

**PERRY COUNTY BOARD OF COMMISSIONERS  
MINUTES – OCTOBER 4, 2021**

The Perry County Board of Commissioners met at 6:00 p.m. as was duly advertised. All three commissioners were in attendance: President Thomas J Hauser, Randy Kleaving and Gregg Jarboe. County Administrator Teresa Kanneberg and County Attorney Chris Goffinet were in attendance. Sheriff Alan Malone also attended the meeting.

The meeting opened with the Pledge of Allegiance.

**AGENDA**

Randy made the motion to approve the agenda as presented. Second was made by Gregg. Motion carried 3-0.

**CLAIMS & PAYROLL**

Gregg made a motion to approve all claims and Randy seconded the motion. Motion carried 3-0. The claims dockets for October 4, 2021 were approved in the amounts of \$429,777.75 for county claims; \$2,051,659.43 for highway claims; and advance for \$1,599.39 for a total of \$2,483,036.57. Tom asked what the advance is and Auditor Pam Goffinet said it was for the telephone bill because we always get that before claims to get it processed in time.

The payroll docket was approved in the amount of \$148,641.44 for payroll distributed on September 27, 2021. Gregg made the motion to approve the payroll docket, seconded by Randy. Motion carried 3-0.

**APPLICATION TO CUT RIGHT OF WAY – BARKHAMSTED SUBDIVISION**

Highway Superintendent Steve Howell came before the Commissioners asking to approve an application to cut right of way on Windsor Road, Lot 31, in the Barkhamsted Subdivision. He said Jagoe Homes out of Henderson has Henry's Plumbing do all their work. He said he has talked with them and explained the process and he feels confident that they will do what they are supposed to. This is to cut a sewer line into the manhole located in the street that is in front of the lot. Steve said he will inspect it after the work is done. Randy made the motion to approve the application, seconded by Gregg. Motion carried 3-0.

**UPDATE ON LEGION RIDERS IN TELL CITY**

Don Farina, Director of the American Legion 213 Riders, informed the Commissioners that the Legion Post has been here for many years but they have never had a charter for the Legion riders. It is a group of motorcycle lovers and veterans that ride together and raise money for charities, for people who need it in the community, and veterans that need help. What they want to do with the riders is to get more younger veterans involved with the Legion. The Legion is an older crowd and if they don't get the younger veterans involved, there will not be a Legion. He said they have just started the charter and they are now officially the Legion Riders of Post 213. He said on November 23<sup>rd</sup> they are going to have chicken dinners and want people to come out and see what they have to offer. He also said they have drawings every Friday for the public to come down. They will have official ceremonies of presenting the Charter to the Legion and make it official here in Perry County. He said now the Charter stays here forever. It will never leave the Legion of Tell City. The riders may leave but not the Charter. He wants to get the word out that they are here in town and anybody can sign up. It can be a veteran, son of veteran, daughter of veteran, grandfather, grandmother or even great grand parent. They opened it up more to get more members and the community involved. He has worked very hard here for Tell City. Randy said he met Don and heard his story and invited him to bring it to the Commissioners here to get the word out. He said it is very important in what he is doing for the veterans because we support them 100% here in the county.

**RESOLUTION – ESTABLISHING POLICY OF PARTICIPATING BY ELECTRONIC MEANS OF COMMUNICATION**

Attorney Chris Goffinet said the State Legislature made some changes in the law as it relates to electronic communication. It used to be any Commissioners meeting or Council meeting or other had to be 100% attended in person, but given where we have been the last several months, to two years, it has become more difficult. Thankfully, we have not had to meet remotely for quite some time. But if someone were to be quarantined or have issues that couldn't attend, if we have a written policy on how you attend, then we can do it remotely. There are rules that this resolution establishes and it follows the state law. So if a person attends remotely, everybody has to be able to hear each other and communicate with each other, so it can't be a one-way communication. The public also has to be allowed, except for executive sessions, to attend either in person or remotely. Chris said in this particular case with the Commissioners, since there is only three of you, there has to be a quorum in person so that means two of you always have to be in person. The exception to this is as long as Governor declares an emergency, like we have now, you can still meet remotely and if it ever gets lifted, then in that particular case as long as two of you are here in person and one of you can participate remotely by telephone or video. They do count towards the quorum and are allowed to vote with a roll call vote which we already do. You cannot attend more than 50% of your meetings in a calendar year electronically unless you are in the military service, illness or medical condition, death of relative or an emergency involving actual threatened injury to persons or property. You cannot just decide you don't want to be with everybody and start attending remotely. Randy asked what if you are out of town on business? Chris said yes you can do that then. Gregg asked if it can be two consecutive meetings? Chris said yes you may attend two consecutive meetings by electronic communication but no more than that. Gregg asked that you can only vote if you are seen and heard? Chris said yes it has to be both. We would have to set up a zoom meeting or something like that. Chris said the point is there is a lot of restrictions because it's better to be in person. Public meetings are to be attended publicly and done in person. We couldn't do this before so this allows for legitimate reasons. He said this is a similar policy that the city council has passed for meetings. Tom asked about section 5, item 6, "exercises council's prior agreement domain" should that be changed to commissioners. There are types of meetings listed that you cannot do remotely. Chris said if vote to approve, he suggests to approve it as amended with the commissioners in place of council. Gregg said he is okay with it, there are things in it to keep you from abusing it. Chris said this resolution only covers the Commissioners. Some boards could adopt what the Commissioners have done instead of making their own resolution. Gregg said it would have been nice to have at the Recycling meeting last time because Charlie couldn't join us. Gregg made the motion to approve as amended, seconded by Randy. Motion carried 3-0. (See Attachment "A" R-C-21-6)

**RESOLUTION – PROCEDURES FOR REVIEW, CONSIDERATION, AND HEARING OF APPEALS OF LOCAL HEALTH ENFORCEMENT ACTIONS**

Attorney Chris Goffinet also said there is a new requirement from state law that the legislature at the last session passed which the governor vetoed, and in the legislature overrode the veto. It was placing certain restrictions on the declaration of emergencies and public health emergencies and all, but part of what the legislature did was set up a process where if a local health board or department makes certain declarations like a mandate or something like that, that can be appealed to court, but it also can be appealed to the Commissioners. He said we are required under Indiana State Law, all boards of Commissioners are required to adopt a policy to lay out how the appeal works. It is a public policy. Chris read the attached resolution so the Commissioners know how it works and everybody kind of understands it. Gregg asked if it is also restricted to enforcement action, that it's not the mandate itself, that they see enforcement. They enforce something and so now there's a penalty or whatever and now they want to appeal? Chris said that is correct.

Chris said it is an informal process and the president would be or his or her designee would be the judge so to speak who handles the hearing. It could be the county attorney or whomever. The Health department explains what they did, the person presents their evidence as to why they don't think that's proper and the Health department gets a chance to respond back and this goes back and forth for awhile until everybody says their peace. You can ask questions and they can present witnesses to their side of the story. He said the Commissioners have to have a vote in public within

15 days after the date of the year, so you can consider it right then or you can sit on it and think about it, come back at the next meeting and have a vote. You have to issue a decision in writing and give it to both parties. So, this is just a step that the state legislature has seen fit to add in. He commented again that we are required to adopt policies. Tom asked if the Commissioners rule not to enforce whatever the complaint was, that's the end of it? Chris said he believes the Health department can appeal if they want to. Gregg stated this is all from Senate Bill 5, right? Chris said yes. It is the law that was passed. Tom said he thinks it's necessary for the people to be heard and have an appeal process. Tom said this applies to all emergencies. Gregg said this has to be done. Gregg made the motion to approve the resolution, seconded by Randy. Motion carried 3-0. (See Attachment "B" R-C-21-7)

### **CONTRACT – ANIMAL CONTROL SERVICE**

Gregg said he sent the contract to the Commissioners and to Attorney Chris Goffinet for legal review. Chris said it is a good contract. Gregg said basically from his understanding it's going to be approved by Harrison County. The feeling is that they'll be okay with it as well.

He said it puts in place a way for the animal control officers that they have in Harrison County to actually be able to come and support officers here whenever they need it. The way it works is dispatch would basically call April from Harrison County who then dispatches the control officer from Harrison County to come here once it's requested. Once they get here, it is a \$275.00 fee. This is not hourly. It's a round trip, one time come here and do whatever they can do for eight, ten or two hours, or whatever it takes for that one incident. No matter how many animals, whatever it is in that incident, they will get the strays and whatever need to be housed. They will actually take them back to Harrison County housing for us. He said there is no additional fee for that either, it is included in the \$275.00. They also have the ability to quarantine a dog for us if we have a dog that's been somewhere and we need to enforce the 10-day quarantine. They will take the dog to Harrison County for a flat \$100.00. Gregg said for him it's a really good deal on our part. He said he has talked with April of Harrison County and this helps them out because the costs balance them out too. It's a good thing for both counties. He said looking through it, he doesn't see anything he disagrees with. There are termination clauses in it of 30 days or whatever so if something happens, we can always terminate. Gregg said for him this is a nice patch for where we are at now. It is not a long-term solution but it's a nice band aid for our current situation to get us through. He also said we can't beat the price. Becky Thorn asked that their contact here will only be dispatched? Gregg commented that they'll dispatch the way they want and we will talk through those things. That's not necessary in the contract but what they want is for dispatch to call them because that makes it easier for them. It's a single point of contact. They will be able to relay messages over the radio. Tom said he could see this being important. He said we need to add single point of contact to the contract. Chris said the fact is that in order for the county to know to pay the bills and appropriately needs to come through dispatch. Randy said this way to keep good records. Chris stated this is a temporary measure. Becky Thorn said we don't need the animal control officers coming here and dealing with four or five different people. They just need one contact to do what they've got to do and go back. Gregg said this also allows for law enforcement that's on the scene and they can handle it. They don't have to call dispatch. They can make that decision. This is why the pens are important too because this gives new places to go with the dogs if an officer does handle it and needs to shelter them temporarily. Gregg said they can take a limit of five dogs.

Administrator Teresa Kanneberg asked for clarification on which funds to pay the bills from. Gregg said there is \$35,000.00 in the current budget for animal shelter. Tom said we also have the other fund where the last shelter money went and the rent money goes in. Chris stated the purpose of this fund is for animal control services- animal welfare. That's the only things to pay from this. It was said this is the fund to start with first. Gregg mentioned that we need to ask Council's advice on this also. Sheriff Alan Malone asked that once this gets settled, we need to meet with law enforcement so they know what to do. Gregg said we will bring April from Harrison County down also to go over protocol.

Tom said we need to add the single point of contact to the contract. Chris said to add it in Section 2 (J) that says "they will only respond to calls of contact from the dispatch services." Gregg made the motion to accept the contract with the addition, seconded by Randy. Motion carried 3-0.

Jim Carter then said he had an update with the cost of the roofing over the pens at the current shelter. He said for long range, we need proper revenue to handle animal control. He then went into the old animal ordinance and talked about it. Tom said these are things he needs to discuss with the Council also.

### **DISPATCH SERVICE UPDATE**

Tom said this has been on the minds of several people including local government, both sides. He said in May there were meetings with the fiscal bodies on the dispatch costs. He stated those issues have been worked out. It took awhile to work out the funding mechanism and the Perry County Council changed the LIT tax structure to have funds available to pay what Tell City asked for to continue with the dispatch services. Then it was brought up that the contracts in the past expired in 2021. It was a five year contract. There were a lot details not spelled out in it which led to a lot of questions that needed to be answered by the state and others. There have meetings about the contract back and forth. Questions have been answered. On Friday morning, Mayor Chris Cail, Chief of Police Derrick Lawalin, Assistant Chief Roger Smith who is over dispatch, 911 Coordinator Steve Hauser, and himself met and hashed out the rest of the details after they got clarification from the state on what they could do. Basically, Ed Rider said with Indiana being a homegrown state, they do not enforce, regulate, or approve any contracts. It's whatever the interlocal agreements are. The fact that the 911 funds go through the county and the county disperses them out how they see fit. The question came up with the term PSAP, Public Safety Answering Point. One side of it is that it is a physical place that does answer the 911 calls and dispatching out the services. The other part is all of the stuff that the county has provided over the years and still provides to be able to do that. Tom commented with that being said it was an unanimous agreement with everyone in the room and completely agreed to combine resources. Tom read a statement from Roger Smith that the city and county have combined resources to provide a joint PSAP. The primary PSAP site will be located at 707 Mozart in Tell City and the backup site will be located at 3214 Tell Street. Tom said it is a joint effort utilizing all of the resources that we have available which include the dispatch center network and personnel. He said everybody is proud of what they do and for good reason. He mentioned that we haven't defined the funding as much as we should have and this is not just our problem. He said it lacks state funding. The agreement has been sent to both attorney's, Chris Goffinet and Jeff Hagedorn for review and make sure it is all legal. The highlights of the agreement are:

1. Joint PSAP- both will provide vital components 24/7
2. Budget adopted at workshop- both Councils
3. Advisory Committee – 2 County, 2 Tell City, 1 Cannelton, 1 Town of Troy, and 911 Coordinator – has to be a public safety person, no elected official
4. County responsible for all other entities, enter into interlocal agreements
5. Tell City is the primary dispatch center and the County is secondary
6. Tell City Police oversee personnel – Tell City Police employees
7. The secondary site will be set up the same so the dispatcher can operate the same way.

Steve Hauser said we will mirror everything. It will be more cost effective. Tom said we want to continue with the least amount of disruption possible. The North Station will be a backup for now. Tom said this will be effective January 1, 2022 if approved. The general public or dispatch will see no disruption at all. Neither will emergency services.

8. There is a six month termination notice.
9. Any changes have to be agreed by both parties

Chris said his and Jeff's advice was for them to work it out and we will make sure it is legal. It took time and significant changes. Steve Hauser actually wrote up the statement of being a joint PSAP. Gregg said he just wanted to make sure the City was okay with the Whereas statement of being a joint PSAP. Tom said all were in agreement. The power of the budget remains with the Councils. Hopefully there will be more funding down the road. The goal is for more funding by the state. Tom said Mayor Chris Cail was going to announce this same thing at the Tell City Public Works meeting. He said we will have a joint meeting to adopt this at the same time. Tentatively there will be a special joint meeting on October 18, 2021 at 6:00 p.m. and the next regular meeting of the Commissioners will follow on October 18, 2021.

Randy commented that it made everyone realize what it takes to make 911 operate. He said he didn't realize how much technology is behind the scenes. He said good comes out of everything. This is one the Council and the Commissioners are seeing what it takes to work properly.

Cindy Taylor asked about Spencer County. Steve Hauser said it is a back up site to go to. If something failed in our lines, then we would go to Spencer County. It is a redundant system, if not them, then go to Warrick County. Spencer County cannot dispatch, only relay the calls back to Tell City to utilize the radios we have. There was more discussion on this.

**ADA UPDATE**

Teresa, Perry County's ADA Coordinator, said that we have to comply with Section 504 of the Rehabilitation Act and Title II of the Americans With Disabilities Act. She said that our ADA Plan is to be updated every three years and it's time to do that. We have an Action Plan that applies to department self-evaluations, and we have a Transition Plan that applies to structural changes to our facilities. She said that a virtual meeting was recently held with Steering Committee members, and she introduced the proposed three-year plans for 2022 – 2024. Everyone was in agreement with the plans. She said the next step is to invite the public to comment on the proposed plans. She said she has published the proposed plans on the County's website for the public to view, and she will be advertising in the newspaper that public comments may be submitted on the proposed plans. The public comment period will end on November 1<sup>st</sup> at 5:00 p.m. at which time she will be available in the Commissioners' Meeting Room to allow comments to be made in person. She said she plans to bring the proposed plans to them at their December meeting for approval.

Teresa announced that the next regular meeting of the Board of Commissioners will be held on Monday, October 18, 2021 at 6:00 p.m.

The meeting ended in open session at 7:10 p.m.

Minutes approved this 2<sup>nd</sup> day of December, 2021.

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Thomas J Hauser  
President

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Randy Kleaving

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Gregg Jarboe

*Minutes prepared by:  
Pamela L. Goffinet, Perry County Auditor*