

Hancock County Board of Commissioners
Regularly Scheduled Meeting
January 19, 2021

Commissioners met for a regular session. Those present were Board of Commissioners President John Jessup, Commissioner Vice President Marc Huber, Commissioner Bill Spalding, County Attorney Scott Benkie and Auditor Debra Carnes. Commissioner Jessup called to order the January 19, 2021 Hancock County Commissioners Board meeting at 8:00 AM.

Highway Updates

- The Highway Engineer notified commissioners new RFP's to capture INDOT funding on 600 W Segment 4 and Bridge 18 should be coming into the Auditor's office. They are split between ROW, preliminary engineering and construction inspection.
- 7 new INDOT contracts to clear the additional funding.
- Mt. Vernon requested RDC assist with queuing. Estimates are expected soon.
- Two employees have carryover vacation hours, one with 43 hours and one with 40 hours.
- The new single axle is ordered and should arrive in 4-5 months.
- CCMG grants will go in this week. Bridge 57 near the campground is on the list to replace. The campground is a busy area and a wider road would be beneficial there. There have been three bike fatalities and additional non-motorized vehicles on the road.
- MTP add-ons are in and applications are complex.
- Salt for county roads is in good shape.
- Presented commissioners with the 2021 Road Maintenance Map.

Claims & Payroll

Commissioner Huber made a motion to approve claims and payroll. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Commissioner Minutes

Commissioner Huber made a motion to approve the Commissioners minutes for January 5, 2021 as presented. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Accept / Release Bonds

- Commissioner Huber made a motion to release the performance bond for Grand Communities Ltd for Woodhaven Section 4A monuments in the amount of \$9,800. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to release the performance bond for Grand Communities Ltd for Woodhaven Section 5A monumentation in the amount of \$3,125. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to release the performance bond for Grand Communities Ltd for Woodhaven Section 5B monumentation in the amount of \$3,125. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to release the performance bond for Grand Communities Ltd for Woodhaven Section 6A monuments in the amount of \$3,750. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to accept the performance bond for Clayton Properties Group Inc DBA Arbor Homes for Heron Creek Section 3.1 (Ph 3 Sec 1) for monuments in the amount of \$3,250. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

- Commissioner Huber made a motion to accept the performance bond for Clayton Properties Group Inc DBA Arbor Homes for Heron Creek Section 3.1 (Ph 3 Sec 1) for erosion control in the amount of \$60,573.88. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to accept the maintenance bond for Clayton Properties Group Inc DBA Arbor Homes for Heron Creek Section 3.1 (Ph 3 Sec 1) for storm drainage in the amount of \$70,060.25. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to release the cash bond for P & W Development for Toon minor sub 8" tile in the amount of \$3,000. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Commissioner Huber made a motion to accept the performance bond for Lennar Homes of Indiana, Inc. for Copperstone Sec 1 monuments for in the amount of \$7,687.50. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Surveyor's Office

- The Surveyor notified Commissioners of a small log at 675 E between 900 N and 1000 N on Sugar Creek.
- Commissioner Huber made a motion to approve the removal of the log jam log at 675 E between 900 N and 1000 N to be paid from non-navigable streams. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Surveyor requested Commissioner Jessup sign a Recertification form to allow homes in flood zones to get a 15% reduced price by activities completed in the Surveyor's office to reduce flooding.
- Commissioner Huber made a motion to accept the Recertification form as presented from the Surveyor. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Invoice Greenfield Parks Dept / Flowers at Annex & Courthouse

Commissioner Huber made a motion to approve the invoice for the Greenfield Parks Department for the 2021 planting and maintenance of the flower beds and planters at the Courthouse and Annex Building in the amount of \$2,532.50 to be paid from Building Maintenance. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Maintenance Update

- Commissioner Huber made a motion to approve the estimate from Fields Tree Service, LLC in an amount not to exceed \$17,600 to remove the trees from the northside of the Purdue Extension office, leaving the stumps, to be paid from Building Maintenance. Commissioner Spalding seconded the motion. **Motion carried 3-0.**
- Maintenance Supervisor discussed the ant problem in the Purdue Extension building. The exterior problem has been treated, but they are now in the building. Options will be discussed with Terminix and he will report back.
- Weather stripping continues at the Memorial Building.

RQAW Update on New Jail

- The Director of Construction Services for RQAW reported the jail is progressing on schedule. Administration building framing has started and it should be enclosed by the end of February. Vectren will be ready to set their meter this month; Permanent power will be ready at the end of the February.

- Change order to kitchen equipment and addition of an exterior pad for a grease dumpster was discussed. Commissioner Jessup ask the sheriff if he was saving money by changing vendors. The Sheriff said the expenses were fairly comparable, but better food quality and a full-time kitchen staff, so the food volume should be improved.
- Commissioner Huber made a motion to proceed with the change order at the new jail removing one of the gas ranges and replacing it with a two bay deep fryer not to exceed \$22,000. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Walker Hughes Associates Update

- Director of Employee Benefits for Walker Hughes Associates said he has been working with the Auditor's Office on recommendations for the Employee Benefits Assistant to Payroll Department. He consulted with Doug Walker, Steele Benefits and other sources. Having another person assist payroll/benefits creates another position. He discussed with the Payroll/Benefits administrator outsourcing the onboarding, COBRA and FMLA, these are inexpensive ways to help.
- Commissioner Huber said the bottom line is we need to look for a full-time employee. The Director of Benefits said yes. To hire a service comes at a premium and they do not do transactional type services. You want a person inhouse so cost will be much less than hiring a consultant. Commissioner Huber asked what dollar amount do we need to ask Council to hire an employee at? Auditor Carnes interjected and said with the BOCs approval; Council approved \$40,000 for a benefits HR generalists' position. There was an in-depth discussion at the budget committee meeting; Commissioner Jessup took part in this discussion and Council said if BOC agreed, they would authorize a salary starting at \$40,000. The Director of Benefits said remember Commissioners the salary with benefits on top of that will be \$60,000. Commissioner Huber asked about liability. The Director of Benefits said the liability can be extensive if we procedurally don't do the right thing. Simple things like FMLA, COBRA, the onboarding piece for the open enrollment, those things have nominal costs associated. It's going to be a person you need whether you outsource or inhouse that's doing the day to day transaction. Commissioner Huber said but if we hire someone inhouse those other cost shouldn't be incurred. Auditor Carnes said we wouldn't need to outsource if we had another employee; there are things in place and I feel we are very efficient. Commissioner Spalding said the county continues to grow and sounds like the staff are using whatever they can to be efficient and effective, but they need another employee. Auditor Carnes said the two positions would be cross-trained also. Commissioner Huber said he would like to see the job description before he would make any decisions. Auditor Carnes said she would have this at the next meeting.
- Commissioner Huber said I know a third party is expensive, but I think the county shouldn't have the liability. Commissioner Spalding asked, have we looked at surrounding counties? Auditor Carnes said Shelby County has an HR individual, she thinks is paid \$60,000. Commissioner Jessup asked the Payroll/Benefits Administrator if you have help will you be able to handle everything? The Payroll/Benefits Administrator said yes, this is just too much to do for one person, there is no way for one person to get all the work done. Commissioner Jessup said we aren't going to get the caliber of person we would like for \$40,000. Commissioner Huber said he feels the same and doesn't want to pay and not get the services the Payroll/Benefits Administrator needs versus the county needs. The Director of Benefits said that's a good point. Auditor Carnes said originally her ask was for someone to help the Payroll/Benefits Administrator. As the Auditor and it's my office, my request is to have a person help the Payroll/Benefits Administrator. HR has been discussed for a while and I think we gravitated into this position. I can provide you with a job description. It's certainly not

going to be an HR Director; we have a lot of great employees doing work way above the skill level they came in at. I know we can find a person to train on benefits and the policies and procedures manual. I will do whatever is necessary to assist with this position. Commissioner Jessup said he would be ok hiring for this position and assessing HR needs.

- The Director of Benefits said we can assist with the job description and also the qualifications necessary for the job. Auditor Carnes clarified she is not trying to hire an HR position for \$40,000, we are dealing with a couple different issues. Commissioner Huber said we want to grow employees as needed, but don't want to add them needlessly. Director of Benefits said he agreed. Commissioner Huber said we need someone but, do we spend \$40,000, or spend the \$80,000 to get someone qualified, who can do it all and shelter the liability (has the background, the education, the continuing education, up to date on the rules, laws). Or throw \$40,000 out there for 3 or 4 years. The Director of Benefits said it's a band-aid. Commissioner Spalding agreed it's a band-aid. Auditor Carnes questioned if an HR person would do benefits; I haven't come across an HR person that would do benefits? The Director of Benefits said that was my point; if you find a skilled person at a higher level to work 20-25 hours a week are you getting enough work out of the part time person with the skill set and not having to add another \$20,000 for benefits on top of salary? Commissioner Huber said I know we need the help, but my fear is \$40,000 is just adding an employee to the payroll. If we get into a tight spot where things are not right, did someone have the training or did we get this document that takes someone in that world. Commissioner Spalding said I think Council could see the short-term loss of cash but the long term benefit. The Director of Benefits said so would \$40,000 be 3 days a week, 8 hour days, 24 hours a week, I don't know if that would work or not; that would be a start. But maybe you get a higher caliber person who doesn't work Mondays and Fridays and still wants to make some money. The Payroll/Benefits Administrator asked do you think you can actually find a part-time HR person that would work part-time? The Director of Benefits said possibly.
- Commissioner Jessup said what would you like to do Commissioners. Commissioner Huber said the goal was to do something in the first quarter, I think it needs to be done. The Director of Benefits said he would like to bring in someone to do an evaluation of our current HR set-up and let him recommend what can be outsourced and contract; what kind of person to look at and he would be willing to do this for free. Commissioner Jessup said I would like the solution to be the lower end position that helps in the office and see if need to spend \$80,000 for a level of contract to get higher end services and basically leave everything in-house. The County Attorney said typically when you contract out hold harmless is a provision we would insist on. Commissioner Jessup said I think we are gravitating to where we need to spend \$80,000 or \$90,000 to solve this problem. The question is do we get another bookkeeper to help with the work and contract out or outsource, is that what you are saying. The Director of Benefits said he could have an outside source to do an evaluation and make a recommendation and bring it back to the Commissioners, a better decision could be made that way. Commissioners agreed the Director of Benefits could bring in a consultant to review the additional help needed in the Auditor's office Payroll/Benefits Department and report back the results.

Recess Board of Commissioners Meeting

- Commissioner Jessup made a motion to recess the Hancock County Board of Commissioners at 9:22 AM for the Hancock County Regional Water & Sewer District.
- Commissioner Jessup reconvened the Hancock County Board of Commissioners at 10:11 AM.

Recess Board of Commissioners Meeting

- Commissioner Jessup made a motion to recess the Hancock County Board of Commissioners at 10:11 AM for the Board of Finance.
- Commissioner Jessup reconvened the Hancock County Board of Commissioners at 10:17 AM.

Board of Health Update

President of the Board of Health updated commissioners on the Board of Health. He thanked Hancock Health with assisting to fill the vacancy in the Health Department. After interviewing we have chosen Dr. Sharp, he has practiced here since 1974, knows our county well, has training and experience in public health and occupational health and we feel he will be a great leader of Hancock County Public Health. Dr. Sharp participated by phone and expressed he was anxious to get started and hoped to serve the county well.

Community Corrections Discussion

- Judge Marshall, Judge Sirk and Judge Davis appeared in response to the letter from the County Attorney on behalf of the Board of Commissioners regarding Community Corrections. Judge Marshall explained the letter questioned eligibility for Community Corrections and standards being applied. Judge Marshall clarified the Judges determine who is in Community Corrections.
- Judge Marshall explained there are four ways to be eligible for Community Corrections:
 - 1) Plea agreement (judge approves the plea agreement)
 - 2) Guilty plea (sentenced by judge)
 - 3) A program called Community Transition (CTP), currently in the Department of Correction. The program is for nearing the end of a sentence and allows the remainder of sentence to be served in Community Corrections. Judge Marshall explained they come to CTP unless a Judge enters an order denying.
 - 4) A Community Corrections Director would have discretion, but this is not currently applicable because we don't have a work release program. Until we get work release running again, everyone in Community Corrections is ordered there by a Judge.
- Judge Marshall said the letter received indicated the BOC was concerned with assessment of individuals for qualifications and participation. You were concerned it wasn't uniform, that it was arbitrary, that it was too subjective and lacked certainty. You said it was an unattainable situation. The Judges hear the evidence and determine the appropriate sentence on a case by case basis. For us to have an applied standard that we order defendants to do Community Corrections based upon a standard we have for everyone, that's an unethical thing for a judge to do. We determine the penalty on a case by case basis. Until we have work release back, there's nothing we can do to assist you with this letter because we listen on a case by case basis.
- Commissioner Huber said a lot of this is the legal and you know that better than I. The County Attorney interjected and said the Prosecutor's Office contacted the BOC and said plea agreements were worked out with defendants and then sent to Community Corrections for work release; the agreements were returned saying they would not accept them.
- Judge Marshall said that is not an accurate statement of events. The way this works is the courts do consider Community Corrections position with respect to a participant, but a Judge is not bound by it. For example if we have an individual who has been on Community Corrections before, they owe fees to the county, have violated rules in the past or escaped from home detention; these things assist in determining what the appropriate penalty is, but I am not bound by it. If Community Corrections objects to them being in the program, I want to know what that objection is and I decide whether they are in the program. I listen to

recommendations from the Prosecutors, the defense attorney, the victim and then the court makes the decision. I feel it's appropriate to have their input because they know the offender better than I do. Surprisingly enough the offender doesn't always tell you if they punched a Community Corrections worker or owe \$1,000 in fees. We always listen but are not bound. Out of 2,000 criminal cases a year, I have probably rejected 5-6 plea agreements.

- Commissioner Huber said we were concerned; we don't deal with it on a day-to-day basis and wanted to make sure the county was operating appropriately. The County Attorney expressed concern that umbrage was taken with the letter due to the directness. He explained it was not intended that way, but the Prosecutors office expressed a concern. Judge Marshall said there have been so few pleas rejected (less than 1%). The Judge presented copies to the Commissioners of proposed eligibility rules that were submitted to the Community Corrections Advisory Board.
- The County Attorney said he received concerns Spanish speaking people were excluded. Judge Marshall said there was difficulty, but we have accommodated. We have placed Spanish speaking defendants on Community Corrections with the assistance of Marion County because they have Community Corrections employees who can translate. Judge Marshall said Deputy Prosecutors can tell you, I have placed Spanish speaking defendants in Community Corrections in my court through Marion County. The County Attorney said I am more than satisfied. Commissioner Huber agreed and said once again, it was brought to our attention and we needed to do our due diligence. Judge Marshall said he talked to the Prosecutor and informed him the more appropriate forum to raise this in was at the Community Corrections Board of which he is a board member. The County Attorney apologized if the letter was heated. Commissioner Spalding said this was just a communication issue. Judges thanked Commissioners for the discussion. Commissioners thanked Judges.

Probation Contracts

Chief Probation Officer requested approval for creation of Recovery House contracts that have expired. Neither are asking for significant changes to contracts and the County Attorney has reviewed them. The Dove Recovery House is 6 beds at \$24,000 for 1-1-21 through 12-31-22 and Talitha Koum Women's Recover House is 4 beds at \$16,000 for 1-1-21 through 12-31-22. These will be changed accordingly and sent to the County Attorney.

NineStar

- President and CEO of NineStar discussed areas of the county not primed for fiber optic cable and the benefits of water and sewer in the rural areas. He requested BOC reach out to RDC to create a TIF area to assist with infrastructure development in Maxwell North along State Road 9. He believes there are opportunities there, between Interstate 69 and 70 and State Road 134.
- Commissioner Huber made a motion to request RDC consider a TIF district along State Road 9 through Maxwell North. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

Green Township Fire Department Air Bags

- Auditor notified Board of Commissioners (BOC) that County Council agreed to pay \$120,000 for Green Township Fire Department air bags out of Food and Beverage. Commissioner Jessup notified Commissioners he talked with County Council about allocating funds annually.

- Commissioner Jessup summarized the BOC made the request, Council agreed and allocated funds. Commissioner Huber said okay a check can be written.

County Property Discussed

Commissioner Jessup notified Commissioners Hokanson Property Group expressed interest in 7-8 acres on the east side of State Road 40 near the new jail. Commissioners discussed a market analysis from 2-3 places.

Procedures & Decorum Resolution

County Attorney to make some changes to the Resolution for the next meeting.

RDC Board Appointment

Commissioner Huber made a motion to reappoint Mary Zurbuch, Steve Vail, Dave Sutherlin as voting members of the RDC with terms ending January 1, 2022; and Tony May to be the Mt Vernon School Advisor non-voting member with a term ending January 1, 2022. Commissioner Spalding seconded the motion. **Motion carried 3-0.**

The Hancock County Board of Commissioners meeting adjourned at 11:35 AM.

Hancock County Commissioners

Commissioner John Jessup, President

Commissioner Marc Huber, Vice-President

Commissioner Bill Spalding

Attest: _____
Debra Carnes, Hancock County Auditor