

PERRY COUNTY BOARD OF COMMISSIONERS
MINUTES –October 6, 2023

The Perry County Board of Commissioners met at 8:00 a.m., as was duly advertised. Commissioners: President Randy Cole (RC), Rebecca Thorn (RT), and Randy Kleaving (RK) were in attendance. Auditor Kristinia Hammack was also present. There was no *Attorney, Sheriff, or News Representative* in attendance.

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

AGENDA

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

COMMISSIONERS

- a) Approval of the October 2, 2023 claim docket in the amount of \$330,523.88 was tabled at the last meeting pending further information.
1. RC had a discussion with the State Board of Accounts regarding the firearms purchase by the Sheriff's office. Appropriation should have been made prior to the purchase. The State Board of Accounts field representatives stated the county could be written up for this. RK stated if Sheriff Malone would have come before the county before the purchase, more than likely it would have been approved. Auditor Hammack stated if an appropriation is needed before purchases are made from the 50000 fund, an ordinance needs to be set. RC and RK agreed, and an ordinance can be prepared by County Attorney Andrew Foster. Jane James, County Recorder, stated the Recorder Perpetuation Fund is designated as an unappropriated fund. She asked if this would have to change as well? RC replied that the Recorders Perpetuation Fund does not, per Indiana State Statute 36-2-7-10. Hammack asked if an ordinance is set, will only certain funds have to come before the Council/Commissioners for approval or all funds will have to be approved? RC stated until an ordinance is put into place, that is an unknown.

RK made a motion to approve the purchase of the firearms and going forward there is to be an appropriation first, seconded by RT. Motion carried 3-0.

2. The Sheriff's office had service items at the jail and hired contractors to come in and repair. RC stated the budgeted amount in LIT for this was \$30,000 and spent approximately \$36,000, so it was over the appropriation. Due to the September 28, 2023 Council meeting not addressing additional appropriations, the money was not there prior to asking the Commissioners to sign the voucher. Since the last Commissioner's meeting, the Council has approved the additional appropriation.

RK made a motion to approve the work done at the detention center, seconded by RT. Motion carried 3-0.

3. Steve Hauser sent a letter that all signatures on the C&S fuel receipts for the EMA had been verified for payment. To prevent future issues, he has added requirements for his members when they purchase fuel for the rescue vehicles. They are now required not only to sign their name, but also list the EMA identification number as well as the vehicle number on the fuel receipts.

RK made a motion to approve the outstanding C&S bills for fuel purchases, seconded by RT. Motion carried 3-0.

4. The Commissioners need to address the issue of purchasing meals when going to training, and whether they are going to accept grocery receipts versus having restaurant receipts. The Coroner's office sent in a claim for groceries purchased by an employee for Coroner training in Indianapolis on two different occasions. The first receipt was for approximately \$40.00 for the first three days of training, and the second was approximately \$80.00 for the last three days of training. The current per diem is \$35/day, and will be increasing to \$50/day in 2024. Policy states no between meal

snacks are allowed, nor is liquor. A 15% gratuity is allowed and the receipts have to occur during the event and presented for payment after returning from the event. Auditor Hammack stated that if a person would go to the grocery store while at an event and purchased food, technically they are at the event and would be presenting receipts for food used during that time. RC replied the question is if this will be an acceptable meal in the eyes of the employee handbook. Hammack asked if the county needs to reach out to Waggoner, Irwin, Scheele & Associates, and RC stated if the county will accept such receipts, it needs to be stated in the Employee Policy Handbook.

5. Auditor Hammack received information regarding the Forestry Service and county employees receiving a 1099 at the end of the year for what they were paid out for their forestry hours. This has been handled this way due to this is not being a matching grant, so therefore if the employer takes social security and taxes out of it, these amounts will come out of the General fund, which is an expense to the county. In addition, if social security and taxes are taken out, this will lower the payment to the deputies who are performing this work. The deputies are still paying taxes by getting a 1099 at the end of the year from the county. Hammack stated she has a meeting scheduled next week with the Forestry Service. The current vouchers are for hours the deputies have already worked. RK asked RC if he asked the State Board of Accounts about this when he met with them and he responded no. RC did state he knows it is illegal to take a county employee you have hired and pay them off the books with a 1099. If the Forestry Service chose to pay those individuals directly for their time, they would have a contract with the individual and a contract with the county for use of the vehicle, fuel, tires, and everything associated with the vehicle. He further stated that under the Fair Labor Standards Act, when an individual works a full shift, any additional hours above that has to be compensated at time and a half. By paying with a 1099 through the county, you are circumventing that part of the law. If a deputy was involved in an incident while patrolling additional hours for the Forestry Service, the expectation would be that the county's insurance would cover them. RK stated he agrees with Sheriff Malone that he would not like to get rid of this program, but would like to see the county fix it. A discussion is needed with the Forestry Service. RC asked Hammack if she found a contract between the county and Forestry Service and she replied no. Hammack would like to see the deputies who have already worked these hours to be paid and it be acknowledged there needs to be a cleaner way to pay this. RK agreed and to fix this going forward. RC questioned Hammack if it was her intention to run this through the payroll system or write a check? Hammack responded to continue to do what has been done in the past. RC is opposed to that as it needs to go through the payroll system so it is handled appropriately, otherwise the county is knowingly breaking the law. He stated running this through the payroll system is the proper thing to do as a check has not yet been written. Hammack asked if we run it through payroll, should the social security and taxes be charged to the General fund? RC stated yes or charged to a line item in the Commissioners budget. RK asked if any payment had already been paid out 2023 for a 1099 to be generated, and Deputy Auditor Kimberly Lasher verified there had been. Hammack asked from what account to pay the taxes and social security amounts in the Commissioners budget, and it was decided to take it from the Administrator line item.

RK made a motion to run the payment through the payroll system and take the additional expenses for taxes and social security out of the Commissioner's budget, seconded by RC. Motion carried 2-0.

RK made a motion to pay the \$330,523.88 claim docket, seconded by RC. Motion carried 2-0.

- b) The Perry County Development Corporation needs the Commissioners' signature for remedial work at the Riverview. It is a contract entered into with RES Kentucky and they monitor the property on a five-year contract. This money

comes out of a bond issuance from 2021 and the Commissioners have to sign the affidavit requesting payment from that bond issue.

RK made a motion to sign the affidavit, seconded by RC. Motion carried 2-0.

- c) The Parks Board was notified in a letter dated October 4, 2023 that Gary Huffines has resigned his position as Assistant to Maintenance. The Commissioners need to accept his resignation and will advertise the position to be filled. RK stated this is a county position, not a board appointment, so it does not have to be advertised for six weeks.

RK made a motion to accept the resignation, seconded by RC. Motion carried 2-0.

The meeting was adjourned at 8:48 a.m. CST.

RK made a motion to accept, seconded by RC. Motion carried 2-0.

Randy Cole
President

Rebecca Thorn
Vice-President

Randy Kleaving

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