

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING
EMERGENCY SESSION
COMMISSIONERS MEETING ROOM
107 W. Locust Street, Suite 303
Boonville, Indiana
March 20, 2020
1:41 P.M.

The Warrick County Commissioners met in emergency session with Dan Saylor, President; Robert Johnson, Vice President; and Terry Phillippe, Member. Attorney Todd Glass and Administrator Roger Emmons were in attendance.

Auditor Debbie Stevens and Secretary Kristine Georges attended and recorded the minutes.

Dave Woolen, Emergency Management Director was also present.

President Dan Saylor called the meeting to order at 1:41 PM.

PLEDGE OF ALLEGIANCE WAS SUSPENDED

Commissioner Saylor: We will call the Emergency Commissioners' meeting to order for Friday, March 20, 2020. So today, we will be addressing...

Roger Emmons: I don't know, Steve, if you need to be standing up or not, (inaudible) the Pledge.

Commissioner Saylor: We will be suspending the Pledge of Allegiance today.

**RESTATED RESOLUTION 2020-03
RESTATED RESOLUTION WAIVING CERTAIN PROCEDURES DURING EMERGENCY
PURSUANT TO INDIANA CODE 10-14-3-17**

Commissioner Saylor: So, the first item on the agenda is the Restated Resolution of the Board of Commissioners of Warrick County, Indiana, waiving certain procedures during an emergency pursuant to Indiana Code 10-14-3-17 and establishing a certain employment policies and procedures during an emergency.

Todd Glass: May I also mention, Mr. President, that this is a public meeting noticed under the emergency clause of (IC) 5-14-1.5-5, by the way, just as our meeting was earlier this week. But on, with regards to the Restated Resolution, if I may mention to the Board, the improvements and edits to the original Resolution come from a variety of guidelines and notices that keep coming in. And I believe that these improvements and notices that we've been receiving. And I appreciate all of the applicable guidelines and opinions and proclamations and notices that we've been receiving. And I appreciate everybody helping me trying to keep up with all of them. The Association of Indiana Counties, the State Examiner, the Public Access Counselor, the Governor's Proclamation and others. But, Mr. President, other than some linguistic improvements, the Resolutions themselves, if I may read them into the record, would be resolved by the Board of Commissioners, Warrick County, that this is the first one (1) on page two (2). Those procedures required by law pertaining to those functions set forth in IC 10-14-3-17J5 shall be waived in the event the President of the Board of Commissioners, Warrick County, determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to the public health concerns rising out of the COVID-19. At which time, the President shall have the authority to approve the same that would have otherwise been presented at the meeting. At the first public meeting of the Board of Commissioners Warrick County held following the decision and determination of the public health emergency by the Governor of the State of Indiana, all action taken by the President of the Board of Commissioners of Warrick County during said public health emergency, shall be presented to the Board of Commissioners of Warrick County for the ratification of such action. And those actions, Mr. President, on the first page are listed by Statute and only includes those listed. But, if you look at it and contemplate it between contracts, employment of workers, purchasing of things and appropriation expenditure of funds, that practically covers most everything. Obviously, during the interim, anything that can be set aside until we get back into the public meeting normalcy again, you know, certainly postpone them. You would be able to act in the interim for those things that have to be acted on. Secondly, if it is stated in the Resolution, be it further resolved by the Board of Commissioners of Warrick County, Indiana, that the procedures to approve claims is set forth in IC 36-2-6-4 shall be waived in the event the President of the Board of Commissioners of Warrick County determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to the public health concerns rising out of COVID-19. At which time the President is authorized and directed to approve any and all valid claims and the Warrick County Auditor is hereby authorized to pay such claims approved by the President and those which would otherwise have been presented at such a meeting and furthermore we then have the ratification language also to those actions in approving claims. I think that the, that change in the two (2) Resolution paragraphs replacing the prior Resolution paragraph is a significant improvement and completely correlates with the, with what the Governor and applicable state agencies are requesting that we do.

Commissioner Saylor: Okay.

Todd Glass: And happy to chat about it, make sure we understand it.

Commissioner Phillippe: I think you answered the only question I had.

Roger Emmons: In the past, (inaudible) would it be proper for me then to say, email or sit down and talk to Dan and keep Bob and Terry in the loop as well? And just have him approve those that way and keep track of them for the ratification process?

Todd Glass: Correct, and I would imagine that the Board can, through email, get all three (3) Commissioners' consensus. You can do those sorts of things that he's acting upon.

Roger Emmons: Okay.

Todd Glass: They can also see and receive the claims as normal. And they should be looking at those and reviewing them and giving them consensus so that the President can then therefore approve them in this fashion.

Roger Emmons: Right. And I've already done that, so, but it will be directed for Dan, well, for all three (3) of them, like you just said. Okay, thank you.

Todd Glass: I could be wrong, but I'd imagine Auditor Stevens and President Saylor just would get together and figure out how some of these logistics would work.

Roger Emmons: And you also said you were going to send, like, the Warrick County Council should pass a Resolution like this also?

Todd Glass: Yes, in fact, it's drafted.

Roger Emmons: Okay. Cliff (inaudible).

Todd Glass: Cliff Whitehead has drafted it. We compared notes to, and Counsels will say the same thing as to appropriations.

Roger Emmons: Okay.

Todd Glass: Versus claims.

Roger Emmons: Gotcha.

Todd Glass: Most likely, they'll appoint President Richmond as their designated authority. And I think if I remember all the emails, I think they're bouncing around a Monday meeting.

Commissioner Saylor: I know I spoke to...

Todd Glass: Do you remember, Debbie?

Auditor Stevens: Yeah. He said something about Monday, but I have not seen anything.

Commissioner Saylor: I know I spoke to Greg briefly and he's in transit from Florida back up here.

Todd Glass: They were also in limbo to some degree until today about what to do with their April 7th meeting? Is that right? Their first April meeting. But today Cliff notified the Council members that this would be the one (1) public meeting to convene at an emergency session to pass their Resolution and that would probably be the only business before the Council.

Roger Emmons: Okay.

Todd Glass: I recommend, Mr. President, if you would like me to, that you have me forward the approved Resolution to the Parks Board, Council, APC, and Storm Water Council. Even the Solid Waste District Council and recommend that if they find a need that they should pass the exact same type of Resolution.

Commissioner Saylor: That would be great, Todd, if you would do that.

Todd Glass: That was another thing that still trying to figure out this morning, how that should really work. I feel that the intent of the Declarations and Proclamations being made to prevent public hearings, or public meetings, probably permitted this Board and its President to instruct those other boards to do that. But also another way to do it is to recommend that they do it themselves. So, we'll do Option B as opposed to Option A.

Commissioner Saylor: Okay.

Todd Glass: Then, if you pass this, and sign it and distribute it, then you're in that new procedural zone for a while until the Governor instructs us otherwise.

Commissioner Saylor: Alright, so guess we'll make a, I need a motion on this.

Commissioner Johnson: Make a motion to approve Restated Resolution 2020-03.

Commissioner Phillippe: Second the motion.

Commissioner Saylor: Have a first and a second. Any discussion? So, I'll take a vote. All in favor by signifying by saying, aye.

Commissioner Johnson: Aye.

Commissioner Phillippe: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0).

Auditor Stevens: May I make a comment? (Inaudible). I know there's no issues among this Board and the people in this room. But, a Department Head or someone reading that Resolution may assume that claims would bypass the Auditor's Office and come directly to a County, to a Commissioner designee. They may; they may not. I just wanted to clarify that nothing's changed about the process so that if you do get those questions or if we get those questions, that's the answer.

Commissioner Saylor: It goes to you, goes to the Auditor just like...

Commissioner Saylor: Nothing's changed about, it's about the public, just the public to approve it. That's a good point.

Todd Glass: But nothing has changed at all about the statutory claims process.

Auditor Stevens: Right.

Todd Glass: A lot of things haven't changed. The open door law as I understand it now is still completely...

Commissioner Johnson: Good God.

Todd Glass: Hasn't been abrogated at all. There's just some new exceptions to it. It just takes a little thinking to understand exactly how the State is wanting us to view these things and I think they've finally figured it out themselves as of the last day or so.

Auditor Stevens: If it's okay to share one (1) more thing. Something that came up in the meeting that we had on Tuesday, our Association meeting, was our DLGF Commissioner has always said you're fully funded for the year. And they do not approve Appropriations for January, February, or March. Even though people feel like they have to submit their Additional Appropriations to the Council, the DLGF does not approve them until sometime in April. So, it's sort of a busy thing for the Council to do I guess during February, January and February and March to look at these things. But they're, but everybody's fully funded basically. We're only halfway through March. We're almost fully funded at this point for the whole year. And so there are things that State Board of Accounts will not take exception to if there was a situation where someone had an expense line and account line within their fund that would not be enough to take care of a situation that truly could be connected to this whole situation, an emergency expenditure or whatever. So, there are things that they will not take exception to if we had to pay from another account line. And then once those appropriations can go through and be made to these lines for emergency purposes, we could do it.

Roger Emmons: Repost them.

Auditor Stevens: They're not going to be unreasonable about those kinds of things.

Roger Emmons: Okay.

Auditor Stevens: Because within your fund, your budget, you have plenty of money. But you may not with some of your account lines. And I, and it's by Statute that I do not make, I do not make out of line transfers. That can only be done by Council.

Roger Emmons: Right.

Auditor Stevens: So, we're limiting...

Commissioner Johnson: So, if we need emergency equipment to combat this thing, whatever it may be. You know, whether it's masks or whatever the hell it is, and we don't, it takes twenty thousand dollars (\$20,000.00) and we've got five thousand dollars (\$5,000.00) in a line item, we can't purchase it. Is that what you're saying?

Auditor Stevens: No, I'm not saying that. I'm saying the opposite of that.

Commissioner Johnson: Okay.

Auditor Stevens: If you look at the appropriate line to pay that from and you only have one thousand (\$1,000.00) or ten thousand dollars (\$10,000.00), say, but in another line that you could free up some of that money within your budget.

Roger Emmons: You've got your total cash.

Auditor Stevens: You have your cash, right. And you look to maybe another account line that you could spend from for that emergency purpose

Commissioner Johnson: Right.

Auditor Stevens: And then as soon as we're able to get back into business as usual...

Commissioner Johnson: Right. Okay. (Inaudible) went up.

Auditor Stevens: And the appropriation should demonstrate it was directly connected to the emergency, then those things can be resolved later in the year and State Board of Accounts (inaudible).

Todd Glass: I don't think this is contrary to what she said, but if Dave or if somebody needed an appropriation. If an Appropriation was necessary to get that twenty thousand dollars (\$20,000.00) wherever it needed to go. Let's say this was in May. Then you call Krystal and Greg and Cliff and between the three (3) of them, through their authority that they will grant to Greg, if an appropriation needs to be approved, he'd approve it. And in a similar fashion, when the bill comes through, it needs paid, she'll bring the claim to you and you sign off.

Commissioner Johnson: Okay.

Auditor Stevens: Well, that was not exactly what we were told. They cannot approve an Additional Appropriation. They can approve a transfer. They can approve money that's already there. But an Additional Appropriation is adding money that has not been approved by the DLGF to a budget that was set by the DLGF.

Todd Glass: Okay.

Auditor Stevens: For other, for some funds, that would probably be okay if it was a real emergency. But for the General Fund and all those funds that are tax, you know, connected to a tax levy, that's not true.

Roger Emmons: You said they don't approve additional in the first quarter. He mentioned an example in May. Would they not consider an Additional in May?

Auditor Stevens: That was not the direction that we were given. Because, if you think about it, we still have most of our budgets for the remainder of the year.

Roger Emmons: Right.

Commissioner Saylor: Right.

Auditor Stevens: So, you know, even if you had to look to another line to make that payment, even if it got so desperate...

Roger Emmons: The rationale is you really don't need to. Yeah.

Auditor Stevens: We'd be going to personnel lines to pay for something, emergency that we absolutely had to pay then we could do that. We have basically, you know, fourteen million dollars (\$14,000,000.00) or so, or around there in our budget.

Todd Glass: The reality is that this Resolution will see the, the President of the Board of Commissioners approving claims in the manner contemplated. But the Council's Resolution, as to appropriations, that might not happen. That might not need to happen.

Auditor Stevens: Right.

Todd Glass: But, they're going to pass it just in case it needs to happen.

Commissioner Saylor: Alright.

Todd Glass: Interesting.

Commissioner Saylor: Any other? Alright.

Commissioner Johnson: Motion to adjourn.

Commissioner Phillippe: Second.

Commissioner Saylor: I have a first and a second. All in favor say, aye.

Commissioner Phillippe: Aye.


Commissioner Johnson: Aye.

Commissioner Saylor: Aye. Motion carries three, zero (3-0) for adjournment.

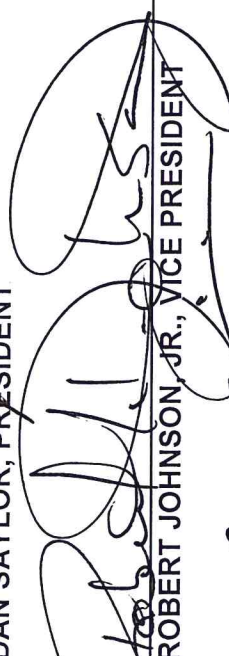
(Restated Resolution 2020-03 is located on Pages 5 through 6 of these Official Minutes)

ADJOURNMENT: Meeting adjourned at 1:59 P.M.


WARRICK COUNTY BOARD OF COMMISSIONERS



DAN SAYLOR, PRESIDENT



ROBERT JOHNSON, JR., VICE PRESIDENT



TERRY PHILLIPPE, MEMBER

ATTEST:


DEBORAH K. STEVENS, AUDITOR
WARRICK COUNTY, INDIANA

RESTATE RESOLUTION 2020-03

A RESTATE RESOLUTION OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, WAIVING CERTAIN PROCEDURES DURING EMERGENCY PURSUANT TO IND. CODE 10-14-3-17 AND

ESTABLISHING CERTAIN EMPLOYMENT POLICIES DURING EMERGENCY

WHEREAS, the Board of Commissioners of Warrick County passed and adopted Resolution 2020-03 at an emergency meeting held on March 18, 2020;

WHEREAS, the Board of Commissioners of Warrick County desires to fully restate and replace Resolution 2020-03 with this Restated Resolution 2020-03;

WHEREAS, Ind. Code 10-14-3-17 Gives Warrick County the authority to waive procedure and formalities otherwise required by law as a result of the disaster emergency declaration;

WHEREAS, Ind. Code 10-14-3-17(D)(5) states, in part, that in the event a disaster emergency is declared by the Governor of the State of Indiana, a political subdivision may waive certain procedures and formalities otherwise required by law pertaining to:

- (A) The performance of public work;
- (B) The entering into of contracts;
- (C) The incurring of obligations;
- (D) The employment of permanent and temporary workers;
- (E) The use of volunteer workers;
- (F) The acquisition of real property;
- (G) The purchase and distribution of supplies, materials, and facilities; and
- (H) The appropriation and expenditure of public funds.

WHEREAS, the Board of Commissioners of Warrick County is the purchasing agency for Warrick County, Indiana;

WHEREAS, the Board of Commissioners of Warrick County has the authority to approve payroll for employees of Warrick County;

WHEREAS, on March 6, 2020, the Governor of the State of Indiana issued Executive Order 20-02, which declared a public health emergency in the State of Indiana as a result of the novel Coronavirus Disease 2019 ("COVID-19") outbreak in Indiana;

WHEREAS, Ind. Code 36-2-6-4 states, in part, that the Board of Commissioners of Warrick County may allow a claim only at a regular or special meeting of the Board of Commissioners of Warrick County;

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WHEREAS, the Board of Commissioners desires to avoid the disruption of County government and essential County services that COVID-19 may create;

WHEREAS, the Board of Commissioners recognizes concern for public health due to COVID-19 may prevent the Board of Commissioners from meeting to conduct its business and affairs, including, without limitation, the approval of payroll, claims, and other duties otherwise required by law;

WHEREAS, on March 16, 2020, the Governor of the State of Indiana issued Executive Order 20-04, concerning further orders and directives in response to the COVID-19 outbreak, in which the Governor advised that public meetings conducted pursuant to Ind. Code 5-14-1.5, *et seq.*, should be limited only to essential matters and further suspended all specific statutory deadlines requiring governmental bodies to meet during the declared public health emergency;

WHEREAS, Warrick County desires to follow the Statement and General Guidance of the Indiana Public Access Counselor regarding practical guidance to prevent or slow the rate of transmission of COVID-19 as it relates to public meetings;

WHEREAS, the Indiana State Examiner has issued Directive 2020-01, which provides instructions as to the preferred procedure for the approval and processing of claims to be used and implemented by the Board of Commissioners of Warrick County; and

WHEREAS, certain steps need to be taken under these extraordinary circumstances to protect the health and safety of employees of Warrick County during the emergency while at the same time avoiding disruption of essential County government services to which the citizens of Warrick County are entitled to continue receiving during the COVID-19 public health emergency.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of Warrick County, Indiana, that those procedures required by law pertaining to those functions set forth in Ind. Code 10-14-3-17(J)(5) shall be waived in the event the President of the Board of Commissioners of Warrick County determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to the public health concerns arising out of COVID-19, at which time the President shall have the authority to approve the same that would otherwise have been presented at the meeting. At the first public meeting of the Board of Commissioners of Warrick County held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, all action taken by the President of the Board of Commissioners of Warrick County during said public health emergency shall be presented to the Board of Commissioners of Warrick County for the ratification of such action.

BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that the procedures to approve claims as set forth in Ind. Code 36-2-6-4 shall be waived in the event the President of the Board of Commissioners of Warrick County determines that the Board of Commissioners of Warrick County is unable to hold a meeting due to public health concerns arising out of COVID-19, at which time the President is

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authorized and directed to approve any and all valid claims, and the Warrick County Auditor is hereby authorized to pay such claims approved by the President and those which would otherwise have been presented at such a meeting. At the first public meeting of the Board of Commissioners of Warrick County held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, the Board of Commissioners of Warrick County shall allow any and all claims approved by the President of the Board of Commissioners of Warrick County during said public health emergency.

BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that the following constitutes the policy of Emergency Leave benefits available to eligible employees of Warrick County, and that if any policies and procedures of the Warrick County Employee Handbook conflict with this Emergency Leave policy, then this policy shall control until such time as this policy is amended or rescinded, in the sole discretion of the Board of Commissioners:

All employees of Warrick County are expected to continue working as scheduled, with the following exceptions:

- (1) Employees who have been diagnosed with, or otherwise tested positive for, COVID-19, or who have been in close contact with a person displaying symptoms of laboratory-confirmed COVID-19;
- (2) Employees who are under quarantine at the instruction of a healthcare provider, or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- (3) Employees who have not been diagnosed with, or otherwise tested positive for, COVID-19, but who have developed or displayed symptoms of COVID-19 until such time as a diagnosis is confirmed or has tested positive, or five (5) days after compatible symptoms of COVID-19 are no longer exhibited, unless otherwise directed by a healthcare provider, or a local, State, or Federal official, in order to prevent the spread of COVID-19;
- (4) Employees who are living in the same household as a person who meets any of the criteria of subsections (1), (2), or (3), above;
- (5) Employees who are at an increased risk of complications from COVID-19 due to a diagnosed health condition and who are presently under the care of a physician for said condition, and whose job duties require close contact with other employees and members of the public but for whom temporary job modification is not reasonably feasible;
- (6) Employees who, due to COVID-19-related closings of a school or other care facility or program, are engaged in primary caregiving for a child or individual who is unable to self-care.

An employee of Warrick County who meets any of the exceptions provided in subsections (1), (2), (3), or (4), above, will be granted ten (10) business days of Emergency Leave, which will be compensated at the employee's regular rate of pay.

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An employee of Warrick County who meets the exception provided in subsection (5), above, shall use any accrued, available paid leave benefits (e.g., Vacation, Sick Leave, etc.) until such time as all paid leave benefits are exhausted or the employee no longer meets said exception, whichever occurs first. An employee of Warrick County who meets the exception provided in subsection (6), above, may use either accrued, available paid leave benefits or available unpaid leave benefits. In the event an employee who meets the exception provided in subsection (6), above, exhausts all available paid leave benefits available to said employee, the employee may use any approved unpaid leave benefits until such time as the employee no longer meets said exception or the employee is instructed to return to work by the employee's supervisor, whichever occurs first.

Prior to an employee of Warrick County who meets any of the exceptions provided in subsections (1) through (6), above, receiving any leave under this Resolution, said employee is required to email such request for leave to the Warrick County Human Resources Manager and provide any supporting information and/or documentation that may be requested.

BE IT FURTHER RESOLVED by the Board of Commissioners of Warrick County, Indiana, that this Resolution shall remain in effect until the expiration of the declared or any subsequent declared Statewide or National emergency related to COVID-19, or as otherwise may be determined by the Board of Commissioners of Warrick County, in its sole discretion, whichever occurs first.

The above Resolution is passed and adopted by the Board of Commissioners of Warrick County, Indiana, this ___ day of March, 2020.

BOARD OF COMMISSIONERS
OF WARRICK COUNTY, INDIANA


Dan Saylor, President

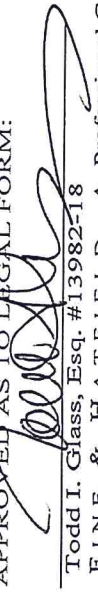

Robert H. Johnson, Jr., Vice President


Terry A. Philipps, Member

ATTEST:


Deborah K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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