

PERRY COUNTY BOARD OF COMMISSIONERS
MEETING MINUTES
February 5, 2024

The Perry County Board of Commissioners met at 9:00 a.m., as was duly advertised. Commissioners: President Randy Cole (RC), Rebecca Thorn (RT) and Randy Kleaving (RK) were in attendance. Auditor Kristinia Hammack, Chief Deputy Eric Dickenson, and Attorney Andrew Foster were also present. There was no *News Representative* in attendance.

The meeting opened with all present reciting the Pledge of Allegiance.

AGENDA

RK made a motion to approve the agenda with additions, seconded by RT. Motion carried 3-0.

PUBLIC COMMENTS

- a) Dr. Michael Daum, the new Perry County Emergency Management Services Director as of February 1, 2024 introduced himself to the Commissioners and the public. He is an Emergency Medicine Physician where he worked for Deaconess Midtown and Gateway. He is the Medical Director for Spencer County, the Evansville Police Department slot for Deaconess Indiana EMS, and Kaiser Aluminum. He has spent many hours in the last four days and has identified some opportunities for improvement both from an EMS standpoint and beyond. He is excited to begin the process of getting to those opportunities for improvement and would appreciate the support of the Commissioners. He stated he is 100% transparent and is here to make improvement and changes that he sees are needed. It is his promise that Perry County will be a Flagship Program just like Spencer County which is known as a Flagship EMS Program. Daum is asking for support and patience.
- b) Cindi Taylor sent Auditor Hammack an email with the items she would like addressed as she could not be at the meeting.
 - a) Requested an update on cell tower install/condition
RK stated that Verizon has leased some land in Troy for a tower. RC stated T-Mobile is either putting up a new or replacing a repeater on top of one of And-Tro's water tanks out on Highway 37.
RT has not been able to contact the ATT representative since she was at a Commissioners' meeting.
 - b) Requesting an update on ARP funds/ scheduled meet and when they will invite applicants
RC stated there is a meeting scheduled for February 27th. He feels on that date there will be discussions for the path forward and what they need to consider.
 - c) Requesting long term goals/plans/future of CVB
RC stated this needs to be directed back to the CVB Board.

MEGAN JASPERSON, PURDUE EXTENSION

- a) Jasperson appeared to share the Purdue Extension Annual Impact Report that they receive from Purdue University that highlights things that are being done all across the state. She included the Local Impact Report that specifically highlights some things going on in Perry County.
Jasperson stated that many people see Purdue Extension just a 4-H, but they do much more than that and gave an overview of what they have done this past year.

MINUTES

- a) 01.16.2024

RT made a motion to approve, seconded by RK. Motion carried 3-0.

KRISTINIA HAMMACK, AUDITOR

- a) 01.29.2024 Payroll: \$174,779.79

RT made a motion to approve, seconded by RK. Motion carried 3-0.

- b) 01.29.2024 Payroll W/H: \$40,533.95

RK made a motion to approve, seconded by RT. Motion carried 3-0.

- c) Health Claims: \$173,734.15

RK made a motion to approve, seconded by RT. Motion carried 3-0.

d) Flex Spending: \$189.28

Imagine 360 cancelled everyone's cards so everything has to be submitted to Imagine 360 by a paper claim form. There was confusion if it had to be a 2023 bill or it could be a 2024 bill. Clarification was given and 2024 expense can be submitted up until the end of March, 2024.

RT made a motion to approve, seconded by RK. Motion carried 3-0.

e) Life Insurance Claims: \$1,470.26

RT made a motion to approve, seconded by RK. Motion carried 3-0.

f) Vision Insurance Claims: \$95.90

RK made a motion to approve, seconded by RK. Motion carried 3-0.

g) Dental Insurance Claims: \$94.31

RT made a motion to approve, seconded by RK. Motion carried 3-0.

h) Sheriff Pension: \$31,214.50

RK made a motion to approve, seconded by RT. Motion carried 3-0.

i) Judge's Supplemental: \$1,345.61

RT made a motion to approve, seconded by RK. Motion carried 3-0.

j) 02.05.2024 Claim docket: \$389,052.19

RC asked Attorney Foster if he received his email and Foster stated he would table those two claims. He has to look into this further to see exactly what specific authorization he might have been involved in. If the EMA contracted him privately, then it would not be a conflict. However, if he is approving the claim, then it probably was.

RC stated that two service claims need to be pulled out of the docket of approximately \$300 to confirm all the Conflict-of-Interest Statements are in order and that the County follows the State Statute on the proper way to do this.

RT made a motion to pay all claims except those two invoices for service work, seconded by RK. Motion carried 3-0.

k) Delegate on-sight supervisor for Veteran Service Officer and Soil and Water Administrator/Treasurer for Payroll Voucher.

RC stated that with the switchover of timecard systems, there is a requirement to have a supervisor approve wages. The Veteran Service Administrator is here at the courthouse, as is Planning and Zoning. The Soil and Water Conservation does their own thing out at the armory. The County needs someone who would sign off on those timesheets so that the County is in compliance. RC stated it needs to be someone who is in the building daily. With them being an independent identity, they have a board, but the board is not there daily. Attorney Foster stated he can take a look at this, but it should be someone who is there daily.

Auditor Hammack stated that currently the Veteran Service and Planning and Zoning route their timesheets to the Auditor's office to sign off on, and their schedules are reported to the Auditor's office. The Time and Attendance software forces you to have a supervisor sign off. You can not sign off on your own timecard. All other offices have a department head, and they are a salaried exempt position, so they sign off on their department and they are verifying their employee's office time. With the Soil and Water, this is a non-exempt position and they can not sign off on their own timecard.

RK asked Hammack if the County has been doing this wrong all along, and Hammack responded that she has been advised that this is something the State Board of Accounts is looking at. It is their focus for the 2024-2025 audits. The County was given the heads up on this in 2023.

Soil and Water Conservation board member Randy Rennie asked about the parameters of the Time and Attendance software to lock down the time?

Hammack stated there is no one verifying she is on-site due to the software is web-based. Hammack state she is not thumbprinting, she is manually logging her time. Rennie asked if there is a way to see if she is logging in from home, and Hammack stated only the thumbprint shows she is on-site. Hammack further stated she was told no one at the annex is using the thumbprint. Logging in on the computer is fine, as each department made the decision of how their employees would log their time. There are departments that have chosen to allow manual entry; this puts the responsibility on the department head that they are signing off on their employee's time. Hammack explained there is no check and balance as she enters her time, she submits her time, and she approves her time. With the paper and pencil, she probably used Rennie's stamp on her timesheet.

RC stated that she is a single entity at the annex, and it is not that she is not doing her work; it is not that at all. The County needs some way that they are in compliance.

RK asked if there are any options for the County, and Hammack stated that she is going to a conference with a group of Auditors where she will reach out to see how everyone is handling these situations. RK asked Rennie if there were any other counties that had this office in their FSA office, and Rennie stated Crawford County. Hammack stated she would reach out to them to see how they are handling this and will bring back more information at the next meeting.

- l) The EDIT Plan that was put in place did not slice the Jail and the Security monies apart; it was in one total sum. Attorney Foster will write up an amendment that shows the proper breakdown by dollars or percentages.

Tabled until Attorney Foster gets the document.

- m) PCDC Affidavit for Payment comes out of the Bond Issue, so this needs to be signed in order to spend part of the Bond proceeds.

RK made a motion to approve, seconded by RT. Motion carried 3-0.

COMMISSIONERS

- a) Andrew Foster 2024 Contract

RC stated this contract is an eleven-month contract in order to get back on a rotation beginning the first of the year.

RK made a motion to approve, seconded by RT. Motion carried 3-0.

- b) Animal Shelter 2024 Interlocal Agreement

There are no changes on this agreement. It is broken down into \$35,000 paid by the County, \$35,000 paid by Tell City, and \$5,000 from Cannelton. Hammack stated the Animal Shelter Contract was a rollover contract, and with discussion with the Tell City Clerk-Treasurer, it was brought to her attention that the Interlocal Agreement was not a rollover. Hammack will send this agreement to Tell City and Cannelton for their signature.

RT made a motion of approval pending the approval of the agreement of the other two entities, being Tell City and Cannelton, seconded by RK. Motion carried 3-0.

- c) An Island Statement of Work

RC stated that An Island attended a Council meeting and presented a proposal for reworking the website of the County. The Council did not take action on this. RC stated he would like to get a scope if this is pursued so the County knows exactly what they are buying. He has been involved in the past where details are not nailed down and it can get expensive.

Auditor Hammack stated she does not believe the County will find another business who will build this website for no cost. An Island will use their IT hours and there are no upfront costs in 2024. It will be an additional \$3,000 starting in 2025, which the County has to upgrade the server to hold this, the purchase of the domain, and to maintain the website. RC commented to Hammack that she states there will not be a cost, but the County pays An Island a certain volume of hours that they will utilize and if they go over those hours, it is \$75 per hour. Hammack stated that if An Island goes over the allotted hours, they just carry over to the next year as negative; the County does not pay any different, it is just a rollover.

RC stated that the County has to watch that they don't focus too many hours in this project, and then An Island is not available to do the normal IT work. This is why RC wants a scope to say what their expectations are and here is what we envision this to be; there needs to be a plan. RC stated that each department head needs to list what they need and how they need it to function, so when it is put together, An Island clearly understands what each of the departments need.

Hammack stated she wanted to get permission to move forward with this website before gathering this information. RC stated he would like each department to bring what they want, and then hours can be discussed.

RK asked if An Island can submit their hours monthly, and Hammack stated she already gets them quarterly for those months.

RT asked if An Island has given any estimate of what this might cost, and Hammack stated she would need to get some clarification from An Island.

- d) Perry County Memorial Hospital requested to encumber funds from 2023.

Hammack stated the Auditor's office received an invoice from November 2023 in her office for supplies for the Perry County EMS in the amount of \$8,846.40.

Along with the invoice was a claim form that was signed by Corey Filley. No one in the Auditor's office is aware of how this invoice got to this office. Hammack spoke to Filley and he advised her he is no longer over the EMS, but this was for

supplies that were purchased in 2023 out of the \$35,000 that was appropriated for Ambulance Equipment. Hammack stated the issue is that it is now February 2024. RC asked what was the balance left for this line item, and Hammack stated nothing was rolled over for this. She received a request to encumber funds in the amount of \$50,000 for Ambulance Lease.

Hammack stated they were allotted \$35,000 in 2023 and as of December 31, 2023, they had still not spent \$17,997.04. The County has now received this bill for a little over \$8,800. It is now February, and these funds were not encumbered for 2023 like they should have been. Hammack stated it is the County's decision on encumbering funds. Typically, an email is sent out in December stating all encumbered fund requests need to be received by December 20, 2023. Hammack stated the County can still encumber funds due to 2023 is not yet closed out. Hammack is concerned that allowing the EMS to do this, the County is opening a can of worms for others wanting this, plus this is not the first time they did not spend their appropriated budget. Hammack stated that even if the county approves the bill they submitted, the EMS still did not spend \$9,150.64 out of their 2023 budget.

RC stated that Dr. Michael Daum has just taken over the EMS, and there are several items that he has informed RC that are substantially outdated on the ambulances, much more than \$17,997.04. Daum is going to bring in new people and new ideas, and RC feels this will be remedied under his supervision. RC wanted to encumber the entire amount, but Hammack stated only the \$8,846.40 can be encumbered as they had to have a purchase order or something in place by December 31, 2023. Hammack stated that the Commissioners can do an additional appropriation after the Annual Financial Report is complete if they want to allot the additional \$9,000 that was not spent in 2023. Hammack stated that when they begin the budget session, the County has the cash flow to support the Ambulance Service, but you can not budget a large amount due to the DLGF (Department of Local Finance) keeps the County within a threshold of how much the budget can be raised. She further stated it does not mean you cannot allot it, you can give an appropriation to the budget amount, but you have to wait until after the Annual Financial Report so the DLGF sees that you have the cash balance to support that.

RC asked Hammack if she has all the emails to the Department head, with the exception of whoever was the responsible person was at the Hospital, and she sends out an email that if there are any encumbrances, and if we can get a contact of who to send this to at the EMS to in the future.

RK made a motion to encumber \$8,846.40 to pay this actual bill, seconded by RT.

Motion carried 3-0.

- e) The Judicial side of the Courthouse is looking to eliminate some of the doors and passages, plus a camera system to secure their side of the building. A package was put together and RC wanted to get the Commissioners OK to send this out for bids. The Judge came and asked for funding for this through the ARP, which is where the funds are at, and the process of bidding this now needs to be done. RC stated the ARP funds will be used to pay at least the Judge's portion of the needed renovation. Auditor Hammack asked for clarification if this bid is only for what the Judge asked for and was allotted, or is this bid for more than that? RC stated that the Judge's portion is the base bid, and then there are alternative bids included so the County can see cost, and some of the work would be for the other side of the building.

Bids will be advertised and accepted until Friday, March 1, 2024 at 4:00 p.m.

Bids will be opened Monday, March 4, 2024 at 9:00 a.m.

- f) There is a water issue where a neighbor is directing the water through a four-inch pipe onto the neighbor's property. Attorney Foster reviewed this and suggested that if the Commissioners want to enforce this, they would need to review an Ordinance and modify it.

RT asked what the current ordinance states, and Attorney Foster stated that a property owner is not allowed to route water in a way that is unsafe. He further stated he has not visited the site, but has seen pictures and from emails he has seen, it appears water is being directed on the backside on someone's property. To him, it was not an obvious safety issue, like a walk that is freezing over, house being damaged, or where someone could get hurt at some degree. It is obviously something that could be harmful in terms of damage to the property owner, but it did not jump out to Foster as an obvious safety issue. He further stated that the County's ordinance is just protecting safety, and this is not a safety issue. If this

is a position that the County wants to prevent, then the Ordinance language needs to be strengthened to include this behavior.

Foster did speak to the landowner and told them they could have a private claim against the landowner who is ejecting water on their property as they are violating the Common Entity Doctrine.

Foster stated that one option is for the County to change the language in the Ordinance, and the other option is to not get involved and let this be a private claim.

RK stated that some counties have Drainage Boards. Would this situation be sent to a Drainage Board? Foster replied possibly. RK stated that currently without a Drainage Board in Perry County, in the past, the County was informed that anything outside of the County right-of-way, or road right-of-way, it is up to each landowner to take legal action. RC stated he feels this is where this situation is right now. The County does not have an enforceable mechanism to force the neighbor not to pipe the water on their neighbor's property. Their concern is to what this damage is doing to the house by keeping the land continuously wet. RT asked Foster what would he suggest? Foster stated that it comes down to if the County wants to stop this behavior, then it can pass an Ordinance that states what exact behavior the County wants to stop, and to what degree the County would want to enforce it. He further stated that the Ordinance needs to be concrete in the language.

Tabled.

- g) RT stated that the Animal Shelter has been working the past four months trying to get contractors to view and give estimates for fencing. This is an outside pen so the dogs can run when there are not enough volunteers to walk the dogs. The current run can not be utilized as it has no gates.

RT stated she has two estimates, one from Boyle Construction for \$4,002.73. It would be a chain link with two gates, and the other is from Superior Fencing for \$5,774.18 and is for the same materials as Boyle Construction. This would be paid out of the Restricted Fund for the Animal Shelter building.

RK made a motion to contract Boyle Construction for the installation of the fence at the Animal Shelter, seconded by RT. Motion carried 3-0.

- h) RC stated with the Building and Zoning, and as the County issues permits, he was presented with a question regarding inspecting electrical, footings, and other building projects. What legally is the County required to do when permits are issued? Attorney Foster stated that with the Location Improvement Permit that the County is issuing, he does not have the application so he does not know what we are asking for. Essentially, that Administrator can get any information that he would need with that application to insure they are complying with the way property is zoned and what the Planning Ordinances call for.

In terms of actually going in and looking at electrical or something like that, Foster does not see anything in the County Ordinance that requires this or has the Administrator going out and doing those things. Foster further stated that by Statute, there are Unsafe Building Laws that can be evoked concerning getting inspections if the County believes the property could be harmful. However, from the standpoint of going through and making sure everything looks fine, we are not to do this. The County asks for information of how something is going to be built to ensure the zoning part is complete. Foster feels a lot of the liability falls on the contractors because they are required by Statute to follow residential codes and things like that. As far as the County mechanisms attached to the permit, like whether these building codes are being followed, Foster does not see enforcement. The County is only enforcing the zoning side of this.

RC stated what prompted this discussion was a call he received from a construction company that is completing a home and they are getting ready to hook the permanent electric to it. In some locations, they are required to be tagged off by the Building Inspector, and RC was not sure. He called Steve Seibert of Southern Indiana Power and he stated that in the last fifteen to twenty years that he has been there, the County has never had an involvement in this. RC wanted to confirm that the County was not doing something that that they should or should not be doing. RK stated he agreed with Attorney Foster, the contractor takes on this risk.

Foster confirmed that the County is compliant with State Statute by enforcing the zoning side of the permit.

Tara Lucas, County Health Nurse Supervisor, made a public comment regarding earlier discussion of fingerprint use at the Health Department.

The meeting was adjourned at 10:30 a.m. CST.

RT made a motion to adjourn, seconded by RK. Motion carried 3-0.

Randy Cole
President

Rebecca Thorn
Vice-President

Randy Kleaving

*Minutes prepared by:
Kristinia L. Hammack, Auditor*