

Owen County Commissioners
Minutes-July 6, 2021

Noted was YouTube-Livestream was not working at the start of the meeting.

Meeting was opened by President Gary Burton.

Pledge of Allegiance was said, Prayer was led by Sheriff Hobbs.

Roll was called; all members present. Public Sign in Sheet will be attached for permanent record.

A motion to approve the minutes as presented for June 21, 2021, was made by Bob Curry; seconded by Dale Dubois. Motion Carried 3-0.

A motion to approve the minutes as presented for June 25, 2021, was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Mr. Burton read the Docket Claim totals for \$406337.21 and the General Fund negative balance of \$159898.63 Attorney Bryan reviewed Indiana Law and further explained that there is money to pay the Claims; however, the County General Fund has been in the red for 17 out of the last 18 months. He has spoke with SBOA and they are aware of the situation. Therefore, by their awareness, they are not condoning but an understanding that bills must be paid and there is funding. There has been a need and direction to try and resolve this situation, thus the Commissioners approving the claims today will increase the deficit.

Any Department that is not part of the General Fund must not be in the red when submitting any claims.

Any Department that is part of the General must have appropriations in their specific line-items to process the claims or they will be denied. He further explained that the amount of revenue that comes in each month is about \$250000 a month while Payroll is right at the same amount. So all future claims will eventually need to be paid from other Funds until Council can do the appropriations process required to put monies into the General Fund. Mr. Burton related to the public that in continuing forward we are going to have to spend all our monies to keep open and bills paid. Not a situation we want to be in. Mr. Bryan added that as an historical average of \$258000; versus average of expenses of \$595000 going out which is why the deficit keeps growing. Spending cuts and projections of \$1.2M coming in \$2.9M going out will leave us at a \$1.8M short. 2022 will have to be based upon the revenue coming in and that the budget will be under scrutiny of SBOA and DLGF. Mr. Burton added that this Board does not control the Finances.

A motion to approve the Claims Docket was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0. Out of Cycle Claims presented for signatures were Utilities \$5638.26, COVID Clinic \$4884.58 and Steve's Welding \$175.00.

Old Business:

IU Health Contract was reviewed again with concern about the Incentives in #6. The county already pays 94% of employee's insurance and this would bring it up to 99%. If the County participates in this Healthy Program Plan to offer pre-screening for things like High Blood Pressure, Diabetes etc. it would lock in the Counties Insurance Rate for two years. Attorney Bryan is still waiting to hear from the company to seek an alternative solution. A motion was made by Dale Dubois to table; seconded by Bob Curry. Motion carried 3-0.

A copy of the Internal Controls Resolution 2021-21 was presented and read by Attorney Bryan. Members of the Committee are Commissioner-Gary Burton, Council-Polly Chesser, and Recorder-Loretta Foster.

Mr. Burton noted that the County has had Internal Controls since 2019 and certain Elected Officials have chosen not to abide by the rules. A motion to approve the Resolution as presented was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

A copy of Section 506 Comp Time Policy was presented and read by Attorney Bryan. Further discussion came from 911 Director Kathleen Lamb that already has a budget for OT versus up to 80hrs Comp time. Concern is they will burn OT before comp. Specifically why are they not allowing the department heads to manage their OT. Sheriff Hobbs stated that Council has not budgeted for comp time and for his department not enough for OT and they will have to budget and governed by FSLA will allow comp. Highway Superintendent Greg Melton related he is in the same boat and has managed up to 28 employees and this would be tying his hands with limitations. By Council cutting positions hands are forced to have comp time. Attorney Bryan stated that the overall balances are enormous which is real money equals real debt. Mr. Burton noted that a current balance of vacation, personal and comp time is over \$475000. and he does not want to tell officials how to run their office, but we must get a handle on this. He further noted that a time management system will be put in place. Motion made by Bob Curry; seconded by Dale Dubois to adopt the Policy. Motion carried 3-0.

Copies of three quotes were presented from Quadiant Leasing Inc-Sourcewell Purchase Order for the County Postage Machine. Quote amounts were for 36/mo.-\$40222.64, 48/mo.-\$43595.52, and 63/mo.-\$51556.05. Attorney Bryan noted that the Quote would need to be kept in a special file and written verification that Sourcewell is an approved purchasing as a state bidder 041917-npi and Membership#128934 and kept by the Auditor. A motion to accept the 63/mo. quote was made by Gary Burton; seconded by Bob Curry. Motion carried.

Ginger Rogers-Owen County Library Board presented a Certificate of Appointment Form for the Commissioners to sign. Noted was that they had signed previously was not valid as the member leaving term had not expired. Mr. Burton said that he had been approached at a Precinct Meeting by Mr. Voelker to be considered to fill the position. The Commissioners have not had to make an appointment in 16 years but please follow the procedures. Copies were signed and will provided to Ms. Rogers.

VFW-Sharron Barger was moved up on the agenda to present a request to use the Courthouse Lawn for a Special 911 Ceremony on September 11th to honor our fallen heroes, fellow American citizens, and local deceased veteran Brett Wood. The ceremony will include a 21-gun salute, taps, presentation of flag, songs, and special speakers. They also are requesting to place 2996 small flags on the lawn and yellow ribbons around the sycamore tree in honor of Brett Wood. Also requested to leave up for the later event that evening for the Farm to Table Dinner. A motion to approve the request was made by Gary Burton; seconded by Dale Dubois. Motion carried 3-0. All fees per the Events Ordinance were waived.

A Memorandum of Executive Session held on July 2, 2021, was presented and read by Attorney Bryan stating under IC5-14-1.5-6.1(b)(2)(b) certifying that no other subject matter was discussed, and no decisions were made. A motion to approve the Executive Minutes was made by Dale Dubois; seconded by Bob Curry. Abstained due to absence was Dale Dubois. Mr. Curry also signed as a member of the Plan Commission.

Attorney Bryan presented a Contract from Tuohy Bailey & Moore LLP for legal representation in a suit that has been filed on the County. A motion to approve the contract was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Attorney Bryan related that Council had approved Peter's Municipal Consulting to prepare a Financial Plan for both 2021 and 2022. A motion to continue the letter of engagement was made by Gary Burton; seconded by Bob Curry. Motion carried 3-0.

EMA Director-Jack White came before the Commissioners to present a Comprehensive Management Plan (CEMP) He related that next year will be a little more involved as DHS is changing their requirements for emergency support functions, this year was just basic changes with names. A motion to sign the Promulgation

was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Next he presented a Grant Agreement Award# 01734 of \$19457 is between The Indiana Department of Homeland Security and Owen County to prepare a Multi Hazard Mitigation Plan Update. Christopher B. Burke Engineering LLC provided a proposal for consideration to write the County Plan Update and is Required by Region 5 for mitigation funds. He used County Line Road as a possible area that funds could be used. Upon review a motion was made by Dale Dubois to hire Burke Engineering; seconded by Bob Curry. Motion carried 3-0. Attorney Bryan clarified that the Grant also included an in-kind match of \$6480 that would be matched by meetings, work sessions with Town Officials and other Officials and allowed per IC5-22-6-1 and Ordinance 2018-02 section 22.

Mr. Burton asked for a brief update on the Flood Event in June. He will be meeting with State Officials later in the week and feels it is to discuss funding. He has submitted all the necessary Preliminary Damage Assessment paperwork and information received from Highway-Greg Melton and awaiting to see if the State meets the threshold for reimbursement.

He then added that a 12x18 Flag had been purchased for prior events and offered to hang it from the Courthouse on the approved 9/11/21. He will let Ms. Barger know.

Sheriff-Sam Hobbs began with notice that the Chillers had gone down at the Jail. HFI had been there and re-setting every hour due to the loss of refrigerant. He asked Commissioners to deem it an emergency and had obtained two quotes for replacement in the amounts of \$85000-HFI and \$94000-Family Heating & Air Conditioning. Attorney Bryan read and related that under IC36-1-12-9 and IC5-22-10-4(a) it was allowable to deem an emergency. He asked Sheriff Hobbs two questions for it to be deemed-Was it a threat to the Health and Safety to inmates-Answered Yes and then Mr. Snodgrass related it also then gets into behavioral issues and cause for endangerment to them and staff. A special file must be maintained by the Auditor showing the purchase, contract selected, amount, type of contract. A motion to deem it an emergency was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0. A motion to approve the Contract Agreement was made by Dale Dubois; seconded by Bob Curry and to be paid from the Correctional Facility Fund. Motion carried 3-0. Sheriff Hobbs will also have to go before the Council to do an additional appropriation for the funds. Secondly, he informed them that cameras had gone down at the jail in the cell blocks, and IT had been there most of the night trying to fix them with no luck. Monitoring is having to be done by walking the floors. He will purchase a portable unit to use until it can be fixed. He will obtain quotes and present them at the next meeting.

Lastly was Letters prepared by Attorney Bryan required to be sent regarding the new Jail per IC 36-1-8-19 to determine the feasibility and impact of housing inmates in other County Jails. A motion to approve the letters to be sent was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0.

Highway-Greg Melton reviewed the Flood Event and working with Jack White on cost estimates to date, but it is still growing. 44 Large Culverts replaced \$1.2M+, Culverts-33 \$108982, Bridges-3\$828000 Bridges-7 \$128160, Bridge Inspections-\$49500, Emergency Road Repair-\$598000, Mudslides-\$258700, Machine Repairs-\$101060, and Emergency OT-\$7500 for an estimated Total to date=\$1,106,068. He will provide a copy of estimates. He is working with Soil & Water and has had Bridge companies out. Information so far (I) Bridge is that Surber Road must be replaced, the other two can be repaired. So that means his Cumulative Bridge money is gone and an estimated date of repair is at least two years.

He had cut his budget with 7 summer employees last year, per Council instruction has had to lay off 2 more employees. In looking at his Fund #1176 he will need to lay off one more person. Due to his funding situation decision are going to have to be made whether they fix these roads or send \$971000 back to the state for the Crossings Grant.

Mr. Melton and Attorney Bryan has done a Financial Review of all the Highway Funds and currently all their funds have positive cash balances. Fund#1169 L&R Cash Balance-\$195540 and after today's claims only \$2000 is left in Bituminous and Stone, #1173 Restricted MVH \$200000, #1176 MVH-\$20000 with revenue of only \$128000/month and payroll at \$94000. All three funds have a revenue stream and using a historical projection for 1176 an amount of \$374000 needs to be held for expenses already committed for workman's comp, liability insurance and crossings grant. This would only leave \$394000 for the rest of the year to meet other expenses based on projected revenues. Fund 1173-needs to start saving \$50000 to meet bills.

Mr. Melton related he has transfers to present at the next Council Meeting but every time it is announced that his funds are of concern it is causing some concern with his Vendors. He does not want to be shut off from the Quarries but feels there will be no credit at this rate. Possibly send Letters to Vendors that they will be paid; Mr. Burton stated he will sign the letter. Mowers never shut down, but only three-hole patchers are the injection patchers. He is down employees due to budgeting and revenue concerns. He expects that all of the other departments will follow suit as he has done what was asked by Council.

Mr. Melton asked Commissioners where do they want his money to go?

Community Crossings Grant or send it back dur to the current Flood related conditions.

Gary-Repair/Paving can cover a lot at one time and the money is going to be spent either way. His opinion if grant is used-we are making progress.

Bob-Agrees with Gary Build not continuing patching

Dale-One mile of paving is a big difference in price in comparison to patching potholes.

Gary-If paving it is Saving time and monies rather than patching

Bob-Asked about the Lifetime of Roads; more life expectancy with proper maintaining.

Greg-Can take care of new roads and he does not think we will get FEMA monies.

Based on discussion a motion was made by Gary Burton; seconded by Bob Curry to proceed with the Community Crossings Grant with the matching funds of \$250000, noting that Paving is making progress.

Community Crossings Bid Packets-

Attorney Bryan presented and read two Bid Packets that had been received by the deadline of today's date at 9am: (1) Milestone and (2)E&B Paving. He opened each packet and checked for the proper submissions that were sent with notices; and noted that each Company had met all technical requirements.

Bid prices are as follows:

	<u>Milestone</u>	<u>E&B Paving</u>
Culross Road	\$338625.00	\$367500.00
Walden Road	\$196800.00	\$214080.00
Steubenville Road		
Sec 1	\$11033.75	\$124631.25
Sec 2	\$36707.30	\$40695.25
Sec 3	\$117284.30	\$131773.00
Sec 4	\$82687.35	\$93419.25
Sec 5	\$121249.20	\$136986.00
Sec 6	\$142416.65	\$160754.50

Following review of the bids presented it was determined to select Milestone, also noted as the lowest bid received and under cost of the grant. Motion was made by Dale Dubois; seconded by Bob Curry.

Motion carried 3-0.

Mr. Melton added a request for Commissioners to allow him to put in a bid for the rest of Steubenville Rd.

A motion to add the road was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Attorney Bryan will prepare the notices to be sent.

Lastly, he informed members that the Fair Board allows them to store Equipment in the Buildings for free each year. He has allowed them to use the roller and water truck at this time with Verl Keith as the operator.

Probation Department-Donna McElroy presented their Community Corrections Grant Application Approval Letter of Request. A motion to approve and sign the Letter was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Auditor Reeves presented a State Required-Covered Bridge Certification Form for signatures, Noting Owen County has none. A motion to approve was made by Gary Burton; seconded by Bob Curry. Carried 3-0.

Attorney Bryan presented and read the IC 36-2-5-7 pertaining to submission of the Annual Budget Estimates to the County Commissioner's. Mr. Burton noted that this has never been done in the past. The Budget Estimates will be presented to the Council at their July 20th Meeting. Ms. Reeves had received the required Departments submissions and was instructed to do a summary report only for them.

911 Director Kathleen Lamb informed Commissioners that they had lost half of their phone system over the weekend, however they were able to fix it on their own. They also had lost internet connection that affected communication with external partners. IT-Forthphaze related that it was due to Certificate Security not being renewed. They are looking into it.

She next re-presented and reviewed her Communications Center Staffing Plan Proposal that would be to add one (1) position and a new shift rotation. She has the fund needed to support the request until 2026. She offered if approved that she would consider other employees that have been furloughed for the position. A motion to approve the request and presented to Council was made by Dale Dubois; seconded by Bob Curry. Motion carried 3-0.

Public-

Adam Hall commented on the Comp Time issue previously discussed.

He then related information concerning the Owen Camp Housing Project. He is presenting a Re-Zone Application to move forward with the project.

Attorney Bryan next presented and read an update to the County Policy Section 103-Equal Employment Opportunity. A motion to approve the Policy was made by Bob Curry; seconded by Dale Dubois. Carried 3-0.

Attorney Bryan had nothing further.

Auditor Reeves had nothing further.

Commissioners Bob Curry and Dale Dubois had nothing further.

Mr. Burton Elected Officials and Department Heads are working on issues.

No other business came before the Board.

A motion adjourn was made by Bob Curry; seconded by Dale Dubois. Motion carried 3-0.