

Board of Commissioners

Meeting

09-13-2021

Present: Dennis Henderson, Tracey Powell, Nancy Cline

Other Present: Steve Brown, Linda Johnson, Chad Huff, Vicky Boyd, Jim Ankrum

The meeting was opened with prayer by Pastor Steve Brown of the Normanda Christian Church and the Pledge of Allegiance.

Payroll – Crystal Worthy

Motion by Commissioner Cline to approve payroll, check date September 17, 2021, in the amount of \$197,778.48. Second by Commissioner Powell. Motion Carries.

Claims – Katy Kramer

Motion by Commissioner Powell to approve miscellaneous claims for docket date September 13, 2021, in the net amount of \$147,586.24. Second by Commissioner Cline. Motion carries.

Highway- Superintendent

Highway Superintendent Morris reported that the road inventory has been completed by Sherri Crawford, adding 2.93 miles of additional roadway. There is no news on the second round of Community Crossings Matching Grant projects. They are cutting berms. They have removed small structure LI3031 and are ready to set elevation for the new structure.

Motion by Commissioner Cline to authorize Commissioner Henderson to sign the road inventory. Second by Commissioner Powell. Motion carries.

Engineer – Phil Beer

Engineer Beer stated that Midwest Paving began work on the Community Crossing Matching Grant projects on September 1, 2021. They have placed all the Hot Mix Asphalt (HMA) wedge and level and have started to place HMA surface. They have paced in one pass, the full width of the roadway, which eliminates the centerline joint. He stated that the highway department will address the weeds at the old jail. He stated that the 109 page SR28 reconstruction project plan is available for review.

He provided photos of the courthouse roof so that County Attorney Regnier may speak with Kyle Clouser at Walker Hughes Insurance. Attorney Regnier stated that he may have to employ the services of an engineer to certify damage caused by wind. Commissioner Cline asked about the punch list with 3 Pro on the Landfill Leachate Treatment Facility. ATC will work with 3 Pro on the punch list.

Sheriff – Tony Frawley – No report

VASIA – Adult Guardianship – Linda Johnson

Linda Johnson gave an annual report on services provided to elderly members of the counties served by the adult guardianship program.

Motion by Commissioner Cline to increase support of Area 5 VASIA Adult Guardianship Program to \$5,000 from EDIT and to authorize Dennis Henderson to sign a letter of support. Second by Commissioner Powell. Motion carries.

COVID-19 Relief Plan

A draft ordinance was presented for review.

Ordinance BOC 2021-01 Virtual Meeting Ordinance

ORDINANCE BOC 2021-01

AN ORDINANCE OF THE TIPTON COUNTY, INDIANA BOARD OF COMMISSIONERS ESTABLISHING POLICIES AND PROCEDURES FOR VIRTUAL PUBLIC MEETINGS

WHEREAS, technology permits public officials to reliably attend and participate in public meetings virtually; and,

WHEREAS, technology permits members of the public to view, participate, and communicate with public officials virtually, during public meetings: and,

WHEREAS, Indiana House Bill 1437 ("HB 1437") was signed into law by the Governor of Indiana: and,

WHEREAS, HB 1437 added Indiana Code Section 5-1-14-18 to the Indiana Code; which states that the use of electronic signature rather than manual signatures shall be considered fully legal and valid for all purposes with the same force and effect as if the execution were performed with manual signatures; and,

WHEREAS, HB 1437 amended I.C. 5-14-1.5-3.5 to provide policies and procedures to permit an elected official to virtually attend a public meeting; and,

WHEREAS, I.C. 5-14-1.5-3.5 requires all counties to adopt a written policy establishing the procedures that apply to an elected official's participation in a meeting by an electronic means of communication.

IT IS THEREBY ORDAINED by the Board of Commissioners of Tipton County, Indiana, as follows:

1. This policy establishes Tipton County's procedures and requirements of the Tipton County Board of Commissioners to virtually attend public meetings.
2. Commissioners who are not physically present at a public meeting may participate in the meeting by an electronic means of communication that does the following:
 - a. Allows all participating members of the governing body to simultaneously communicate with each other; and,
 - b. Allows the public to simultaneously attend and observe the meeting.
 - i. This does not apply to a meeting held in executive session.
3. Subject to the restrictions mentioned below in Section 4, a Commissioner who participates in a meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may only participate in any final action taken at the meeting if the Commissioner can be seen and heard.
4. A Commissioner may not participate in a Board of Commissioner public meeting by electronic communication if the Board of Commissioners are attempting to take a final action to:
 - a. Adopt a budget;
 - b. Make a reduction in personnel;
 - c. Initiate a referendum;
 - d. Establish or increase a fee;
 - e. Establish or increase a penalty;
 - f. Use the County's eminent domain authority; or
 - g. Establish, raise, or renew a tax.
5. A technology failure in an electronic means of communication that disrupts or prevents:
 - a. The simultaneous communication between a member who is not physically present at the meeting and governing body; or

- b. A member of the public who is not present at the meeting from attending and observing the meeting;

Does not prevent the Board of Commissioners from conducting the meeting or affect the validity of an action taken by the governing body at the meeting if the sum of the Board of Commissioners physically present at the meeting and the Commissioners participating by electronic communication without technological failure, satisfy the quorum, provided the other voting requirements of the Board of Commissioners are complied with as to any final action being taken.

6. All votes taken during a meeting under this policy must be taken by roll call vote.

7. At least fifty percent (50%) of the Board of Commissioners members must be physically present at a meeting.

8. A Commissioner may not attend more than fifty percent (50%) of the Board of Commissioner meetings in a calendar year by means of electronic communication, unless the Commissioner's electronic participation is due to:

- a. Military Service;
- b. Illness or other medical condition;
- c. Death of a relative; or,
- d. An emergency involving actual or threatened injury to persons or property.

9. Any obligation executed by the facsimile signature or electronic signature of the Commissioner attending the meeting by means of electronic communication, shall be valid with the same force and effect as manually executing the signatures for any such obligation.

10. For any meeting under this policy, the following shall be recorded as part of the meeting minutes:

- a. The date, time, and place of the meeting;
- b. The Commissioners recorded as either present or absent;
- c. State the names of each Commissioner who participated in the meeting by the use of electronic means of communication;
- d. The general substance of all matters proposed, discussed, or decided;
- e. A record of all votes taken by the Commissioners if there is a roll call vote; and,
- f. Identify the electronic means of communication by which:
 - i. Commissioners participated in the meeting; and,
 - ii. The public who attended and observed at the meeting, if the meeting was not held in executive session.

11. If the Governor declares a disaster emergency under I.C. 10-14-3-12 or in the event the Board of Commissioners declare a local disaster emergency pursuant to I.C. 10-14-3-29, notwithstanding any of this policy, the Board of Commissioners are not required to be physically present at a meeting until the state disaster emergency or local disaster emergency is terminated, however, the Board of Commissioners shall continue to meet all other requirements stated above in this policy.

ALL OF WHICH IS ORDAINED by the Board of Commissioners of Tipton County, Indiana, this ____ day of September, 2021.

Board of Commissioners by:

Dennis Henderson

Tracey Powell

Nancy Cline

Attest:

Gregg A. Townsend, Tipton

County Auditor

Prepared by:

Mark R. Regnier #13757-80

Tipton County Attorney

120 South West Street

Tipton, Indiana 46072

765-675-2211

markregnieratty@gmail.com

County Attorney Regnier read a copy of the proposed ordinance.

Motion by Commissioner Powell to approve first reading of Ordinance BOC2021-01 An Ordinance of the Tipton County, Indiana Board of Commissioners Establishing Policies and Procedures for Virtual Public Meetings. Second by Commissioner Cline. Motion carries.

RATIO Jail Feasibility Report – Engineer and County Attorney will review for possible redactions.

Motion by Commissioner Powell to table. Second by Commissioner Cline. Motion carries.

Commissioner Henderson stated that S.T.O.P. (Save These Old Properties) calls almost every week.

Minutes for August 30, 2021

Commissioner Cline brought up the veterinarian bill that had been tabled.

Attorney Regnier stated that work is being done to amend the animal control ordinance. He stated that the bill was uncollectible and that the owner is in jail.

Motion by Commissioner Cline to pay the \$536.12 animal care bill to Hamilton County. Second by Commissioner Powell. Motion carries.

Motion by Commissioner Cline to approve the minutes for August 30, 2021. Second by Commissioner Powell. Motion carries.

Committee Reports:

Commissioner Powell stated that the Commissioners need to be pro-active in addressing policies with regard to COVID response in cooperation with the Health Department; and addressing the pressing need for daycare in the county. Commissioner Henderson stated that we need a consultant policy for the county. Commissioner Cline stated that she would meet with the Health Department.

Chad Huff, with the Tipton County Foundation stated that he would put a study committee in touch with the Board of Commissioners with regard to daycare issue.

Commissioner Cline stated that the carpet in the Health Department was discovered to have mold after a water line leak. Custodian Ann Cox will get estimates for its replacement.

Motion by Commissioner Cline to allow Ann Cox to get estimates to replace the carpet in the Health Department. Second by Commissioner Powell. Motion carries.

Commissioner Cline brought up the need to clean the grease in the parking lot left from the Pork Festival. She also asked that replacement of the elevator and generator be placed under "Other Business" on the next agenda.

Courthouse Shredder

Motion by Commissioner Powell to authorize Auditor Townsend to price and purchase a shredder for the courthouse. Second by Commissioner Cline. Motion carries.

Travel Policy – Tabled**Public Comment - None**

Motion by Commissioner Cline to close public comment. Second by Commissioner Powell. Motion carries.

Motion by Commissioner Powell to adjourn the meeting. Second by Commissioner Cline. Motion carries.

Approved this 27th day of September, 2021

Dennis Henderson, President

Tracy Powell, Vice President

Nancy Cline, Commissioner

Attest:

Gregg A. Townsend, Tipton County Auditor
Respectfully submitted by Gregg A. Townsend