

**WARRICK COUNTY BOARD OF COMMISSIONERS MEETING**  
EMERGENCY SESSION  
COMMISSIONERS MEETING ROOM  
107 W. Locust Street, Suite 303  
Boonville, Indiana  
March 18, 2020  
4:12 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, Chief Deputy Auditor BJ Farrell, and Secretary Kristine Georges attended and recorded the minutes.

Also present were Aaron Franz, Warrick County Health Department Director and Dave Woolen, Warrick County Emergency Management.

President Dan Saylor called the meeting to order at 4:12 PM.

**PLEDGE OF ALLEGIENCE WAS SUSPENDED**

**Commissioner Saylor:** Call the March 18<sup>th</sup> meeting, Commissioners' meeting to order.

**Todd Glass:** Emergency.

**Commissioner Saylor:** Emergency Commissioners' meeting to order. So, with that being said...

**Todd Glass:** You can suspend the Pledge of Allegiance, if you wish.

**Commissioner Saylor:** Well, and I don't have an agenda, so I guess we will suspend the Pledge of Allegiance since there's no public here.

**RESOLUTION 2020-03**

**Commissioner Saylor:** So then the next thing on the order of business would be to approve the Resolution of the Board of Commissioners of Warrick County, IN, waiving certain procedures during emergency pursuant to Indiana Code 10-14-3-17, suspending Public Meetings during emergency and establishing certain employment policies during emergencies. So, there's obviously more to this, Todd. Does this need to be read into the record or...?

**Todd Glass:** It does not, but for the benefit of the Board, why don't we go through some of the details that went into the drafting of this today.

**Commissioner Saylor:** Okay.

**Todd Glass:** You'll notice that the bottom of page one (1) on the, "Whereas," certain steps need to be taken, I added under these extraordinary circumstances, I think in different places in the Resolution it mentions how unique of a scenario this is. But that was one (1) place I decided...

**Roger Emmons:** Novel.

**Todd Glass:** Novel.

**Roger Emmons:** Novel.

**Todd Glass:** Decided to add further punctuation to that. Dave mentioned something like that in our meeting earlier today. Then on the second page, the "Now Therefore," paragraph was updated to reflect what the Board wishes to consider, and that says that the Board of Commissioners, Warrick County, that all public meetings of the Board, of the Warrick County Common Council, all other statutory boards of Warrick County and in addition the Warrick County Solid Waste Management, Waste Management District are hereby suspended for the duration of the public health emergency as declared by the Governor except those meetings necessary to conduct essential matters to be determined in your discretion. I added the, except the meetings necessary to conduct essential matters because that's indeed what the Governor's 2020-04 Directive says.

**Roger Emmons:** I don't know if you saw my email, but Molly come up and was asking about that. And she brought up, you know, I told her, I said you just can't think of everything when you're sitting back here on this unique circumstance. But she said for their APC and BZA meetings, she goes, well what about public input. In other words, people speaking for and against? You know, remonstrators? And I said, I can't answer that at this time. You know, I said, there's nothing that says that you can't have a meeting, I guess, if it's an essential meeting, based on this language. Is that correct?

**Todd Glass:** Right, they could have a public meeting if it was essential according to the Governor's Directive. I, sitting here today, I'm not quite sure what APC matters would be so essential that they would have to have....

**Roger Emmons:** I told her that based on what I knew of this Resolution that the Board was going to pass, that it would appear that internally she could communicate things to APC members and BZA members and get a consensus and they can all communicate if they've got four (4) votes. There's seven (7) on each Board, then that would be approved. For example, David Spradling's been concerned about getting this special use exception for whatever project it is. I'm not exactly sure. I saw the one (1) where they had the, they owned the property about this one hundred (100) some odd foot...

**Commissioner Johnson:** Yeah.



**Roger Emmons:** But, I think it's probably something different, isn't it, that he's concerned about? Has to do with mining.

**Commissioner Johnson:** Yeah, that's Somerville up that way, direction, not (inaudible).

**Commissioner Phillippe:** That's where they're going to mine next.

**Roger Emmons:** Okay. You weren't here today, and I mentioned back in the conference room that he said they've been waiting on it, for approval for two and a half (2 ½) years. Something like that.

**Todd Glass:** Well, you know, under this Resolution and the Governor's Directive, the APC can meet and make decisions.

**Roger Emmons:** Right.

**Todd Glass:** It's not a public hearing or meeting under this emergency.

**Roger Emmons:** Okay.

**Todd Glass:** Now, if they need to have a public meeting or hearing, it needs to be for essential matters, whatever that means. I don't...

**Roger Emmons:** I don't think he was saying the County delayed the two (2)... I think it was some other entity.

**Commissioner Johnson:** It's not us.

**Todd Glass:** But, I think this is a very equitable position for this Board to take because what this Board was wanting to do for itself, they're also instructing the Parks Board and the APC and the other Statutory Boards and the Solid Waste District...

**Roger Emmons:** Right.

**Todd Glass:** You do the same. No more public hearings. They're all suspended in Warrick County from this day forward. Unless a public meeting is necessary to conduct these essential matters.

**Roger Emmons:** Okay.

**Todd Glass:** And that's for the duration of the public health emergency.

**Roger Emmons:** Okay.

**Todd Glass:** Alright? So, hello, hello, hello.

**Roger Emmons:** I know once we send this out, there will be a lot of questions, even thousands, it's set forth in the Resolution.

**Todd Glass:** Right. Another copy? So, that's the first paragraph regarding the suspension of public meetings because that's what the Governor's Directive already says. So, we're following the Governor's Directive on that. So, business still needs to be conducted. And the Board of Commissioners conducts that business and you do not have to go through the statutory requirements of a public meeting or notice and that sort of thing. I did discuss with some Board members today though some ideas on how they can instruct the staff to be transparent in all activity to the public and get the word out as far as any actions taken. Secondly, the Resolution is resolved that all the usually and necessary procedures and formalities required by law under the Governor's Directive that's already in place are waved. And this is just confirming that. So, and this coincides with the fact that you don't, the Governor's not wanting you to have public hearings anymore to keep the public safe. So, not only are you not to have public hearings, but you need to continue to conduct your business so, contracts and obligations, paying bills, paying workers, purchasing or whatever you've got to do, that continues. And that is Statutory, it's pursuant to the Governor's Directive and this Resolution is just adopting that.

**Roger Emmons:** Right.

**Todd Glass:** Then, lastly, we tried to address, at least in the first attempt, to address some of the major concerns for employees. This is not of course everything, but it's maybe step one (1) and it has to do particularly with the health of our employees. So, we've identified that and this Resolution says that. Warrick County is at the moment still open for business and Warrick County employees are expected to continue working as scheduled with the following exceptions. First exception is if you've been diagnosed with Coronavirus or tested positive or been in close contact with a person with Coronavirus. Secondly, the employees that are under quarantine at the instruction of a healthcare provider or other official. The third exception is even though you haven't been diagnosed with Coronavirus, but you've developed or displayed symptoms and you're in the gray, gray period of time between receiving your test results back for five (5) days after compatible symptoms of Coronavirus are, no longer exhibit it. So, we're trying to just give direction to the employees on some of these categories. And the fourth one (1) is employees that are living in the household of someone that we've just described. Has Coronavirus, have symptoms, being tested, waiting for test results, that sort of thing. So, any of those employees, this Resolution, Mr. President, establishes that the County's going to grant them a new form of leave. It's called emergency leave, paid leave of up to ten (10) working days or business days. That's in addition to other benefits they've had until now. A fifth category is those employees with compromised health conditions. And this Resolution says that if any of the County employees believe that they have diagnosed health condition that makes them particularly at risk, then they're able to not report to work. But, in that scenario, you're, they're to utilize at their discretion their PTO. They also need to get their immediate supervisor's okay to be out of the office to make sure that everything is getting done. The reason why I think we wrote it that way is that we've already limited public exposure to our employees to make them safe. And so we've added some safety in the environment for



discretion. The last category are employees who are needing to just be at home to baby-sit kids basically. And in that scenario that employee, if they get the permission of their immediate supervisor, can be away from work. They must use either their PTO or if they are okay with unpaid leave, they can do that too. Again at their discretion.

**Roger Emmons:** Todd, as a point of clarification on number six (6), it, that does mean home to babysit if it's due to a COVID-19 related situation. Closing of a school or a daycare facility.

**Todd Glass:** Correct. Correct, which so many people are of course facing right now.

**Roger Emmons:** Right. And Dave said those are going to close Friday.

**Dave Woolen:** That was the last I heard, statewide.

**Roger Emmons:** They have to close. Yeah.

**Todd Glass:** Like I said, Mr. President, that might not dive into the various employment related matters that the Commissioners want to resolve with the employees of the County, but it's a first step to get the word out to them. What your policy is on their health and being away and establishing a new form of paid leave benefit, emergency leave. So, this says the Board of Commissioners of Warrick County, Indiana. This Resolution shall remain in effect until the expiration of any declared or subsequent declared state-wide or national emergency which is what, which is what it should say. It's what the Governor's Declarations are asking local, local subdivisions to do. Or I added in there, or otherwise may be determined by the Board of Commissioners, whichever occurs first. Which just gives you the freedom to modify this position earlier than that, if you think it needs to be earlier. So, gets you a little bit further down the track I suppose.

**Commissioner Saylor:** Okay. Any, any questions for our Counsel? Roger?

**Roger Emmons:** Just if the Board approves this, site that it's Resolution 2020-03.

**Commissioner Saylor:** 2020-03. Okay. Alright. That being said, do I have a motion to approve Resolution 2020-03?

**Commissioner Phillippe:** I make a motion.

**Commissioner Johnson:** I'll second.

**Commissioner Saylor:** I have a first and a second. Any discussion on it anymore? Anybody? No? So, for that, I ask for a vote. All in favor signifying by saying, aye.

**Commissioner Phillippe:** Aye.

**Commissioner Johnson:** Aye.

**Commissioner Saylor:** Aye. Motion carries three, zero (3-0). And with that, I think that's the only order of business. So...

**Commissioner Phillippe:** So are we going to get this to the Department Heads immediately?

**Roger Emmons:** Yeah, do you want me to broadcast it to Department Heads after the meeting? After I've got a good signed copy?

**Commissioner Saylor:** Yes.

**Roger Emmons:** That way they, I agree.

**Commissioner Saylor:** Yeah. So, I need a motion to adjourn.



Commissioner Phillippe: Make a motion to adjourn.

Commissioner Johnson: Second.

Commissioner Saylor: All in favor say, aye.


Commissioner Phillippe: Aye.


Commissioner Johnson: (Inaudible). (Motion carried 3-0).

(Resolution 2020-03 is located on Pages 4 through 6 of these Official Minutes)

ADJOURNMENT: Meeting adjourned at 4:27 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

Minutes transcribed by Kristine Georges

**RESOLUTION 2020-03**  
**A RESOLUTION OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, WAIVING CERTAIN PROCEDURES DURING EMERGENCY PURSUANT TO IND. CODE 10-14-3-17, SUSPENDING PUBLIC MEETINGS DURING EMERGENCY, AND ESTABLISHING CERTAIN EMPLOYMENT POLICIES DURING EMERGENCY.**

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(G)(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, including, without limitation, those pertaining to the entering into of contracts, the incurring of obligations, the employment of permanent and temporary workers, the purchase and distribution of supplies, materials, and facilities, and the appropriation and expenditure of public funds, among others;

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, the County Executive may allow a claim or order the issuance of a County warrant for payment of a claim only at a regular or special meeting of the executive of the County;

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 and other boards, offices, and departments of the County from meeting to conduct its business and affairs, including, without limitation, the approval of claims 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; 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 all public meetings of the Board of Commissioners of Warrick County, Indiana, the Warrick County Common Council, and all other statutory boards of Warrick County, in addition to the Warrick County Solid Waste Management District, are hereby suspended for the duration of the public health emergency as declared by the Governor of the State of Indiana, except for those meetings necessary to conduct essential matters, to be determined by the Board of Commissioners of Warrick County.

**BE IT FURTHER RESOLVED** by the Board of Commissioners of Warrick County, Indiana, that the following procedures and formalities otherwise required by law shall be waived:

- (1) The performance of public work;
- (2) The entering into of contracts;
- (3) the incurring of obligations;
- (4) the employment of permanent and temporary workers;
- (5) the use of volunteer workers;
- (6) the rental of equipment;
- (7) the purchase and distribution of supplies, materials, and facilities; and
- (8) the appropriation and expenditure of funds.

The foregoing procedures and formalities shall remain waived until such time as the public health emergency declared by the Governor of the State of Indiana is rescinded and no longer in effect.

**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;

2

- (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.

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.


IT IS 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 18 day of March, 2020.


BOARD OF COMMISSIONERS  
OF WARRICK COUNTY, INDIANA

  
\_\_\_\_\_  
Dan Saylor, President

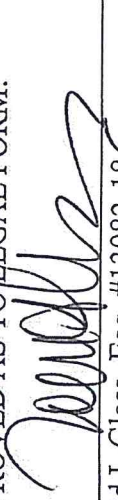
  
\_\_\_\_\_  
Robert H. Johnson, Jr., Vice President

  
\_\_\_\_\_  
Terry J. Philippe, Member

ATTEST:

  
\_\_\_\_\_  
Deborah K. Stevens, Auditor  
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
Todd I. Glass, Esq. #13982-18  
FINE & HATFIELD, A Professional Corporation  
520 N.W. Second Street, P.O. Box 779  
Evansville, Indiana 47705-0779  
Telephone: (812) 425-3592  
Warrick County Attorney