

PERRY COUNTY BOARD OF COMMISSIONERS
MINUTES –December 28, 2023

The Perry County Board of Commissioners met at 6:00 p.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, seconded by RT. Motion carried 3-0.

PUBLIC COMMENTS

- a) Erin Emerson, CEO of Perry County Development Corporation, appeared inquiring the status of the PCDC Contract for 2024. She stated the PCDC has reached out several times due to the current contract is set to expire December 31, 2023. She would like to know how to move forward with this. RC stated he just finished up with the Edit Plan, and he has not emailed the plan to the other Commissioners yet. Once they receive the plan, they will have to discuss the plan, and Attorney Andrew Foster will have to write the plan. RC stated it is general proposals, and that way they will know where they are. Emerson asked if a date could be set as she is working on the PCDC budget and they are hiring some additional staff.

Auditor Hammack stated the County’s EDIT Plan expires December 31, 2023. The County will not have an Edit Plan January 1, 2024. She stated this is not like last year where the County had a three year Edit Plan and the Commissioners amended it. It is crucial to have an Edit Plan for grants, and Highway Superintendent Steve Howell received permission to apply for the Community Crossings Grant, which is \$1.5 million dollars. On that application, it asks if the County has an Edit Plan, and you check yes, that means you can proceed with the application. If you check no, it is thrown out. Getting an Edit Plan before he applies for the Community Crossings Grant is crucial. RK stated Howell will be completing this in the next couple of weeks, and RC stated Howell has until the end of January to submit it.

Hammack stated this plan needs to be done or else it will take the County out of applying for grants and securing grants.

Emerson stated that the terms of the PCDC Contract are basically the same as for 2023, and if they need to meet to discuss the amount, she is willing to meet whenever.

Auditor Hammack stated she feels the County should have been proactive and working on this plan versus one person writing the plan and trying to get it pushed through at the last minute. She compared this to the retirement of Junie Voges, Planning and Zoning, which the County has known about since September and no plan has been put in place. Her office currently is receiving those calls.

MINUTES

- a) 12.19.2023

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

KRISTINIA HAMMACK, AUDITOR

- a) 1.2.2024 Payroll in the amount of \$173,945.54

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

- b) 1.2.2024 Payroll With-holdings in the amount of \$37,847.23

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

- c) Health Insurance Claims: \$137,076.24

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

- d) Flex Spending Claims: \$142.84

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

- e) Vision Insurance: \$78.71

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

- a) Dental Insurance: \$78.78

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

b) Life Insurance: \$1,447.94

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

c) Approval of 12.28.2023 Claim Docket: \$356,526.41

RC stated the County was making a payment to a K9 group in Spottsville, Kentucky for \$5,000, and he is not sure that the Commissioners ever approved that program. They requested more details regarding the cost and how the program was going to be carried out. There was a check written for \$5,000 and he was questioning this. RT stated she knows the Commissioners asked for more information and they were told they would receive it.

Auditor Hammack stated that Sheriff Alan Malone is not at the meeting tonight, but when he came to her stating he needed this check out of his donation fund, he had the support from the Council which they voted on. At that time, Hammack did not have the Restricted K9 Fund set up, but Malone stated he needed the check or he was going to lose the dog. A check for 5,000 was cut out of his donation fund, and he was told she had not been able to set up the K9 fund yet. Since that time, the K-9 Fund 4102 with the Sheriff K9 Donation Restricted Fund has been set up.

Hammack stated she has set up funds throughout the year, Distressed Road Funds, grants, so setting up a fund is not new to her. She stated that in a conversation with RC, which he knew this check was being cut as she told him, he stated the Commissioners never approved this fund to be set up. Hammack researched and found that on Home Rule Funds, which are not State Board of Accounts matching number, do have to come to the Commissioners for approval.

Hammack stated the money Sheriff Malone had received prior to the K9 Fund being set up were deposited in his donation account.

Hammack stated that the donations for the Veterans were never set up in a restricted fund and should have been.

RT asked with the K9 Fund, was it always a K9 fund? Hammack stated it is a brand-new fund. Malone already had a donation fund, but wanted to keep the K9 donations separate.

RC stated the question is that the Sheriff is going to get a dog, and the Commissioners have not completely gotten onboard with the K9 program due to waiting for more information? RC stated Malone plans to fund this completely outside and will not cost the County any money. RC stated one of Perry County's adjoining counties has a similar issue with the coroner's vehicle. They had all the donations for the vehicle, the maintenance and everything, but the Council and Commissioners were still required to approve it to put it into the County's system. RC stated it's like they have the cart before the horse. He has heard since this time that Tell City is getting two dogs, one is half in conjunction with the schools, and Troy, with the hiring of a new Town Marshall, is going to have a dog made available, which makes three dogs, and the Sheriff would have the fourth dog, plus whatever resources Branchville Prison would have. RC stated the Commissioners should have approved the program, and then got the dog, if that is what their intent was. RC stated the County still does not know what all the costs will be, and Hammack stated he had this information in an email. RC stated it was not sent to him, Malone sent an email to the Council and they forwarded him a copy. RC stated there were no specific details. RC stated Malone plans to cover the costs as long as his tenure, but a dog is going to last longer than Sheriff Malone's term. The County has to look at this as how the County will support this program for the lifespan of the dog. The commissioners have to make that decision.

Hammack stated Malone plans to pay all costs from Commissary or Inmate Housing so it does not affect county dollars. She further stated Tell City and the school corporation purchased two dogs and they are being paid for with tax dollars; the County is with donations.

Hammack stated that the County cannot rely on Tell City all the time. If there is a call in northern Perry County, the city will not be able to leave their jurisdiction. Riding on Tell City's coattails is not going to serve the residents of the county.

RK stated that if he was a Tell City resident, he would feel offended because the County is using their tax dollars that they pay Tell City for services in the county. He feels the County should take care of its residents and not depend on Tell City. The County has the majority of the land mass that they control and the Sheriff Department has to protect. There is Perry Central School and Hoosier National Forest. This program is emergency service as time means everything. If you have a child lost, he does not feel like the County needs to be making a phone call

to another department to get a K9 unit, as minutes count. He further stated that if people are giving donations, they believe in the program. That is the county residents giving those donations.

Councilman Stan Goffinet gave a public comment that the Council was looking for more detail of costs regarding the program. They were not against getting the dog.

RK stated emergency services is something the County has to provide to the citizens of Perry County. It is the Commissioners job as elected officials to protect Perry County.

RC stated the Commissioners had a similar situation with the AR15 rifles that were ordered and already had received them before they were ever approved. This is the same scenario; we have put \$5,000 down on a dog and it was not approved. The process needs to be in the correct order, instead of being behind it every time it happens.

Auditor Hammack questioned the Commissioner's role in County Government, and RC stated the Commissioner's role is the responsible Executive part of the County; they make decisions as to what roads are paved, new programs that are started, and what happens in the County. The Council may fund these, or may choose to not to fund them. That is where the checks and balances are. If the County is going to start a new program, the K9 Program, then there is a discussion, and if the Council states they are not going to fund a new program, then it does not move forward. In the K9 Program case, the funding is there, but the Commissioners should make the decision as to if they want to pursue this program or not. The Commissioners did not say they did not want the K9 Program, they simply wanted more information and detail. RC further stated that if every department head within County government could go out and solicit donations to start anything they want to do, then the Commissioner's purpose is nonexistent; the department heads would do whatever they want to do. The Commissioners are trying to stay focused as to what the plan and the mission of the County is. He reiterated this is not reflective of the dog, but the Commissioners should have received more information as requested so that they could have said yes. Then, at that point, arrangements would be made with the dog provider to get the dog, the training, and to start the program. RC stated the Commissioners are still lacking a lot of information, and apparently there is a \$5,000 deposit down on a dog.

Hammack stated that the Tell City Police presented the same information that Sheriff Malone had for a K9 Program, and the City approved it. She is asking what was OK at the City level, and what is not OK at the County level? RC stated City government and County government are different. You have a Mayor and a Council, and they are both the Executive and the Fiscal body of the City. In the County government, these functions are separate. RT stated she attended the City Council meeting when Chief Derrick Lawalin presented for the K9 Program. She stated there would have been no way she would have denied or not wanted that dog after his presentation. She was wanting Sheriff Malone to make some type of presentation with more information and he did not.

RT stated she does not have anything against a K9 program, as they are an asset. Protocol in Home Rule funds have to be approved by the Commissioners. She further stated Sheriff Malone was asking the Commissioners for their approval, but she did not feel comfortable giving approval for something she does not know about.

Coroner Warren Taylor asked if the two dogs the city is acquiring are aggression dogs, and RT stated no, they are no bite. Taylor stated that out in the county, you want a dog who is multi-purpose, can do tracking, and be an aggression dog. He further stated that from his experience with the prior K9 programs, you can not expect an officer who has worked so many hours to turn around and go out in the county to put in another 6-8 hours trying to track somebody. The County needs their own dog.

Councilwoman Kelli Harding made a public comment regarding not being anti-police and anti-K9 dog. She just wanted more details on the cost of the program. RK stated that the Commissioners and the Council need to work together to get this K9 Program approved for Perry County. He is a big supporter of this program and feels the County needs to get on board. A down payment has been made on this dog, and the donation account needs to get approved so the County can be protected.

Councilwoman Harding made a public comment about lack of planning in the past years and wanting to be proactive as an elected official knowing what costs are associated with this program, as well as the Fair labor Standards Act for K9 Programs.

Sheriff Alan Malone stated when he presented to the Commissioners, they had nothing bad to say. Six of the seven Council members supported the K9 Program. RC stated the Commissioners had asked for more information, the cost basically. Sheriff Malone stated he gave them a plan. He further stated that if the Commissioners say they do not want the program, he would pull it that day. Malone stated he has donations for this, and that he is not asking for one taxpayer dollar. He stated he will scrap the program if that is what they want. RC stated the Commissioners were just wanting some more information with specific dollars listed in the plan. RC stated that their position as Commissioners is to make decisions, and then the Council's decision whether or not to fund it. Malone stated the Commissioners asked for a special donation fund, and he has done that. RC stated that with this fund, it needs the Commissioner's approval. They are just trying to follow the regulations. RC stated that the Commissioners need to say either yes, the K9 program is wanted, and how it will be funded for the next eight to ten years. Malone stated he will cover the costs while he is Sheriff, and the County needs to know how they will fund this after his tenure? RC stated they need to make this decision before commitments are made. Malone stated he was not told no at the meeting when he went before the Commissioners asking for support, and RC stated they did not tell him yes. RC stated the Commissioners asked Malone to provide additional information and costs. Malone stated he has a starting date in February. RC asked Malone what exactly is the Commissioner's role in this process? Are they to say go ahead because he has the money, regardless of issues associated with it? RC further stated that if a department head wants to start their own program with funding outside of the County, they can do it? RC stated they are trying to be fair. Malone stated that as the elected Sheriff he has not asked the commissioners for a dime. He stated he has started several programs and never asked the Commissioners for permission.

RC stated that an adjoining county did not have a Coroner's vehicle. The Coroner got funding for the purchase of the vehicle in full, they took before their Commissioners and Council and they chose not to support that purchase due to the additional costs that will be incurred. Additional funding was sought to cover insurance, maintenance, etc., and Commissioners still did not approve this. There is a process that must be followed. RC stated Malone should have asked for a commitment, not support, so he could move forward with setting up an account. He needs to know what amounts that would be needed after his tenure as Sheriff, and then the Commissioners could decide if this was something they wanted to move forward with. If yes, then the dog would be ordered. Evidently a commitment has already been put down for the dog, much like the AR15s that were already purchased before approval. RC felt Malone knew the correct process after the AR15 ordeal.

Malone stated the Council voted 6-1 in support of the program, and RC asked why he asked the Council for a vote and not the Commissioners? RC stated the Commissioners wanted more information.

RK stated he feels this needs to be settled tonight. If the Commissioners are going to support it, they need to support it. He stated he supports it 100%. He further stated it is the Commissioner's job to work with the department heads for the betterment of this county. RC did not disagree with RK regarding the K9 program, but it was the manner this is being done. If you allow one person to buck the process, you allow everyone to do so. It's a fairness thing.

Malone stated he was elected as Sheriff, and to please let him do his job.

RK made a motion to approve the Sheriff's Department purchasing a K9 and entirely compensating this through donations for the next three years, seconded by RT. Motion carried 3-0.

- i) Fund 4102—Sheriff K9 Donation Fund-Restricted

This fund is restricted to K9 and it allow for the receipt of donations for this.

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

- j) Fund 4103—Veterans Donation Fund-Restricted

This fund is for donations for gas cards, hats, t-shirts, etc.

RT made a motion to create the Veterans Donation fund, seconded by RK. Motion carried 3-0.

COMMISSIONERS

- a) Caitlin Stewart 2024 Cleaning Contract

This is for cleaning at the Prosecutor's office.

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

- b) Glenn's Cleaning Service 2024 Contract

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

- c) Next meeting will be January 2, 2024 at 9:00 a.m. This will be the organizational meeting and appointments.

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

The meeting was adjourned at 7:10 p.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*