022-14 amendment to Resolution 2020-28 in support of the Vision Zero initiative and read it aloud in pertinent parts pursuant to state law. Boone County strives to eliminate fatal and serious injuries resulting from traffic crashes, making decisions based on their ability to reach zero deaths on Boone County's transportation system. The Board recognizes that traffic deaths and serious injuries are not inevitable. Vision Zero provides a framework for reducing traffic deaths and serious injuries to zero, while increasing safe, healthy, equitable mobility for all. The Board of Commissioner of Boone County approves support of the Vision Zero initiative of the Indianapolis Metropolitan Planning Organization's goal to reduce fatal and serious injuries resulting from traffic crashes by 35% by the year 2040. This will be accomplished by implementing proven safety solutions with available resources and considering safety more intentionally in all transportation projects. By doing so, Boone County will play a critical role in supporting the regional goal.

Commissioner Santelli moved to approve Resolution 2022-14 amendment to Resolution 2020-28 in support of the Vision Zero initiative. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF VERIDUS GROUP RECOMMENDATION LETTER 03

County Attorney Bob Clutter presented Veridus Group's recommendation letter 03 to proceed with approval of the costs associated with establishing a Cemetery Development Plan per Indiana Code 14-21-1-26.5 given the Boone County Justice Center expansion project limits of construction within 100 feet of Boone County Farm Cemetery (Indiana Cemetery Registry #CR-06-06).

Professional services necessary to complete this specific scope of work include the following:

- 1) Lochmueller Group, Inc. – Owner coordination, historical research, field work, report development, and deliverable to be recorded
- 2) AP Engineering & Consulting, Inc. – comprehensive geophysical investigation to include magnetometry and electrical resistance methods

Lochmueller – cemetery plan development	\$ 12,400.00
<u>APEC – geophysical investigation</u>	<u>\$ 14,923.00</u>
Cemetery Development Plan Total	\$ 27,323.00

Commissioner Wolfe commented that though this is an important task to complete for the jail expansion project, this is something the commissioners have wanted to do to identify any unmarked graves. As a part of the expansion project, they are planning to do some upgrades for the cemetery, such as decorative fencing.

Commissioner Lawson moved to approve Veridus Group's recommendation letter 03. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

IN THE MATTER OF UMR PLAN DOCUMENTS

Megan Smith, Director of Human Resources, presented UMR's summary plan description (SPD) health plan document and Plan Letter for 2022.

Notable changes:

- Contact Information
- HRA Plan
- TrueRx
- ABA Therapy

Commissioner Santelli moved to approve the UMR Plan Documents. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF EMPLOYEE HANDBOOK POLICY UPDATES

Megan Smith, Director of Human Resources, presented the following proposed/changes to the employee handbook:

1) 4-7 PAID TIME OFF

- ADDING "If an elected official is hired on as a full-time employee following their tenure as an elected official, they will be eligible for one week of PTO given on the start date of full-time employment and shall receive a credit for the years of service as an elected official for the purposes of computing PTO."
- AMENDING "PTO will be credited and deducted on a payroll-by-payroll basis (26 weeks). PTO can be used in increments of 15 minutes or more."
- REMOVING "Employees with insufficient PTO time to cover requested periods of time off may be granted excused time off without pay at the discretion of the Elected Official or Department Head." Due to our health insurance plan document, any employee that is out on unpaid leave without the protection of PTO or the ADA, can have their insurance denied. Any full-time employee taking unpaid time off needs to have it approved under FMLA or ADA.

2) 5-1 TIMEKEEPING (AMENDING)

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and State laws require the County to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties. The timecard must accurately record the time an employee begins his/her work and the time such work ends. Compensation shall be according to the time reflected on the record. Completeness and accuracy of the records are necessary to ensure that proper payment is made on payday.

Falsification of a timecard is unlawful, a criminal offense, and shall be referred to the Boone County Human Resources Director for review and disposition, which may include referral to the Prosecutor's Office for review and prosecution. Proven falsification of a time record shall result in termination of the employee's employment. The timekeeping system is set up to round to the nearest 15 minutes for ease of computation and consistency with the PTO policy.

Time Clock Plus is the time and attendance system utilized by the County. The following applies to employee use of the Time Clock Plus time and attendance system.

- All employees, excluding Elected Officials, shall clock in and clock out utilizing a time clock.
- Entering in time sheets and remote web clocks shall not be used unless for meetings, conferences, training, or hours worked outside or in addition to the normal work schedule.
- All nonexempt employees must clock in and out for lunch unless this policy allows otherwise.
- All employees shall use the time clock by the doors where available or access the time clock through a County computer. The remote web clock (personal computer/smartphone) may be used only when the fingerprint time clocks or County computer time clocks are not available or accessible. Department Heads need to submit a list of positions that will need remote clock in access to the Commissioners for approval.
- Morning and afternoon fifteen (15) minute breaks shall not be combined for an hour and one-half (1.5) lunch or combined to be used at some other time of the workday, such as the beginning or end of the workday.
- The employee will sign off on their timesheet to certify the accuracy of all time recorded. The Department Head or Elected Official will review and then sign the time record before submitting it for payroll processing.
- All Paid Time Off used must be kept current and recorded on each payroll claim.

3) 7-21 PERSONAL USE OF COUNTY VEHICLES (AMENDING)

Employees who use privately owned vehicles will be reimbursed the IRS reimbursement rate for mileage, provided adequate proof on insurance is filed by the employee with the Board of Commissioners.

4) 5-10 GHOST EMPLOYMENT (ADDING)

In compliance with Indiana law, no employee is to receive a salary or wages for work not performed in the exercise of his/her duties for the County. It is also unlawful for the employee to accept salary or wages for work not performed.

5) 3-3 EMPLOYMENT REFERENCE AND BACKGROUND CHECKS (AMENDING)

Elected Officials and Department Heads are encouraged to verify the references supplied by an applicant who may be extended an offer of employment. Boone County will respond to all reference check inquiries from other employers. Responses to such inquiries will be limited to inclusive dates of employment and positions held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

All applicants who are offered employment with Boone County will be subjected to a

check of their background either by Human Resources or a third-party vendor. As such, applicants and employees may be subject to a consumer report or investigative consumer report. Human Resources will review the relevant background information to select and retain the most qualified employees with the end goal of maintaining a safe and productive work environment. This policy applies to the criminal history screening of prospective and current employees.

Human Resources will conduct all third-party background checks in accordance with the Fair Credit Reporting Act (FCRA), other applicable federal and state laws, and Boone County procedures. Prior to the background check being conducted, the applicant will be required to complete disclosure and authorization forms authorizing Boone County to conduct specific background checks. This authorization will be made in either electronic or written form and will remain valid throughout the employee's employment with Boone County, if hired as allowed by applicable law. Background checks will be kept confidential and will only be shared with individuals who have a business need to review the information to make employment decisions. Reports will be retained in accordance with the Boone County document retention procedures and federal and state regulations.

The existence of a criminal record will not automatically disqualify an applicant from employment. If a criminal record is received during the background check, the information in the record will be compared with the information on the disclosure and authorization form and any other identifying information provided by the applicant to ensure the record belongs to the applicant. In the event that an applicant's background check includes a criminal offense; Human Resources will conduct an individualized assessment to determine whether excluding an applicant based on the offense is job related and consistent with business necessity. Factors that may be taken into consideration prior to making an employment decision, include, but are not limited to:

- The nature and gravity of the offense
- The nature of the position held or being sought, including the specific duties and responsibilities of the position
- The relevance of the offense to the position being sought
- The time which has elapsed since the offense
- The age of the applicant at the time of the offense
- The facts or circumstances surrounding the offense
- The number of offenses for which the individual was convicted
- Evidence that the individual performed the same type of work, post-conviction with no known incidents of criminal conduct
- The length and consistency of the applicant's employment history before and after the offense
- Relevant evidence of rehabilitation, including any education or training completed following the offense
- Employment or character references or other relevant information regarding fitness for the position held or sought
- The interest of the Company in protecting property, and the safety and welfare of other employees or the general public

- False statements or material omissions made by the applicant on the employment application or during an interview
- Any other factors mandated by federal or state law

Human Resources will order the background check upon receipt of the signed release form, and either internal HR staff or an employment screening service will conduct the checks. A designated HR representative will review all results.

The HR representative will notify the hiring manager regarding the results of the check. In instances where negative or incomplete information is obtained, the appropriate management and the director of Human Resources will assess the potential risks and liabilities related to the job's requirements and determine whether the individual should be hired. If a decision not to hire or promote a candidate is made based on the results of a background check, there may be certain additional Fair Credit Reporting Act (FCRA) requirements that will be handled by Human Resources in conjunction with the employment screening service (if applicable).

Background check information will be maintained in a file separate from employees' personnel files for a minimum of two years.

Commissioner Santelli moved to approve the employee handbook policy updates. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF JDAI GRANT AGREEMENT – UNITY IN COMMUNITY

County Attorney Bob Clutter presented the JDAI Grant Agreement for Ted Hedges as an off-duty law enforcement officer for the purposes of engaging youth and families in Boone County neighborhoods, parks, and homes pursuant to its Unity in Community.

Commissioner Santelli moved to approve the JDAI Grant Unity in Community Agreement for Ted Hedges. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF JDAI GRANT AGREEMENT - TUTOR

County Attorney Bob Clutter presented the JDAI Grant Agreement for Jarred Miller, a properly licensed teacher with the State of Indiana, to tutor students after school, including providing educational services relating to tutoring youth involved in the Juvenile Court System.

Commissioner Santelli moved to approve JDAI Grant Tutoring Agreement for Jarred Miller. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF DISCUSSION ON ROADS, RIGHT-OF-WAY, TILES AND WATERLINE

Ronnie Merrill, Boone County Resident, is seeking any guidance and/or assistance. He has upgraded the tile between his property to Sugar Creek Road (Thorntown) from an 18" to 24". He also upgraded the tile between Sugar Creek Road from a 12" to 15" tile that he needs to extend under SR 52. Also, he has two culverts that are approximately 16" in diameter that run under SR 52, at approximately straight east of CR 875 N. The one from the east has to be running in full before it gets any water into the west. It's only a matter of time before it will flood. All the state will do is put a sign up for "high water". Ronnie wanted the Board to also be aware that there are five county tiles going east to west on the property that he farms. If the proposed development installs the water line from Lafayette, IN, it will cross and ruin all of those tiles. Additionally, the utility company installed a pole pedestal in his driveway.

IN THE MATTER OF SS4A GRANT

Mike Goralski, County Engineer, presented the Safe Street for All (SS4A) Grant Program. The Bipartisan Infrastructure Law (BIL) established the new Safe Streets and Roads for All (SS4A) discretionary program with \$5 billion in appropriated funds over the next 5 years. The goal of the program is to improve roadways safety by significantly reducing or eliminating roadway fatalities through safety action development and implementation. This ties in with the Vision Zero Plan. The Department of Transportation (DOT) wants to see how the County is making these measurable reductions, which is a component of this application. DOT recognizes local government units are responsible for majority of the roadway miles, therefore, the grant is being administered directly local agencies from the federal government. There will be no passthrough with INDOT or state agencies. This new grant from the DOT that is an opportunity for locals to obtain 80/20 funding for projects that meet specific criteria. Boone County has already completed a Local Road Safety Plan, a Vision Zero Resolution and a corridor study that are required to submit for a grant. The Zionsville Town Council has agreed to partner with County on this application and they will be discussing this project at the next County Council meeting. Mike Goralski presented the letter of support regarding the Safe Streets for All (SS4A) Grant application for the improvements of the CR 975 E / CR 300 S intersection. Nick Parr, Director of Highway, commented that the challenges of this intersection is the cemetery, pond, grade changes, elevation and location of local residents turns this into a significant project.

Commissioner Santelli moved to approve the Safe Street for All (SS4A) Grant application. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF INDIANA SIGN & BARRICADE, INC BRIDGE 41 DETOUR

Indiana Sign and Barricade Quote for placing detour signs for the Bridge 41 closure. Commissioner Wolfe approved the quote on August 4, 2022, and must be ratified. The closure of Bridge 41, The Historic Scotland Bridge, was approved at the last commissioners meeting.

Commissioner Lawson moved to approve ratifying the Indiana Sign and Barricade Quote. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.

IN THE MATTER OF OLD BUSINESS

- 1) Boone County Senior Services (BCSSI) second quarter claim for 5311 public transit in the amount of \$143,758.00 to be submitted to Indiana Department of Transportation (INDOT) for payment. Commissioner Lawson moved to approve ratifying the BCSSI 5311 seconded quarter claim. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.
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IN THE MATTER OF STAFF REPORTS

- APC – Rachel Cardis
- Coroner's Office – Justin Sparks
- Facilities / Capital Investments – Max Mendenhall
- Health Department – Lisa Younts / Abby Messenger
- Highway Department – Nick Parr
- Human Resources – Megan Smith
- IT Support – GUTS
- Other Elected Officials

Justin Sparks, County Coroner presented the following items:

- 1) The Boone County Coroner's Office received two grant awards from the State Department of Health totaling approximately \$2,200.

Nick Parr, Director of Highway Department presented the following items:

- 2) Statement of just compensation for parcel #6 for Project #2019-04, Bridge 192 Replacement. Offers have been sent for parcels 1-5.
Commissioner Lawson moved to approve statement of just compensation for parcel #6 for Project #2019-04. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.
- 3) Change Order No.1 with Grady Brothers, Inc for Project 2022-02, hot mix asphalt (HMA) resurfacing in various townships. This change order adds compensation for additional work that the Boone County Highway Department directed the contractor to perform, but it is a reduction of the overall amount of the original agreement by \$9,395.82 due to an underrun of stone quantity on stone shoulders. A waterproof bridge membrane was applied on the surface of the bridge deck of Bridge 165. The work has been completed.
Commissioner Santelli moved to approve Grady Brothers, Inc. Change Order #1 for Project 2022-02. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.
- 4) The Boone County Council has tasked the Boone County Highway Department (BCHD) to significantly cut their proposed budget for CY 2023 by approximately \$2.5 million dollars during this year's budget workshops. The BCHD did not increase their budget request by \$2.5 million dollars from recent years. Being asked to cut this substantial amount of money will have a great

impact on the department and infrastructures. Nick Parr showed images of the following infrastructures **(See Appendix #2 for PowerPoint)**:

- Bridges 217, Templin Road west of US 421 – Currently under construction. During the annual bridge inspection in 2019, it was identified that the box beam had rotted clear through, which was a critical finding. BCHD had to block off the edge of the road to prevent motorists from driving on the box beam. The beam had broken in half from being waterlogged during the removal, this is not something that typically happens. This is a significant failure of the bridge.
- Bridge 41, CR 200 E at the Clinton County Line – The bridge is being closed today. Guardrail is being driven into the ground to prevent travelers from crossing the bridge. There are tire tracks seen driving right along the wall, causing the stone to fall off the bridge. BCHD has been trying to seek funding for many years for this project. Trying to get the 80/20 match for a project of this magnitude takes years of financial planning.
- SC015, CR 900 N West of CR 1100 W – There is a bug or termite that is eating the wood holding the box beam. The bridge inspectors have noted what is missing and the distress of the wood during last year's inspection. Eventually the box beam could collapse. The structure is now restricted for one vehicle to cross at a time.
- Bridge 158, CR 25 W south of CR 400 S – This is a highly traveled road. There were two vehicles trying to cross the structure and a trailer tire hit the concrete abutment. The road asphalt was slightly damaged due to the crash and that is its current condition.
- Bridge 229, CR 600 W South of Mid-Jamestown Road – There is lumber supporting the backfill that supports the roadway before the bridge. As the lumber continues to deteriorate, this causes concern as the structure does not meet current standards.
- Bridge 70, CR 600 E south of CR 250 N – Motorists are beginning to use this road more with the development in the southeast part of the county. This is a very narrow structure. It is also historic with the way it meets the skew of the road. If the county must go through the historic process in order to replace the bridge, like Bridge 41, it will take years to complete the project.
- Bridge 139, CR 875 W south Baseline Road – There is only a sixteen (16) foot span between the two concrete abutments, and it is weight rated. The restrictions prevent agriculture users to travel this road and forces them to go a different direction to their destinations. Farmers have been told for years that the structure would be replaced.
- Bridge 162, CR 500 S east of CR 50 E – This is also a narrow and weight rated bridge.

It took a long time to get the current infrastructures to where they are. It will take a long time to keep them maintained and improved for the future. The bid prices are a major concern right now. Boone County is rapidly growing that is putting a lot of stress on the county's infrastructure. We have got to recognize the importance of funding. Commissioner Wolfe commented that anytime funding for a

year is eliminated, it could potentially have a 3-5 year affect on the roads and bridges. A year on an already distressed structure can cause significant damage.

IN THE MATTER OF DOCUMENT SIGNING

1) Key request form for Lindsay Adams at the Prosecutor's Office.

Commissioner Lawson moved to approve the key request form. Motion seconded by Commissioner Santelli; motion passed unanimously 3-0.

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

Commissioner Santelli moved to approve Budgetary Claims presented from the Auditor's Office, holding the TAFT claim(s) for further review. Motion seconded by Commissioner Lawson; 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 Santelli moved to adjourn the Boone County Commissioners' Meeting at 10:34 AM on Monday, August 15, 2022. Motion seconded by Commissioner Lawson; motion passed unanimously 3-0.