

BOONE COUNTY BOARD OF COMMISSIONERS

MINUTES OF THE DECEMBER 4, 2023 MEETING

The Boone County Board of Commissioners met in regular session at 9:00 AM on Monday, December 4 2023 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 9:11 AM with a quorum of all three (3) Commissioners present and led the Pledge to the Flag in unison.

IN THE MATTER OF MINUTES

Commissioner Wolfe moved to approve the Minutes of November 6, 2023 Commissioners' Meetings as presented. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0. The Meeting Minutes for November 20, 2023 were tabled.

IN THE MATTER OF LEGAL ISSUES

County Attorney Clutter presented the following items:

- 1) Right-of-way bond for Comcast in the amount of \$500,000 to work within Boone County right-of-way at various locations for approval and acceptance.

Commissioner Beyer moved to approve the right-of-way bond for Comcast. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BID OPENING FOR 2024 ANNUAL MATERIALS

COMPANY	DATE/TIME BID RECEIVED	CATEGORY
Central Paving	11/20/2023 @ 10:32 AM	Category 1 – Asphalt Materials
US Aggregates	11/14/2023 @ 10:00 AM	Category 2 – Stone Sand, Gravel, and Slag
Engineering Aggregates Corp.	11/20/2023 @ 10:32 AM	Category 2 – Stone Sand, Gravel, and Slag
Whitesville Mill Service Co	12/01/23 @ 11:27 AM	Category 2 – Stone Sand, Gravel, and Slag
Metal Culverts Inc	11/29/2023 @ 1:39 PM	Category 3 – Pipe Materials
Accurate Striping Inc	11/30/2023 @ 2:23 PM	Category 4 – Pavement Traffic Markings
CE Hughes Milling Inc	12/01/23 @ 10:43 AM	Category 4 – Pavement Traffic Markings
S&G Excavating Inc Aggregates	11/30/23 @ 9:08 AM	Category 2 – Stone Sand, Gravel, and Slag

Lincoln Park Stone	11/30/2023 @ 9:08 AM	Category 2 – Stone Sand, Gravel, and Slag
Civilcon	11/29/2023 @ 10:35 AM	Category 3 – Pipe Materials
St. Regis Culvert Inc	12/01/2023 @ 1:41 PM	Category 3 – Pipe Materials

Commissioner Wolfe moved to take the bids under advisement for review by the Boone County Highway Department. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF EMPLOYEE HANDBOOK UPDATES

Megan Smith, Director of Human Resources, presented the following policy updates to be effective 1/1/2024:

- **USE OF EQUIPMENT AND VEHICLES POLICY** – We are currently looking at the Boone County Sheriff's Office vehicle policy and taking pertinent information to implement into our handbook. Policy tabled until next meeting.
- **ON CALL POLICY Proposed Change:**
The Department Head or Elected Official may require essential employees to be on call on a weekly basis. The designated employee will be required to carry a County cell phone, use of a county vehicle which may be driven home per the instruction of the department head as needed and respond to any emergency within 30 minutes of receiving the call. The employee who is on call for the week will receive a stipend of \$200. An emergency call-out will carry a minimum of 2 hours per call.

Commissioner Beyer moved to approve the On Call Policy change. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- **PTO POLICY Proposed Change:**
In the event that a full-time employee resigns employment and provides at least two weeks' notice of the resignation, the employee will be paid out 50% of the accrued PTO balance as of their last day worked. PTO shall not be effectively paid out by allowing an employee to use all accrued PTO consecutively prior to resignation of employment. Policy tabled until next meeting.

IN THE MATTER OF COMMISSIONERS MEETING DATES AND NOTICE FOR CY 2024

Pursuant to I.C. 5-14-1.5-5 (c), the Boone County Board of Commissioners will conduct regular public meetings on the first and third Monday of each month, beginning at 9:00 a.m. (local time). If those dates are a recognized holiday or the County offices are closed due to emergency, the Commissioners will conduct their public meeting on the next business day.

The public meetings will occur at the following location:

CONNIE LAMAR MEETING ROOM 105
116 W. WASHINGTON ST.
LEBANON, INDIANA 46052
(765) 483-4492

Commissioner Wolfe moved to approve the meeting dates and notice for calendar year (CY) 2024. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF RESOLUTION 2023-10 SURPLUS PROPERTY FOR BCSO

The Boone County Sheriff's Office deputies recently transitioned to Glock's. Sheriff Harris requested the 1911s be declared as surplus and give the deputies an opportunity to purchase those back for personal use. County Attorney Clutter presented Resolution 2023-10 surplus property for Boone County Sheriff's Office (BCSO) and read it aloud in pertinent parts pursuant to state law.

Commissioner Wolfe moved to approve Resolution 2023-10. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

IN THE MATTER OF ORDINANCE 2023-10 REPEALING AND REPLACING ORDINANCE 2017-13 BOONE COUNTY CODE SECTIONS RELATION TO CONSTRUCTION AND PERMITTING IN COUNTY RIGHT OF WAY

Nick Parr, Director of Highways, commented that he has been working on the language of the existing ordinance with the County Attorney and a consultant from InfraMap to improve the process. Natalie Parks with InfraMap is working on a utility accommodation policy that will be included in the ordinance. The proposed changes will help control and protect the county's right-of-way and assets. Ordinance tabled until next meeting.

IN THE MATTER OF INDOT/BCSSI SECTION 5311 GRANT AGREEMENT

County Attorney Clutter presented the Indiana Department of Transportation (INDOT) / Boone County Senior Services Inc (BCSSI) Section 5311 Grant Agreement for 2024 for ratification.

Commissioner Beyer moved to approve ratifying the INDOT/BCSSI Section 5311 Grant Agreement. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

County Attorney Clutter presented the Debarment and Suspension Certificate for Boone Area Transit (BATS) through Boone County Senior Services Inc (BCSSI) as operator of federal grant funds from Boone County during CY 2024.

Commissioner Beyer moved to approve ratifying the Debarment and Suspension Certificate for BATS/BCSSI. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

IN THE MATTER OF BATS CLAIM FOR BUS REPLACEMENT

County Attorney Clutter presented the Boone Area Transit System (BATS) Section 5339 claim in the amount of \$102,200.00 for bus replacement.

Commissioner Wolfe moved to approve the BATS Section 5339 claim. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF STATEMENT AND LOCAL CYBERSECUTIRY
GRANT PROGRAM LOCAL CONSENT AGREEMENT**

Sean Horan with GUTS presented the Statement and Local Cybersecurity Grant Program (SLCGP) Local Consent Agreement.

Wolfe moved to approve the Statement and Local Cybersecurity Grant Program Local Consent Agreement. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

**IN THE MATTER OF AGREEMENT FOR PROJECT 2023-04,
CRACK SEALING IN VARIOUS LOCATIONS**

Nick Parr, Director of Highways, presented the All-Star Paving Inc. construction agreement for Project 2023-04, crack sealing in various townships. The total not to exceed (NTE) amount of the agreement is \$101,975. This project includes crack sealing approximately nineteen (19) miles of paved roads.

Commissioner Beyer moved to approve the All-Star Paving Inc. construction agreement for Project 2023-04. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**IN THE MATTER OF AGREEMENT FOR PROJECT 2022-18,
REPLACEMENT OF SMALL STRUCTURE WA-030**

Nick Parr, Director of Highways, presented the Conexco, Inc. construction agreement for Project 2022-18, small structure WA030 on CR 450 N east of CR 350 W. This project includes replacing the existing pipe that is in poor condition and has much of the bottom of it missing due to rust, then installing a 66' long by 84" round CMP. This project also includes installing gabion baskets and rip rap to reduce the scour issues that are occurring. The total not to exceed (NTE) for this agreement is \$147,800.

Commissioner Wolfe moved to approve the Conexco, Inc. construction agreement for Project 2022-18. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

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

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

- 1) Construction in right-of-way permit (#202310152) for Terracon on Ford Road over I-865 for vertical soil boings for Indiana Department of Transportation (INDOT). The Boone County Highway Department (BCHD) recommends approval with a \$2,000 bond.

Commissioner Beyer moved to approve the construction in right-of-way permit (#202310152) for Terracon. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 2) Construction in right-of-way permit (#202310153) for Pools of Fun at 7877 Cheval Rue Ct., Zionville, IN for equipment crossing curb and sidewalk. The BCHD recommends approval with a \$2,000 bond. Commissioner Beyer moved to approve the construction in right-of-way permit (#202310153) for Pools of Fun. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 3) Construction in right-of-way permit (#202310154) for Charter Communications at OC08E Big Spring Area for placement of overhead lines. The BCHD recommends approval. There is a blanket bond on file.
Commissioner Beyer moved to approve the construction in right-of-way permit (#202310154) for Charter Communications. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 4) Construction in right-of-way permit (#202310155 1-26) for Indy Water Heater and Softener at Eaglewood Estates for spot cut dirt and bores under roadway. The BCHD recommends approval with a \$155,000 bond.
Commissioner Beyer moved to approve Construction in right-of-way permit (#202310155 1-26) for Indy Water Heater and Softener. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 5) Construction in right-of-way permit (#202310156) for Frontier Communications at WA-030, CR 450 N for Project 2022-18 relocation. The BCHD recommends approval and to waive the bond.
Commissioner Wolfe moved to approve the construction in right-of-way permit (#202310156) for Frontier Communications. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 6) Construction in right-of-way permit (#202310157) for JDH for Windstream at WA-030, CR 450 N for Project 2022-18 relocation. The BCHD recommends approval and to waive the bond.
Commissioner Beyer moved to approve the construction in right-of-way permit (#202310157) for JDH for Windstream. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 7) Construction in right-of-way permit (#202310158) for JDH for Verizon at WA-030, CR 450 N for Project 2022-18 relocation. The BCHD recommends approval and to waive the bond.
Commissioner Beyer moved to approve the construction in right-of-way permit (#202310158) for JDH for Verizon. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 8) Construction in right-of-way permit (#202310159) for TPI for Comcast Cable at Pineview Drive and 96th Street for underground linear construction. The BCHD recommends approval with a \$135,000 bond.
Commissioner Beyer moved to approve the construction in right-of-way permit (#202310159) for TPI for Comcast Cable. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.
- 9) Butler Fairman & Seufert (BFS) Task Order #35 to perform part-time construction inspection for the Replacement of WA030, the total not exceed is \$25,000. Inspection services on this project will be needed during the critical elements of construction to ensure bedding, backfill, scour protection and final restoration are completed in accordance with contract documents and specifications. The contract documents allow for a 45-day closure.
Commissioner Wolfe moved to approve the BFS Task Order #35. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.
- 10) Butler Fairman & Seufert (BFS) Task Order #36 to perform part-time construction inspection for the sidewalk replacement project, the total not to exceed is \$35,000. This project includes removal and

replacement of 3,241 square yards or 7,270 linear feet of sidewalk. This project will be under construction while rural broadband contractors are working and other projects of ours are occurring. Commissioner Wolfe moved to approve BFS Task Order #36. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

- 11) Pavement Solutions, Inc Change Order #3 for Project 2023-03, microsurfacing in various townships for an additional \$2,301.75. This change order includes additional striping that was added during construction to improve intersection visibility and provide guidance for motorists. The final contract amount is \$865,843.55.

Commissioner Beyer moved to approve the Pavement Solutions, Inc Change Order #3 for Project 2023-03. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

- 12) Conexco, Inc. Change Orders #1 and #2 for Project 2021-08, replacement of UN-015. Change order #1 decreases the total contract amount by \$2,456.20 and includes the under and overruns of items on the project. Change order #2 decreases the total amount of the contract by \$12,364.85, and it includes liquidated damages assessed for failure to meet final completion requirements. The final contract amount is \$232,475.95.

Commissioner Wolfe moved to approve the Conexco, Inc. Change Orders #1 and #2 for Project 2021-08. Motion seconded by Commissioner Beyer; motion passed unanimously 3-0.

13) Other Highway Items for Information/Discussion:

- Lilly Project updates
 - CR 300 N has been re-opened to traffic. The turn lane and culvert replacement are complete.
 - Pulverizing and paving is anticipated to begin along CR 150 W from CR 375 N to CR 300 N on 12/4/2023. There will be lane restrictions, but the road is to remain open to traffic during this work.

Stephen Elkins, Director of Area Plan presented the following item(s):

- 1) Reminder that there will be an Area Plan Commission Meeting on Wednesday, December 6th at 6pm. The board will be discussing the Overlay Project.

Sean Horan, GUTS presented the following item(s):

- 1) Update on the phone system project. There was a large number of bids received for the RFP. They have narrowed it down to two (2) vendors and will be holding interviews. The plan is to make a recommendation at the next meeting.

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	• 198 days without a recordable safety incident. • Daily and weekly safety meetings continue. • Met our new safety representative last week and she will be on site once a week now. • We had to change the lighting once the new road was installed. At the main Entry and on the new main curved roadway much better lit now. • Adding Handrail to the drive entry to the basement to prevent slippage. • Adding industrial heated mats to the temporary ramp for slippage prevention as well.
Issues	• NO current tissues. • The soil remediation has been completed and was less costly than we had originally anticipated.
Milestones accomplished since last update	• The new road is over halfway completed. Major milestone. • Unit B steel installation was completed. • Unit A priority walls were completed by the Masons last week. • The Sally Port demolition was completed. • Precast will begin to be installed in the new Unit E building. • Unit B metal stud walls begin on 12/18 • New C building had foundations poured last Thursday and Friday, so we now have the beginning of a building for the coroner and pre-booking. • We continue to demo the old booking /holding area. Will get loud this week with the walls being the main priority. • Temporary heat will begin to be installed in A and B to get ready for interior work during the winter months.

TIMECLOCK PLUS PROJECT UPDATES

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

- TCP was successfully integrated into the test system with CYMA. The Auditors Office has a few questions, but we are currently working through the process and procedures at this point.
- Meeting with Auditor Crum, Human Resources, GUTS, and myself tomorrow to work through a few items but everything is on track at this point for making the time and payroll systems work more efficiently and effectively together.

PAPER BALLOT PRESENTATION / DISCUSSION

Charles Bookwalter wanted to continue discussing election integrity and proposal of going back to paper ballots. There was an Election Board Meeting held in the Connie Lamar Room a few weeks ago where Eric Crouse with the Indiana First Action (IFA) was given fifteen (15) minutes to present on election machines vs. paper ballots. The Election Board did not ask any questions following the presentation nor would they allow public comment. Michael Broach presented the Notice and Demand on Redress Regarding Speaking in Public Assembly Notice of Maladministration and Trespass Against Rights of Freedom of Thought and Speech Notice to Agent is Notice to Principal and Notice to Principal is Notice to Agent and read it aloud. (See Appendix #2) This notice is being submitted to the Clerk's Office for the Election Board demanding a public meeting without any restrictions or time limits within the next fourteen (14) days. Bookwalter questions if the Election Board is receiving the notices or has seen the IFA presentation material. Dave Myers presented Dr. Douglas Frank video showing data of election results in Indiana Counties. (See Appendix #3) Corina Papabathini commented that she

was one of the people who attended the Election Board meeting a few weeks ago and was denied public comment and was instructed to request to be added to the January Agenda. Papabathini thanked the Commissioners for the platform to present and make public comments. She provided a history of the presentations from previous meetings. Papabathini would like to address her concerns and receive firm answers. Are the commissioners willing to support paper ballots? Commissioner Beyer stated yes, he is in support of paper ballots. Commissioner Lawson and Commissioner Wolfe are still researching and appreciate all the data that has been presented thus far. Ron Coy commented on an Election Board hearing that he attended. Additionally, he supports paper ballots and provided reasons why. Coy is ashamed there are not more people showing up to these meetings and concerned about what is going on within our County.

IN THE MATTER OF ELECTED OFFICIALS

Commissioner Wolfe wanted to congratulate Elise Nieshalla for being appointed Comptroller for the State of Indiana.

Recorder Debbie Ottinger presented DoxPop services available to Boone County residents. It is a free service to the County and all taxpayers. You will have to register if you'd like to utilize the service – an alert will be sent to you if there is any action taken on your specific deed/property.

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. Commissioner Wolfe recused himself from the Travelers Claims Docket; motion passed 2-0.

IN THE MATTER OF MAIL

See (**Appendix #4**) 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 10:57 AM on Monday, December 4, 2023. Motion seconded by Commissioner Wolfe; motion passed unanimously 3-0.

**Notice and Demand on Redress Regarding Speaking in Public Assembly
Notice of Maladministration and Trespass Against Rights of Freedom of Thought and Speech**

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

To: Boone County Election Board: Lisa Bruder, Rebecca McClure, Brian Jones
Cc: Boone County Commissioners: Tim Beyer, Don Lawson, Jeff Wolfe

I, the undersigned, one of the People (as seen in the Indiana Constitution, Article 1, Section 1), republican in form, *Sui Juris*, do Notice you, by Necessity, that you do provide due care:

Please take Notice that it is the guaranteed right and duty of the People to:

- (1) Assemble together to consult for their common good,
- (2) Provide our trustees and servants with a constant and frequent recurrence of the fundamental principles of law expressed within the State and Federal Constitutions, and
- (3) Preserve the blessings of liberty, ensure our individual rights and to keep government free.

It is the People's right to have an exact and constant observance of them in the formation and execution of the laws and duties they perform in their role as a servant and agent of the People. (see evidence below).

Indiana Constitution Article 1 Section 9 - Freedom of Thought and Speech

"No law shall be passed, restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever: but for the abuse of that right, every person shall be responsible."

Indiana Constitution Article 1 Section 24 - Ex Post Facto Laws

"No *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed."

Indiana Constitution Article 1 Section 25 – Laws--Taking Effect

"No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution."

Indiana Constitution Article 1 Section 31 - Right of Assemblage and Petition

"No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances."

Please notice the **Maxims of Law, by Charles A. Weisman**. These are fundamental principles of law, universally accepted as true and already proven applicable.

Maxim of Law 39y: Principles prove, they are not proved. *3 Coke, 40*. Fundamental principles require no proof; or in Lord Coke's words, "they ought to be approved, because they cannot be proved." *3 Coke, 50a*.

Maxim of Law 51b: The government is to be subject to the law, for the law makes the government. *C.L.M.*

Maxim of Law 51i: Individual liberties are antecedent to all government. *C.L.M.*

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 blessing of liberty and good government. *American Maxim*.

Please take notice that as the People, we now recognize that you cannot make a rule that would infringe, harm or trespass against the guaranteed rights of the People. When a government servant exercises authority not delegated, the result is either usurpation or tyranny. A government servant that abuses authority is not exercising representative governance but is committing an individual act of maladministration, which becomes a deprivation of the People's rights and therefore a breach of contract.

Please show me in the Constitutions where you were delegated the authority to restrain or restrict the People, to conduct the business of the People, redressing their grievances with their officers during any/all public meetings.

Please take Final Notice that as trustees and servants of the People, you have already agreed that:

- (1) All government operates on delegated authority and that all powers are delegated to you from the People,
- (2) You are bound by oath and affirmation to your contract and trust indenture, the Indiana Constitution, and
- (3) You must, at all times, be available to the People for petition, redress, and remonstrance.

It is my wish, demand, and order that you restore freedom of thought and speech, as the Indiana Constitution secures, in any/all public meetings without any restrictions or time limits, and that you schedule a public meeting within the next fourteen (14) days where the People can exercise their God-given right to assemble, speak freely, and redress their grievances concerning maladministered elections.

Please take Notice that this is sent to you in the love of Jesus Christ, so that you provide due care.

Autograph

Printed Name

Date