

Board of Commissioners

Meeting

09-27-2021

Present: Dennis Henderson, Tracey Powell, Nancy Cline

Other Present: Dick Klein, Greg Sottong, Ray Sheppard, Vicky Boyd, Jim Ankrum, Justine Reeves, Ralph Achenbach

The meeting was opened with prayer by Commissioner Cline and the Pledge of Allegiance.

Payroll – Crystal Worthy

Motion by Commissioner Cline to approve payroll, check date October 1, 2021, in the amount of \$186,002.33. Second by Commissioner Powell. Motion Carries.

Claims – Katy Kramer

Motion by Commissioner Powell to approve transfer of \$536.12 from General Commissioners Outside Professional Services (1000.31100.000.0068) to Animal Control (1000.38600.000.0068) to pay the Hamilton County Humane Society claim. Second by Commissioner Cline. Motion carries.

Motion by Commissioner Cline to approve the separate claim to the Hamilton County Humane Society, in the amount of \$536.12. Second by Commissioner Powell. Motion carries.

Motion by Commissioner Powell to approve miscellaneous claims for docket date September 27, 2021, in the net amount of \$314,697.14. Second by Commissioner Cline. Motion carries.

Travel Policy Update

Katy Kramer reported that changes had been recommended to the County Travel Policy:

“Hours in travel” be removed; Per Diem Meal reimbursements, as follows: up to 8 hours \$15, 8-12 hours \$30, and over 12 hours \$50; and overnight travel approved if over 25 miles distant.

An amended Travel Policy will be presented at the next meeting for approval.

Highway- Superintendent

Highway Superintendent Morris reported that the Community Crossings Matching Grant (CCMG) projects have been completed, except a correction at the intersection of CR700W and CR100N. He also reported a hole in the road south of CR250N on Meridian Road.

Structure LI3031 is installed. The pump used to bypass the structure pumped an estimated 14 million gallons of water during the project.

Engineer – Phil Beer

Engineer Beer stated that he would suggest the purchase of a 6” diesel pump, out of Cumulative Bridge, for the use of the Highway Department. He stated that he had read the Ratio Jail Feasibility Report and found it to be comprehensive; however, he stated that he felt that the estimates of cost for rehabilitation and replacement were too low.

Motion by Commissioner Cline to accept the draft report of Ratio’s Jail Feasibility Report. Second by Commissioner Powell. Motion carries.

He also reported that County Attorney Regnier had sent the pictures of the Courthouse roof damage to Walker Hughes Insurance. He stated that there is considerable damage.

Sheriff – Tony Frawley

Motion by Commissioner Powell to approve Sheriff Frawley’s request to sign a contract with Jail Tracker for jail software, in the amount of \$79,000, which includes 4 years of maintenance. Second by Commissioner Cline. Motion carries.

The sheriff reported that the sally port floor was finished, at a cost of \$4,800. He is still looking at a canopy over the East entrance and the sidewalk connection, which may have to be postponed, if it cannot be done in October.

Ordinance BOC2021-01 Virtual Meetings – Second Reading

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

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Motion by Commissioner Cline to adopt Ordinance BOC2021-01, an Ordinance of the Tipton County, Indiana Board of Commissioners Establishing Policies and Procedures for Virtual Public Meetings.

Second by Commissioner Powell. Motion carries.

County Attorney Regnier will prepare wording for the other governing bodies.

Courthouse Generator

Omni Electric secured three quotes for 400KW generators from Cummins, Caterpillar, and Generac.

The quotes are as follows:

Cummins: \$102,936.39

Caterpillar:\$84,910.53

Generac: \$100,784.21

Installation by Omni will be \$41,550 for total parts and labor.

Motion by Commissioner Cline to move forward with the Caterpillar generator at \$84,910.53, plus installation at \$41,550, for a total of \$126,406.53, out of Cumulative Capital Development. Second by Commissioner Powell. Motion carries.

Commissioner Comments

Commissioner Cline expressed thanks to Custodian Ann Cox for working with the Pork Festival Committee on the post-event clean-up.

She also expressed condolences to the family of Jay Moss, part-time custodian who died on September 20, 2021.

Commissioner Cline asked that the carpet in the Health Department be placed on the agenda for the next meeting.

Mark Baird will ask a representative of the Purdue Broadband survey to attend the next meeting.

Motion by Commissioner Cline to allow Pray and Praise to reschedule their revival services on the Courthouse lawn for October 16, 2021, from 4pm to 8pm, with the Courthouse restrooms available. Second by Commissioner Powell. Motion carries.

Commissioner Powell reported that the application for the regional Ready Grant is to be submitted today. If approved, Tipton County could receive \$3.5 Million for the wastewater project. Tipton County will also receive a \$3.3 Million grant for the Cicero Creek shelving project. The next step in dealing with the old jail property will be discussed at the next meeting. A representative of Ratio will be asked to attend.

Minutes for September 13, 2021

Motion by Commissioner Cline to approve the minutes for September 13, 2021. Second by Commissioner Powell. Motion carries.

Public Comment

The sheriff asked about COVID related use of personal days. There is a meeting with the Health Department at 2pm to discuss the issue, as well as quarantine policies. Justine Reeves, co-chair of Mom’s for Liberty, introduced herself to the Board of Commissioners. Dick Klein asked that prayers be offered for former mayor George Ogden, who has been hospitalized for 3 weeks. Ralph Achenbach, who owns land adjacent to the new Scout woods, stated that scouts and leaders have been on his land. He also stated that individuals hunt the woods, adjacent to the Scout woods, posing a potentially dangerous situation. He asked that a fence be installed to clearly define the properties.

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 12th day of October, 2021

Dennis Henderson, President

Tracy Powell, Vice President

Nancy Cline, Commissioner

Attest:

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