

THE MORGAN COUNTY BOARD OF COMMISSIONERS MET IN A REGULAR SESSION ON MONDAY, MARCH 16, 2020 AT 6:30 P.M.

MEMBERS PRESENT WERE RYAN GOODWIN, KENNY HALE AND NORMAN VOYLES. DEB VERLEY, EXECUTIVE ASSISTANT; DAN BASTIN, AUDITOR; JOSH MESSMER, COUNTY ADMINISTRATOR; AND JIM WISCO, COUNTY ATTORNEY, WERE ALSO PRESENT.

PLEDGE.

PRAYER (*Ryan Goodwin*).

OPENING REMARKS

Ryan Goodwin stated that the county has taken the coronavirus outbreak seriously. County government is home to the local Board of Health, which is in constant communication with the State Board of Health, CDC and Emergency Health Preparedness Coordinator. There is a pandemic plan in place and it will be executed if the situation continues to evolve. The county provides essential government, law enforcement, EMA, EMS that does not go away in a time of crisis. The Board of County Commissioners is the ultimate authority over county employees and buildings. Decisions to close buildings will have to be made on a case by case basis depending on the facts at the time, but giving employees peace of mind that they don't have to choose between a paycheck and reporting to work is something they can deal with. They can also provide guidance to department heads on working from home options. Mr. Goodwin stated that they would like to provide some degree of reassurance to the over 400 people that get a W-2 from Morgan County Government that they are watching the situation and are concerned about it and them.

ORDINANCE IN RESPONSE TO THE PUBLIC HEALTH EMERGENCY

Ryan Goodwin stated that due to the rapid spread of the coronavirus, various declarations of the World Health Organization, President of the United States and Governor of Indiana, it is obvious that they are in unprecedented times and uncharted waters. There are currently no known cases in Morgan County, but this is expected to change. They take their duties as operators of the buildings and those responsible for employees seriously and they have outlined an ordinance. The first four sections of the ordinance regard giving employees the peace of mind that if they are concerned about being at work, have been exposed to the virus, are providing care to a high risk individual, or they themselves are a high risk individual, they will receive an additional two weeks paid leave for full time employees and part time staff will be given a pro-rated amount based on work history. An employee know to be infected with the coronavirus, or who has been in contact with someone positively diagnosed, they want to give them the peace of mind that they have time to recuperate at home without the fear of loss of a paycheck. They do not want employees to choose between their health and paying their next bill. Employees who are 60 or over or who have a known underlying health condition that makes them vulnerable also have access to two weeks paid sick time (or part time equivalent). Employees with children that are affected by a closed school or daycare will also have additional paid sick time. Employees not meeting this criteria but concerned about being at work, will be allowed to use their accrued leave time. Department heads are directed to be as judicious as possible in allowing reasonable accommodations for time off. In implementing these procedures, the first line of defense is the department head. If there is a dispute, they may utilize the resources of the Human Resources Director. Department heads are encouraged to use telecommuting when possible; however, given the nature of the jobs and duties to citizens, this is not possible for most employees.

Public meetings will continue to be held within the guidelines of the CDC. However, these meetings will be streamed on Facebook and YouTube and members of the public who need to conduct business during the meeting may do so via telephone. Department heads are instructed not to hold nonpublic meetings of 10 or more individuals.

If county offices are closed and there is a supporting order from the President, Governor, or Commissioners, all employees will continue to receive their full expected wages. The Commissioners do not want employees to be concerned that if their place of work is closed through no fault of their own as a result of this situation, that they will see a reduction in their income. There is a provision for conflicting legislation. Other units of government may pass more generous than what is considered in the ordinance. If the local ordinance is more generous, then the local ordinance stands.

The ordinance is a temporary response to an emergency situation and will sunset or expire on the earlier of 1.) the cessation of the public health declaration by state or federal government, or 2.) by

a vote of the Board of Morgan County Commissioners.

Norman Voyles stated that he felt it should be a policy rather than an ordinance. A policy would be easier to amend, as there are issues that are not covered and they don't know yet what those issues are. A policy would allow them to address these issues quickly should they occur. Mr. Goodwin agreed that there is no way to know what issues will arise from this situation and they will need to deal with it on a daily basis. Since they are dealing with leave time, and allowing department heads to take initiative, he felt an ordinance would have more teeth. Kenny Hale stated that the ordinance has been drafted to be as broad as possible and would be better than a policy. Jim Wisco stated that the ordinance would be the most appropriate given the circumstances. It encourages both employees and citizens to remain safe and takes the county employees out of making a decision between safety and their personal financial situation.

Dr. Paul Broderick, Morgan County Health Officer, stated that this was good work. As of now, the state has performed 139 tests and there are recommendations of self-quarantine if there has been exposure to a known individual with COVID-19. Dr. Broderick asked if there was an accommodation for this situation. Ryan Goodwin stated that they had considered requiring verification from a health professional, but thought the medical professionals could potentially be overwhelmed.

Dan Bastin stated that hearing concerns of employees and other office holders, there is concern about the public entering the building. They are just a few days away from property tax statements going out and the election is not far behind. These will generate a large amount of traffic in the building. Mr. Goodwin stated that property taxes can be paid online or with the drobox. They will have to address the election as time gets closer.

Kenny Hale made a motion to approve the ordinance and waive a second reading if passed unanimously. Motion seconded by Ryan Goodwin. Motion carried 2-1. Norman Voyles was opposed.

POLICY REGARDING USE OF COUNTY PROPERTY

Ryan Goodwin stated that given guidance from CDCC regarding gatherings of 50 people or less, the Board feels that they have no choice but to limit county property to official public business and meetings. Kenny Hale stated that he hated to do it, but felt that they needed to in order to protect employees. Mr. Goodwin noted that the Maintenance Department has been tasked with additional sanitizing requirements and a more thorough cleaning regimen and it just burdens them coming in nights and weekends. Mr. Goodwin suggested only allowing meetings that are subject to the open door law. Kenny Hale made a motion to only allow county buildings to be used for county business until further notice. Motion seconded by Ryan Goodwin. Motion carried 3-0.

COMMENTS – EMS, EMS, Public Health Preparedness, Health Official

Donnie Warren, EMS Director, stated that they are augmenting their plans with contingency plans. The national emergency declaration opens the door for resources and the ability to track what they are doing and reimbursement once this is done. Since the declaration has been put in place, it opens the door for the Secretary of Health and Human Services to modify HIPPA requirements so there are certain things they can divulge. EMS has taken many more respiratory calls. They have been able to obtain personal protection equipment and have put in extra orders.

Mark Tumey, EMA Director, stated that he has regular virtual meetings and they can have up to 250 people join. The Stafford Act was evoked by the President so they should get reimbursed for expenses and time for staff. EMA is a support for the Emergency Health Preparedness Coordinator. They have supplies at EOC in case dispatchers get sick and they need to staff the dispatch center.

Steve Lyday, Morgan County Health Preparedness Coordinator, stated that they have heard a lot of talk about public testing. They are still waiting to hear from the state what the plans are. They have the necessary equipment except for the test kits. Personnel to staff the testing could be an issue.

Kenny Hale stated they would need to document and track everything in order to obtain reimbursement.

GRANT APPLICATION

Mark Tumey stated that he has applied for a \$214,000 grant. There are buildings throughout the county where first responders have issues with radio communication. The grant would be used to purchase 12 repeaters for \$100,000 that would allow portable radios inside the building to communicate with mobile radios outside on a tactical channel. The grant is a terrorism grant and

the other \$114,000 would be used to link all the cameras in the county buildings. This would help the Sheriff's Department in an active shooter situation and other situations. Norman Voyles made a motion to approve the grant application. Motion seconded by Kenny Hale. Motion carried 3-0.

GRANT APPLICATION

Steve Sonnega, Morgan County Prosecutor, was present to request approval of a \$121,002.10 grant application for the victim's advocate. Norman Voyles made a motion to approve the grant application. Motion seconded by Kenny Hale. Motion carried 3-0.

ON CALL POLICY – *Court Services*

Brian Foley, Morgan County Court Services Director, presented a policy that specifically affects Community Corrections, home detention, and juvenile probation. The employees are on call and could be called out at any time. The current policy in the Personnel Handbook is antiquated to today's world and does not acknowledge the sacrifices that employees make when they are on call. These would affect five staff and three officers that rotate calls. The policy requests one hour of comp time per day that an employee is on call. If a situation requires more response, it would revert to the handbook. The proposed policy was referred to the company that is currently reviewing the handbook and Personnel Policy and they were in favor of the policy. Ryan Goodwin stated that they have made exceptions for the Highway Department and Prosecutor's Office in the past. Judge Pete Foley noted that the Board of Judges supported the policy when it was presented to them. Kenny Hale made a motion to approve the policy. Motion seconded by Ryan Goodwin. Motion carried 3-0.

COURTHOUSE UPDATE

Judge Pete Foley stated that the Board of Judges enacted policies, and will submit them to the Supreme Court tomorrow, to allow local courts to enforce emergency powers under Indiana Administrative Rule 17. The court system will trim their court dockets to essential cases only. Each judge will define that, but they will not be calling in juries and will take action to allow someone in jail to use a video link. They are trying to eliminate points of contact. Ryan Goodwin noted that the courts are working as officers of the State of Indiana and not as officers of Morgan County. Judge Foley stated that the Supreme Court has ultimate jurisdiction over the function of the courts at a local level.

PAVING CONTRACT

Dave Rogers, Morgan County Jail Commander, stated that they requested funds to repave the parking lot at budget time. He worked with the County Engineer at the time, Larry Smith, in obtaining quotes and he has discussed it with the new County Engineer, Tony Hinkle. Mr. Hinkle thought the pricing of \$26,338.42 was fair. The paving will be for the old front and side of the building. Wallace Construction will mill it down and add 1.5" of new paving and re-stripe the lot. They have another quote of \$8,000 to seal and re-stripe the remainder of the parking lot. Norman Voyles made a motion to approve the paving. Motion seconded by Kenny Hale. Motion carried 3-0.

Mr. Rogers noted that the jail has implemented their protocol of screening new offenders that come into the jail and screening staff members. They met with St. Francis and IU Health as well as EMS regarding how to proceed if someone had symptoms or tested positive. They have negative air flow in the medical area so that will be the first place that anyone not passing the screening would go. They have been educating staff and have talked to food vendors. They have PPE in stock and have canceled any volunteers. Family and friends visitation is allowed over a video visitation system, but this will probably cease once they have the first case of coronavirus.

PROCLAMATION

Ryan Goodwin introduced a proclamation proclaiming April 1st as Census Day. Article 1, Section 2 of the United States Constitution mandates a census every 10 years. There is a Complete Count Committee that has asked that the Commissioners declare April 1, 2020 as Census Day. Kenny Hale made a motion to approve the proclamation. Motion seconded by Ryan Goodwin. Motion carried 3-0.

PIPELINE EASEMENT

Josh Messmer stated that they received an easement request from Vectren, they went to a bigger size pipe so the easement needs to be wider. They did not submit the comps for the appraisal. He is comfortable recommending that the Board approve the request. Norman Voyles made a motion to approve the easement. Motion seconded by Kenny Hale. Motion carried 3-0.

TAFT LAW

Ryan Goodwin stated that from time to time, representation by the county attorney could be conflicted, or there could be a complex situation where calling on a larger law firm could be

necessary. They would like to have a relationship established with a firm that they can call on. Taft Law has agreed to this at no cost to the county unless they actually engage them. Kenny Hale stated that from time to time it is needed and made a motion to approve the agreement. Motion seconded by Ryan Goodwin. Motion carried 2-0-1. Norman Voyles abstained.

CUMULATIVE DEVELOPMENT FUND

Dan Bastin stated that the rate of the Cumulative Capital Development Fund has been decreasing and the County Council asked that the Board of Commissioners consider reestablishing the fund. Mr. Bastin stated that the Commissioners have to right to establish the fund and this must be done before April 30. The fund was reestablished in 2012 at the rate of .0333. There is a provision in Indiana Law that requires that the rate be examined each year and recalculated if the assessed values have been increased due to a change in market values. If there is an increase in value, then the rate is adjusted downward. The current rate has decreased to .0298. The fund may be used for any capital expenditure. The rate will remain the same for one year, and then may be adjusted downward. The Commissioners may hold a public hearing to reestablish the fund at the maximum rate or another rate that cannot be more than .0333. Or they can do nothing and the fund will be adjusted by the formula that is in the Indiana Code. Or the Commissioners can annually reestablish the rate. Norman Voyles made a motion to hold a public hearing to reestablish a rate of .0298. Motion died for lack of a second. Kenny Hale made a motion to hold a public hearing on April 6th at 9:30 am to reestablish a rate of .0333. Motion seconded by Ryan Goodwin. Motion carried 2-0-1. Norman Voyles abstained.

REQUESTS TO USE COUNTY PROPERTY

There was a request to use the Sadler Room for the Morgan County Fair Baby Contest on Saturday July 25, 2020. They are expecting approximately 100 people and 40 babies. It is possible that the CC guidelines would change and a gathering of this type could be allowed; it is also possible that they could be in the same situation as today. Kenny Hale stated that he would be more comfortable waiting to make a decision. The Board came to a consensus to wait till a later date to address the request.

Stability First has requested the use of the Courthouse Square on June 13th. Ryan Goodwin suggested waiting till a later date to address the request. The Board agreed.

The Morgan County Humane Society had also requested use of the Courthouse Square for the Feline Frolic. A spokesperson for the Humane Society stated that they are working on a contingency plan for their event and are planning on rescheduling at a later date.

There is also a request to have a tree lighting ceremony on December 6th, but they will submit a request at a later date.

COMP AND SICK TIME DONATION

Donnie Warren was present to request that employees be allowed to donate comp or sick time to an employee that returned to work, only to have an illness that required more time off. Ryan Goodwin stated that this request was made a few weeks ago, before the coronavirus situation. Norman Voyles made a motion to allow the donation. Motion seconded by Kenny Hale. Motion carried 3-0.

ZIPTILITY

Tony Hinkle, Morgan County Highway Engineer, stated that they have a couple of GIS platforms; however, they do not have the capabilities that they want to use going forward. Ziptility is a GIS based system that is also for workflow. This would be a huge leap forward in processing data and to update information. It would replace what is currently being used at the Highway Department and would be more efficient. He has talked with other vendors and the County Surveyor. The Surveyor is on board and has agreed to an 80/20 cost split. Josh Messmer stated that there is a contract in the meeting packet and the County has reviewed it. The annual cost is \$9,500. Mr. Hinkle stated that all departs would be able to utilize the program. Kenny Hale made a motion to approve the agreement. Motion seconded by Ryan Goodwin. Motion carried 3-0.

GRADALL LEASE

Mr. Hinkle stated that they budgeted \$84,000 per year for a five year lease on a Gradall. Sourcewell is the sole source of the equipment. Dan Bastin noted that with the limited number of suppliers, the customary bid process is not required. Josh Messmer noted that Sourcewell is a cooperative buying program and the bid requirements are met. The lease was less than the budgeted amount (\$81,000). Mr. Hinkle requested approval to move forward with the lease. Norman Voyles made a motion to approve the lease. Motion seconded by Kenny Hale. Motion carried 3-0.

TRAINING REQUEST

Josh Messmer stated that Volitta Fritsche, Community Corrections, requested approval for three corrections officers to attend training regarding weeds. The cost is \$25 per person; however, this training will likely be canceled. Kenny Hale made a motion to approve the request should the class still be held and to pay for the classes from the Park Department education line item. Motion seconded by Ryan Goodwin. Motion carried 3-0.

INCIDENT CLAIM

Ryan Goodwin stated that the insurance company has denied a claim for damage to a trailer due to a pothole. Norman Voyles made a motion to accept the denial from the insurance company. Motion seconded by Kenny Hale. Motion carried 3-0.

MINUTES

Norman Voyles made a motion to approve the March 2, 2020 minutes. Motion seconded by Kenny Hale. Ryan Goodwin noted that due to the illness of his son, he was not present for the meeting. Motion carried 2-0-1. Ryan Goodwin abstained.

FEASIBILITY STUDY

Eric Ratts, DLZ, presented a building assessment agreement. The scope of work includes looking at the Administration Building, Courthouse, and Courthouse Annex to look at the existing condition of the building and assess how to prolong the life of the building for Phase 1; assess how the building is used by occupants and visitors for Phase 2; a space needs assessment for Phase 3; and suggested changes and costs for Phase 4. The process takes approximately 120 days under normal circumstances. Ryan Goodwin stated that they are outgrowing their facilities. There are too many employees in the basement of the building, there are space needs at the Courthouse, and it is difficult to maintain an old building and provide adequate space. It raises the question what they are going to do 10-15 years from now, not to mention the next year or two. This is a third party look for immediate needs and looks to the future. The estimate for this was included in the 2020 budget. Norman Voyles stated that he did not have any problem with DLZ or Mr. Ratts; they have made space changes that are satisfactory and they did not need to do the study for 3-5 years. Ryan Goodwin stated that they currently have space needs and the issues at the Courthouse need to be addressed as well as the building integrity of the Annex. Kenny Hale stated that the buildings are their biggest asset after employees and there is a need. Kenny Hale made a motion to approve the agreement. Motion seconded by Ryan Goodwin. Motion carried 2-1. Norman Voyles was opposed.

PAVING SUBMITTAL

Tony Hinkle handed out two paving lists to the Board for review and comment. He will have a final list for the next meeting. The two lists represent two different bids. He will know soon if the county received any funds from the Community Crossings Grant.

CONSENT AGENDA

Ryan Goodwin stated that a consent agenda can be adopted by the Board to consider routine matters in one vote. Claims, minutes, tort claims, items that are basic and usually met with approval can be dealt with and a member of the board can request that an item be removed and voted on separately. Josh Messmer stated that it helps to speed the process along, but they would need to adopt rules of procedure. Norman Voyles stated that he felt it wasn't needed. Kenny Hale stated he didn't have a problem with exploring it further. Mr. Goodwin stated that if the majority of the Board wanted to move forward, the County Administrator and County Attorney could work together to make sure the next step meets the legal requirements. Norman Voyles made a motion to table the issue until after the virus situation. Motion seconded by Kenny Hale. Motion carried 2-1. Ryan Goodwin was opposed.

FMLA SOURCE

Josh Messmer stated that FMLA Source is a service the Daree Fry presented at the last Group Insurance Board meeting. The Insurance Board approved the concept. FMLA Source works with OneAmerica, the provider of short term disability and FMLA Source would administer the FMLA program. It would help protect the county from liability and keep the county up to date on legal changes. They help people get back to work more quickly and relieves the county of the responsibility of HIPAA violations. The cost is \$1.75 per employee per month and there are 330 eligible employees. There is a five-year term, but they are willing to reduce that to three and remove the automatic renewal. Jim Wisco stated that he did not see the final version but did not have an issue with the changes. Kenny Hale made a motion to approve the agreement. Motion seconded by Ryan Goodwin. Motion carried 2-0-1. Norman Voyles abstained.

REZONE REQUEST

Ross Holloway was present on behalf of Mr. Hyde, a client requesting to rezone property from Ag to I-1 for the manufacturing metal and plastic components. Mr. Holloway presented an ordinance to rezone the property. The Plan Commission made no recommendation as to approval. The property is located at the intersection of Cragen and New Harmony Road. Mr. Hyde has plans to convert the existing structure as the machine shop and intends to employ three or four employees at an average wage of \$75,000 per year. One complaint was drainage issues and his client is willing to address the issues. Mr. Holloway thought that maybe the Plan Commission gave no recommendation because the Comprehensive Plan designates this area as best served as residential. Mr. Holloway stated that with I-69, this probably does not apply anymore. Mr. Holloway stated that they would commit to diverting stormwater away from the properties on the south. Laura Parker, Morgan County Plan Commission Director, stated that when the request was originally presented, it was stated that the use would only be a machine shop, but there was no written commitment. Ms. Parker noted that the ordinance that was presented to the Board of Commissioners was not the one presented to the Plan Commission. Ms. Parker stated that there is a form for written commitments and writing it into the ordinance does not satisfy the requirement. Mr. Holloway suggested that the commitments be presented to the Plan Commission at their next meeting so they have all the information in order to make a decision.

RESIGNATION

Ryan Goodwin noted that effective April 1, 2020, Danny Chenault is resigning from the Monroe Township Fire District and they will need to find another appointment.

ADJOURNMENT

Norman Voyles made a motion to adjourn the meeting. Motion seconded by Kenny Hale. Motion carried 3-0.

Morgan County Board of Commissioners

Ryan Goodwin

Kenny Hale

Attest:

Dan Bastin, Morgan Co. Auditor

Norman Voyles