

WARRICK COUNTY BOARD OF COMMISSIONERS MEETING

REGULAR SESSION

COMMISSIONERS MEETING ROOM

107 W. Locust Street, Suite 303

Boonville, Indiana

June 27, 2022

4:00 P.M.

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

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

President Terry Phillippe called the meeting to order at 4:00 PM.

PLEDGE OF ALLEGIANCE

AREA PLAN COMMISSION

Commissioner Terry Phillippe: Okay, Area Plan has no business this evening.

**ITEMS FOR DISCUSSION
I-69 AGREEMENT WITH AMERICAN STRUCTUREPOINT**

Commissioner Terry Phillippe: So, the first item on the agenda is a discussion item regarding the I-69 Agreement with American Structurepoint. (Inaudible) information?

Roger Emmons: These first two (2) items under, Items for Discussion, I'm not seen either one (1) of them.

Commissioner Terry Phillippe: Okay, so the discussion on the I-69 Agreement with American Structurepoint is, County Commissioners have been having conversation with American Structurepoint for the Economic Development of the I-69 Corridor. That conversation has also been ongoing with Vanderburgh County. The plan here, if there's approval, is for Warrick County to pay for half of the plan and Vanderburgh County to pay for the other half of the plan. So, Bobby, do you have any comments on that by chance? I'm not sure how much that conversation you've been involved with.

Bobby Howard: Not recently. I know that there's been some discussion on the interchange and those kind of things. But, I haven't seen anything recently on that.

Commissioner Dan Saylor: So, Terry if they come up with an agreement or written agreement?

Commissioner Terry Phillippe: Yeah, I believe that's been emailed to us. I don't know the exact dollar amount, so, at this point, maybe we should...

Commissioner Dan Saylor: Table, you want to table that?

Commissioner Terry Phillippe: Table that 'till we get that printed off and everybody a little bit more in tune.

Commissioner Dan Saylor: I don't remember seeing it. So, you want a motion to table?

Commissioner Terry Phillippe: Please.

Commissioner Dan Saylor: Make a motion to table to our next meeting of July...

Commissioner Bob Johnson: 11th.

Commissioner Dan Saylor: 11th.

Commissioner Bob Johnson: Second.

Commissioner Terry Phillippe: First and a second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Terry Phillippe: Aye.

Commissioner Bob Johnson: Aye.

Commissioner Terry Phillippe: Motion carries three, zero (3-0).

WEBSITE AGREEMENT WITH VIV

Commissioner Terry Phillippe: Next item for discussion is a website development agreement with V-I-V, VIV.

Roger Emmons: I've not seen that one (1) either, Mr. President.

Commissioner Terry Phillippe: Roger, I wonder, they, you didn't get copied on that email?

Roger Emmons: No.

Commissioner Terry Phillippe: I feel like I've seen it. But, I don't know where I saw it. So, I could say that the website agreement's to the tune of twenty-five thousand dollars (\$25,000.00). We have already discussed what we'd like the website to look like. I believe they've already started engaging with Department Heads, gathering their input for content for the website, and the redevelopment thereof. Counsel, has that agreement been sent to you?

Andrew Skinner: No.

Commissioner Terry Phillippe: Sounds like we better table that, too, until we can get that printed out and everybody in tune.

Commissioner Bob Johnson: Make a motion to table until July 11th.

Commissioner Dan Saylor: Second.

Commissioner Terry Phillippe: Have a first and a second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Bob Johnson: Aye.

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

**ACTION AGENDA
APPROVAL OF MINUTES
JUNE 13, 2022**

Commissioner Terry Phillippe: Next item on the agenda is the Approval of Minutes from the June 13, 2022 meeting.

Commissioner Bob Johnson: Make a motion to approve.

Commissioner Dan Saylor: Second.

Commissioner Terry Phillippe: Have a first and second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Bob Johnson: Aye.

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

**COUNTY ADMINISTRATOR
VOLUNTARY TITLE VI PUBLIC INVOLVEMENT SURVEY**

Commissioner Terry Phillippe: Next item on the agenda is our County Administrator.

Roger Emmons: Thank you, Mr. President. I'd first mention our Voluntary Title VI Public Involvement Survey on this table over here for anyone who's interested in completing one (1).

**CONSENT AGENDA
CERTIFIED CLAIMS – NON-CERTIFIED CLAIMS – PAYROLL
CLERK'S MONTHLY REPORTS – FIXED ASSETS – RIVER CITY WIRELESS
SUBORDINATION AGREEMENT
PURCHASE OF FIRE-SAFE STEEL CIGARETTE RECEPICLES**

Roger Emmons: And into the Consent Agenda. County Auditor Claims Voucher Reports for those dates. We received both those on June 22nd, the AP from Drew and Payroll date from Pamela. The two (2) monthly reports of the Clerk, Susie e-mail those to you on June 20th. And then the fixed asset notification forms for the '95 International 4700 single axle dump truck and the 1974 Gross road grinder. I emailed you copies of those on June 15th and Sherrie Sievers prepared those. And then, you also have the approval of the subordination agreement with River City Wireless. I have the original here from Steve Roelle. He'll probably pick it up tomorrow. And you've given your consensus for him to sign that. It's a lien subordination agreement. And lastly, approval to purchase three (3) fire safe steel cigarette receptacles, two (2) for the Courthouse, one (1) for the Judicial Center. And Sherrie took care of that one (1). So, I believe all items on the Consent Agenda are ready for your approval by motion.

Commissioner Dan Saylor: I make a motion to approve.

Commissioner Bob Johnson: Second.

Commissioner Terry Phillippe: I have a first and a second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Bob Johnson: Aye.

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

Roger Emmons: That's all I have, Mr. President.

Commissioner Terry Phillippe: Very good. Thank you, Roger. Well, I've got a few comments here. I'm gonna go ahead and slide them into the meeting. For everybody in the audience, today is Roger's last official meeting as the Warrick County Administrator. Roger's in his 47th year. And I'd like everybody to stand up and kind of give Roger a round of applause.

Roger Emmons: Thank you, Terry. Well, it's great working for you guys. We've had some good Commissioners over the years and these are three (3) of the best. Commissioner Williams is in the audience. He was a great one (1). I've just been privileged to work, Heather told me she looked it up. I had worked under like thirty-three (33) different Commissioners over the years.

Commissioner Bob Johnson: Wow.

Commissioner Terry Phillippe: That's a lot.

Roger Emmons: Yeah, that's a lot.

Commissioner Terry Phillippe: We appreciate past Commissioner Williams being here in the crowd this evening. I'll probably think of a few more things to say before we're done here.

Roger Emmons: Okay.

(Certified Claims are located on Pages 7 through 9 of these Official Minutes)

(Non-Certified Claims are located on Page 10 of these Official Minutes)

(Payroll is located on Page 10 of these Official Minutes)

(Clerk's Monthly Report is located on File in the Auditor's Office)

(Fixed Assets are located on File in the Auditor's Office)

(River City Wireless Agreement is located on File in the Auditor's Office)

(Cigarette Receptacles Receipts are located on File in the Auditor's Office)

**COUNTY ATTORNEY
ORDINANCE AMENDING THE EMERGENCY MANAGEMENT
CHAPTER OF THE CODE OF ORDINANCES
ORDINANCE 2022-16**

Commissioner Terry Phillippe: For now, we'll just move on to our next item which is our County Attorney.

Roger Emmons: Thank you, Mr. President.

Andrew Skinner: Thank you, Mr. President. I've got in front of you an Ordinance that we've tabled a couple of times on amending the Code of Ordinances for the EMA Department. This Ordinance just provides for an avenue for reimbursement of expenses if EMA were to have to incur any costs or expenses in, associated with involvement of a containment or cleanup of any spills in Warrick County of hazardous waste. The, as spoke, as last time was spoken, those expenses are typically incurred by other departments whether it be a fire department or, or otherwise. But, this was just a, come another quiver in the arrow for the County for EMA to reimburse expenses if they happen to have any costs or expenses associated with hazardous waste cleanup and containment. And this is mostly just amending notification of spills to the EMA Office. And then staff would be allowed access to premises and in order to remediate or investigate a spill and containment activities. And of course, then, any cost expenses associated with the cleanup and containment would be reimbursable to the department by that owner of facilities or premises or vehicle upon which the spill occurred. There's penalties also added to the Ordinance for violation of the Ordinance itself. And just for sake of record, this is an Ordinance the Board of Commissioners, Warrick County, Indiana, amending Chapter 35 of the Code of Ordinances of Warrick County, Indiana. So, if this is something that Commissioners are wanting to entertain at this time or not, but it has been, it was tabled previously.

Commissioner Terry Phillippe: Appreciate that. This is something we've kind of scoured over a couple of times. You know, we, this is one (1) of those things, we hope we never have that type of event. And if we do, we hope that everyone would pay us back properly without having to have an Ordinance. Just would hope we never have to use it. But, if we do, it's going to be a great tool to have in the box.

Commissioner Bob Johnson: Yeah. So, we looking for a motion today?

Commissioner Terry Phillippe: Yes, Sir.

Commissioner Bob Johnson: What's the Ordinance...?

Kristine Georges: The Ordinance number would be 2022-16.

Commissioner Bob Johnson: Make a motion to approve Ordinance 2022-16.

Commissioner Dan Saylor: Second.

Commissioner Terry Phillippe: Have a first and a second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Bob Johnson: Aye.

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

Andrew Skinner: Thank you. And with that being a unanimous approval, we do not have to do a Second Reading of this Ordinance. It would go into effect today.

Commissioner Terry Phillippe: Okay.

(Ordinance 2022-16 is located on Pages 11 through 12 of these Official Minutes)

ADMINISTRATIVE CONSULTING AGREEMENT FOR ROGER EMMONS

Andrew Skinner: Second item on my agenda for today is with Roger's retirement, there has been discussion of a Consulting Agreement for Roger's consulting with the County for period of time. A draft has been prepared. That's been sent to you. Look through that, see what arrangement you were looking for, and we can work to pass that service agreement. With Roger's years of experience continuing to be put to good use here as we, as the County tries to fill that spot with...

Commissioner Terry Phillippe: Impossible.

Andrew Skinner: Impossible to do.

Roger Emmons: I did e-mail to you, John, and Todd and I copied Lindsey, the second Whereas, the consultant has more than, I'm in my forty-seventh (47th), so I put forty-six (46) cause I've got more than forty-six (46) years.

Andrew Skinner: Okay.

Roger Emmons: And then I sent emails to you guys of my address for notifications. I thought, I didn't know if Lindsey was in the office or John with those changes and I may be able to check and print it off by the end of the, if the board approves it.

Andrew Skinner: I don't know if the Board had had an opportunity to review that or not, but it's certainly is up for the Board's review and we can amend it as fit.

Commissioner Terry Phillippe: I see zero (0) problems with it. It's a necessity. So, I'm personally good with it.

Commissioner Dan Saylor: Yeah, I think it's very important that we have some kind of agreement with Roger to be able to call on him at any given time with his vast experience. There's no way a new person can come in and learn this job and in three (3) months or six (6) months. You know, if a mistake is made, if somethings overlooked, it could cost thousands of dollars, ten's of thousands of dollars. So, I think it's imperative that we have something in place with Roger. And of course, I also think Roger should just work a couple more years too. But, he's not, he's not heeded that advice at all. We tried. We were close. I thought I had him. My problem is, you always want to know before you ask the question, you always want to know the answer. I forgot to talk to his wife. So, I apologize to the other two (2) Commissioners cause I think I let them down. I should have went and talked to her first. But, Roger didn't do a very good job of selling.

Commissioner Terry Phillippe: You would have gotten a quicker no there.

Commissioner Dan Saylor: So, anyway. Yeah, I fully support it an agreement with Roger to be able to call on his expertise.

Commissioner Bob Johnson: So, we approving this today or does it need an amendment?

Andrew Skinner: I believe these are, these are mostly terms that I know Roger has agreed to and he presented, actually to the County, of what he envisioned that some of the terms might be. And then, we've added in various other items that just need to be in a consulting agreement. A few of the items are highlighted. They're just to make sure we're otherwise on the same page in terms of amount of pay and terms of his consulting agreement. If you're okay with those terms, then it could be approved today. I think this is all pretty much what we've discussed over the past couple, few months anyway.

Commissioner Terry Phillippe: Yep.

Commissioner Dan Saylor: So, I'm good with it. I make a motion to approve the Administrative Consulting Agreement with Roger Emmons.

Commissioner Bob Johnson: I'll second.

Commissioner Terry Phillippe: I have a first and a second. All in favor?

Commissioner Dan Saylor: Aye.

Commissioner Bob Johnson: Aye.

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

Roger Emmons: Thank you, gentlemen.

Commissioner Bob Johnson: Do you agree with it?

Roger Emmons: Yes. Yeah, I reviewed it. Looks good.

(Roger Emmons Independent Agreement is located on File in the Auditor's Office)

BOONVILLE NOW - HISTORIC JAIL MEMORANDUM OF UNDERSTANDING

Andrew Skinner: One (1) other item that's not on the list here, but I did want to mention. I know, Terry, you had mentioned that there's a, some work to be done at the Jailhouse that Boonville NOW is interested in going in and doing that, paying for that work to be done. And I think we would just need a Memorandum of Understanding with Boonville NOW as what those terms of them having access to the property.

Commissioner Terry Phillippe: Okay.

Andrew Skinner: Insurance, liability, all that good stuff. If we could put that together and the three (3) of you wish to permit that, we can work out those terms and send that to Boonville NOW for review.

Commissioner Terry Phillippe: Okay. I know I've talked to an individual and both Dan and Bob. I think we're all good with that.

Commissioner Bob Johnson: We're good.

Andrew Skinner: Just need a motion on that then.

Commissioner Terry Phillippe: Okay.

Commissioner Bob Johnson: I'll make a motion to approve the agreement...

Andrew Skinner: MOU.

Commissioner Bob Johnson: MOU.

Andrew Skinner: With Boonville NOW.

Commissioner Bob Johnson: With Boonville NOW pending approval and review by Counsel.

Andrew Skinner: Yep.

Commissioner Dan Saylor: Second.

Commissioner Terry Phillippe: I have a first and a second. All in favor?

Commissioner Bob Johnson: Aye.

Commissioner Dan Saylor: Aye.

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

Andrew Skinner: I believe that's all! I have for you today.

Commissioner Terry Phillippe: Thank you.

(Boonville NOW MOU is located on File in the Auditor's Office)

COMMISSIONER ITEMS FOR DISCUSSION RECOGNITION OF ROGER EMMONS AND HIS YEARS OF SERVICE

Commissioner Terry Phillippe: Commissioners, anything?

Commissioner Dan Saylor: I just want to say, talking to Roger... Bobby?

Roger Emmons: Oh, okay. You passed him by. I didn't know if he had anything or not.

Commissioner Dan Saylor: Roger's been a pleasure. Don't what we're going to do yet to replace you. We won't be able to replace you. We will fill a seat maybe. You, your experience, your knowledge, your head on your shoulders is, is far superior to many, many people. Appreciate how you've looked out for the County. You've always, I've felt, done what's best for this County. You've not been afraid to give your opinion on, on anything. You're just, you're one (1) in a million. Appreciate your service too, to the community, the County, and the citizens of this County. Thank you.

Roger Emmons: You're going to make me cry. Thank you, Dan.

Commissioner Bob Johnson: As an executive working out in the real world, you know, you always try to surround yourself with people who are smarter than you and better than you. Cause the better they are, the better you are. And you don't have to work as hard to be that good. And your knowledge and your expertise, you've just really, you know, we can always depend on you to do what's right. You don't miss anything. You're going to be very, very hard to replace and we're going to miss you.

Roger Emmons: Thank you, Bob.

Commissioner Terry Phillippe: And I'll tell you what, I think I could sum up my feelings with one (1) story. I was thinking about running for Commissioner but before I talked to anybody...

Commissioner Bob Johnson: What were you thinking?

Commissioner Terry Phillippe: I talked to Roger Emmons before I talked to anybody, even my own family. I talked to Roger because I had heard he was talking about retiring three and a half (3 ½) years ago. And I said, Roger, if you're going to retire, I'm not going to do it because there's no way I'm going to walk in the door day one (1) with you walking out the door. I'm not going to do it. He said he's going to stick around for a couple years. So, that's what made me decide to run for Commissioner. So, I think that says it all. I agree with Dan and Bob. The experience that you bring. The ability you have to go through all those stacks of your paperwork and pull something out in two (2) seconds amazes me. And you're one (1) of those rare people that just do things for the right reason. Thank you for all you've done for Warrick County. Appreciate it.

Roger Emmons: I appreciate it. It's been an honor to serve this Board and all the previous Boards and the citizens of this County. I just feel like I've been privileged to be able to help a lot of people. I will continue to do so.

Commissioner Terry Phillippe: Okay. Thank you, Roger.

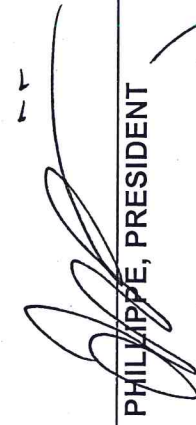
Roger Emmons: Thank you, guys. Appreciate it.

Commissioner Dan Saylor: Thank you. Motion to adjourn.

Commissioner Bob Johnson: Second. (Motion carried 3-0).


ADJOURNMENT: Meeting adjourned at 4:20 P.M.

WARRICK COUNTY BOARD OF COMMISSIONERS



TERRY PHILIPPE, PRESIDENT
(not present)

ROBERT JOHNSON, JR., VICE PRESIDENT



DAN SAYLOR, MEMBER

ATTEST: 

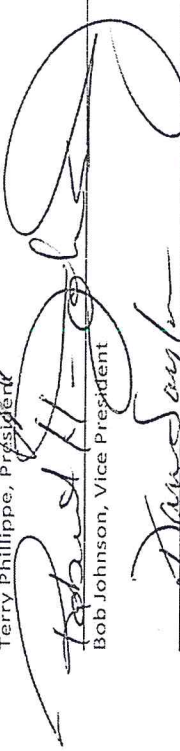
DEBORAH K. STEVENS, AUDITOR
WARRICK COUNTY, INDIANA

Warrick County Claims for Payment
Non Certified - Commissioner's Meeting - Monday, June 27th, 2022

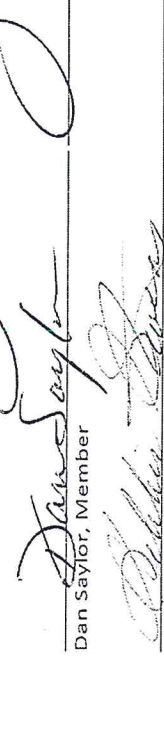
FIRST BANKCARD (SHERIFF)

Total 2467.62 SALES TAX 2467.62

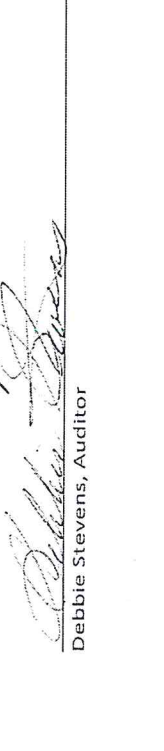
Terry Phillippe, President



Bob Johnson, Vice President



Dan Saylor, Member



Debbie Stevens, Auditor

FI	Department	Name of Claimant	Amount of Voucher	Amount Allowed	Warrants	Certified	Payroll
	1000-0000	CLERK	\$ 10,480.35	\$ 10,480.35			
	1000-0002	AUDITOR	\$ 7,931.08	\$ 7,931.08			
	1000-0003	TREASURER	\$ 9,171.24	\$ 9,171.24			
	1000-0008	SHERRIFF	\$ 4,174.74	\$ 4,174.74			
	1000-0006	SUPPORTIVE	\$ 4,005.00	\$ 4,005.00			
	1000-0009	ASSESSORS	\$ 15,453.74	\$ 15,453.74			
	1000-0009	PROSECUTING ATTORNEY	\$ 20,026.02	\$ 20,026.02			
	1000-0001	CLERK	\$ 2,951.08	\$ 2,951.08			
	1000-0013	VETERANS AFFAIRS	\$ 5,125.83	\$ 5,125.83			
	1000-0001	COUNTY COUNCIL	\$ 12,709.74	\$ 12,709.74			
	1000-0009	COMMISSIONERS	\$ 6,702.00	\$ 6,702.00			
	1000-0070	AREA PLAN COMMISSION	\$ 9,175.47	\$ 9,175.47			
	1000-0162	COURT HOUSE	\$ 16,447.50	\$ 16,447.50			
	1000-0201	SUPERIOR COURT #1	\$ 14,317.50	\$ 14,317.50			
	1000-0202	SUPERIOR COURT #2	\$ 14,317.50	\$ 14,317.50			
	1000-0271	PUBLIC DEFENDER	\$ 14,307.05	\$ 14,307.05			
	1000-0300	GENERAL GOVERNMENT	\$ 21,050.05	\$ 21,050.05			
	1000-0405	CENTRAL DISPATCH	\$ 39,082.39	\$ 39,082.39			
	1000-0380	JAIL	\$ 4,456.42	\$ 4,456.42			
	1000-0480	CHILD SUPPORT	\$ 16,362.38	\$ 16,362.38			
	1112	ECONOMIC DEVELOPMENT	\$ 5,001.26	\$ 5,001.26			
	1135	CUM BRIDGE	\$ 16,200.00	\$ 16,200.00			
	1140	HEALTH DEPT.	\$ 1,182.00	\$ 1,182.00			
	1188	HEALTH MAINT.	\$ 39,000.14	\$ 39,000.14			
	1170	PUBLIC SAFETY LIT	\$ 17,500.67	\$ 17,500.67			
	1173	HIGHWAY DEPT.	\$ 9,180.54	\$ 9,180.54			
	1170-0530		\$ 26,310.47	\$ 26,310.47			
	1170-0831		\$ 5,084.89	\$ 5,084.89			
	1170-0633		\$ 7,750.40	\$ 7,750.40			
	1170-0604		\$ 11,305.71	\$ 11,305.71			
	1109	RECORDER PERPETUATION	\$ 1,304.00	\$ 1,304.00			
	1197	STORMWATER MANAGEMENT	\$ 20,052.50	\$ 20,052.50			
	1211	ELECTION	\$ 7,728.00	\$ 7,728.00			
	1210	PARKS DEPT.	\$ 3,823.69	\$ 3,823.69			
	1224	PRETRIAL DIVERSION	\$ 4,494.59	\$ 4,494.59			
	2504	PRETRIAL DIVERSION	\$ 2,322.89	\$ 2,322.89			
	4000	BUILDING COMMISSION	\$ 1,400.48	\$ 1,400.48			
	4021	DDDC PROG INCOME	\$ 7,122.22	\$ 7,122.22			
	8150	COM CORR-DIV Court	\$ 1,397.24	\$ 1,397.24			
	9203	COMMUNITY CORRECTIONS	\$ 584,400.78	\$ 584,400.78			
	9210	ADULT COMM BASED SUP - DC					
		Total	\$ 584,400.78	\$ 584,400.78			

I hereby certify that each of the above listed vouchers and the invoices, or bills attached as indicated in the Certified column hereto, are true and correct and I have audited the same in accordance. Claims without supporting documentation cannot be certified as true and correct.

Debbie Stevens, Auditor

Terry Phillippe, County Commissioner
Bob Johnson, County Commissioner
Dan Saylor, County Commissioner

ORDINANCE 2022- 16

ORIGINAL

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF WARRICK COUNTY, INDIANA, AMENDING CHAPTER 35, OF THE CODE OF ORDINANCES OF WARRICK COUNTY, INDIANA

WHEREAS, pursuant to Ind. Code 10-14-3-17 and Ordinance 2007-06 of the Board of Commissioners of Warrick County, a Department of Emergency Management has been established in Warrick County;

WHEREAS, Chapter 35 of the Warrick County, IN Code of Ordinances sets forth powers, duties, administration, and enforcement authority of the Board of Commissioners of Warrick County and the Warrick County Department of Emergency Management with respect to emergency management in Warrick County;

WHEREAS, Ind. Code 10-14-3-17(j)(1) authorizes Warrick County to appropriate and expend funds for emergency management and disaster purposes; and

WHEREAS, the Board of Commissioners desires to amend Chapter 35 of the Warrick County, IN Code of Ordinances to allow for the reimbursement of certain expenses incurred by the Department of Emergency Management in the course of performing those duties described in Chapter 35, including those associated monitoring and responding to spills of hazardous materials, as more particularly described below.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, that:

Chapter 35 of the Code of Ordinances of Warrick County, Indiana, is hereby amended in part to read as follows:

CHAPTER 35 COUNTY EMERGENCY MANAGEMENT

ADMINISTRATION

§ 35.20 BUDGET AND PAYMENT OF CERTAIN EXPENSES

- (A) The Advisory Council shall advise the Director in the preparation of the budget.
- (B) The County Council shall appropriate such funds as it may deem necessary for the purpose of emergency management.
- (C) All funds appropriated or otherwise available to the Emergency Management Agency shall be administered by the Director.

ORDINANCE 2022- 16

HAZARDOUS MATERIALS GENERALLY

§ 35.40 DEFINITIONS AND REPORTING REQUIREMENTS

- (A) The definitions set forth in 327 I.A.C. 2-6.1-4 are adopted and incorporated herein as the definitions to be used in this Chapter 35 and any subsequent subchapters where applicable and except to the extent that other terms and conditions of this and subsequent subchapters may dictate otherwise.
- (B) The reporting requirements set forth in 327 I.A.C. 2-6.1-1, *et seq.*, are adopted and incorporated into this and subsequent subchapters except to the extent that other terms and conditions of this and subsequent subchapters may dictate otherwise.

NOTIFICATION

§ 35.50 SPILL REPORT

Any person required to submit a spill report to the Office of Environmental Response of the Indiana Department of Environmental Management pursuant to 327 I.A.C. 2-6.1-7 shall immediately thereafter communicate an identical spill report to the Warrick County Sheriff's Office.

§ 35.51 NOTIFICATION TO WARRICK COUNTY EMERGENCY MANAGEMENT AGENCY

Upon notification of a spill report, the Warrick County Sheriff's Office shall notify the Department. The Department shall investigate the spill report and shall determine the appropriate response.

§ 35.52 INVESTIGATION AND CLEANUP

The staff of the Department shall be granted and allowed immediate access to any premises upon which a spill has occurred. The Department shall determine whether timely and appropriate actions have been initiated to contain and clean up the spill. If such actions and activities have not been initiated, the Department shall assume responsibility for the containment and cleanup activities. The Department shall be immediately allowed access to any premises upon which the Director, in its sole and absolute discretion, has determined there to be a need for cleanup activity.

ORDINANCE 2022-16

§ 35.53 REIMBURSEMENT TO WARRICK COUNTY

The costs and expenses associated with the involvement of the Department in the containment and cleanup of any spill shall be reimbursed to Warrick County by the owner, operator, or controller of the facility, premises, or vehicle from which such spill occurred. Any person who owns, operates, controls, or maintains any facility, premises, or vehicle involved in a spill shall submit to the Department any and all reports, information, laboratory tests, or other data deemed necessary and appropriate by the Department in order to evaluate the containment and cleanup activities and to carry out the purposes and intent of this subchapter.

ENFORCEMENT AND PENALTY

§ 35.99 PENALTY




- (A) Any person who commits an offense as described in § 35.97 above shall be liable to a fine of \$2,500; such fine to be subject, however, to the discretion of the court of competent jurisdiction.
- (B) Violation of any of the provisions, terms, or conditions of §§ 35.40, or 35.50 through 35.53, shall be punishable by a fine in an amount not to exceed \$2,500.
- (C) Any person, transporter, carrier, or operator of a motor vehicle violating §§ 35.70 through 35.75 shall be issued a citation to appear in court of competent jurisdiction in this County, and may be fined in an amount not to exceed \$2,500.

Those Sections of Chapter 35 of the Warrick County, IN Code of Ordinances not specifically amended by this Ordinance shall remain unchanged and unaffected.

ORDINANCE 2022-16

Passed and adopted by the Board of Commissioners of Warrick County, Indiana, this 27th day of June, 2022.


WARRICK COUNTY BOARD OF COMMISSIONERS


 Perry J. Wilshire, President

 Robert H. Johnson, Jr., Vice President

 Dan Saylor, 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