

DELAWARE COUNTY COUNCIL MEETING
March 28, 2017 9:00 A.M.
DELAWARE COUNTY COMMISSIONERS COURTROOM
CALL TO ORDER
PLEDGE of ALLEGIANCE TO THE FLAG
AGENDA POSTED and APPROVED
ROLL CALL

Present: Councilman Alexander, Councilman Bledsoe, Councilwoman Chambers, Councilman Matchett, Councilwoman Piper, Councilman Quakenbush, Auditor Steve Craycraft, Attorney Bill Hughes, Secretary Denise Smith

Absent: Councilwoman Lasater

APPROVAL OF MINUTES
February 28, 2017

MOTION: Councilman Alexander made a motion to approve February 28, 2017 Council minutes.

SECOND: Councilwoman Piper

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

FINANCIAL AND TRANSFER AGENDA

MOTION: Councilman Alexander made a motion to approve all transfers (see below) except for Major Transfer.

SECOND: Councilman Bledsoe

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

MOTION: Councilman Alexander made a motion to approve Major Transfer -1,525.06 +1,525.06.

SECOND: Councilman Bledsoe

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

Surveyor #130 request withdrawn.

MOTION: Councilman Alexander made a motion to approve Rainy Day 1186 for \$20,000.

SECOND: Councilwoman Chambers

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

MOTION: Councilman Alexander made a motion to approve Highway Department 1176-202 for \$128,000.

SECOND: Councilwoman Piper

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

MOTION: Councilman Bledsoe made a motion to approve Engineering Department-Cumulative Bridge Fund 1135 for \$1,100,000.

SECOND: Councilman Alexander

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

MARCH 2017 CUMULATIVE BRIDGE FUND REQUEST								
BRIDGE NO.	LOCATION	TOWNSHIP	LOAD RESTRICTION	ACCOUNT #	DESCRIPTION OF WORK	REQUESTING FUNDS	COMMENTS	TOTAL ESTIMATED CONSTRUCTION COST
BR #30	EATON/ALBANY PIKE @ REES DITCH	UNION	15 TON	1135-400-5-20000-030	REHAB	\$50,000.00	TO START DESIGN	\$324,000.00
BR #45	GREGORY RD @ MISSISSINUEWA	NILES	3 TON	1135-400-5-20000-045	REPLACEMENT	\$50,000.00	TO START DESIGN	\$1,221,000.00
BR #51	CR 200 N @ KILLBUCK CREEK	HARRISON/MT. PLEASANT		1135-400-5-20000-051	REHAB	\$50,000.00	TO START DESIGN	\$736,000.00
BR #69	CR 600 W @ KILLBUCK CREEK	HARRISON		1135-400-5-20000-069	REHAB	\$50,000.00	TO START DESIGN	\$503,000.00
BR #75	SHAFFER RD @ KILLBUCK CREEK	HAMILTON		1135-400-5-20000-075	REHAB	\$50,000.00	TO START DESIGN	\$285,000.00
BR #125	NEBO RD @ YORKPRAIRIE CREEK	MT. PLEASANT		1135-400-5-20000-125	REHAB	\$50,000.00	TO START DESIGN	\$361,000.00
BR #127	CR 600 W @ YORKPRAIRIE CREEK	MT. PLEASANT	10 TON	1135-400-5-20000-127	REPLACEMENT	\$50,000.00	TO START DESIGN	\$689,000.00
BR #141	TIGER DRIVE @ WHITE RIVER	MT. PLEASANT		1135-400-5-20000-141	REHAB	\$100,000.00	TO FULLY FUND	\$2,900,000.00
BR #204	CR 200 W @ WILLIAMS CREEK	MONROE	3 TON	1135-400-5-20000-204	REPLACEMENT	\$350,000.00	TO FULLY FUND	\$350,000.00
BR #226	CR 419 E @ CGW	PERRY	CLOSED	1135-400-5-20000-226	REPLACEMENT	\$100,000.00	TO FULLY FUND	\$1,164,000.00
BR #268	23RD ST @ BUCK CREEK	CENTER		1135-400-5-20000-268	REHAB	\$50,000.00	TO START DESIGN	\$598,000.00
BR #501	PORT AVE @ BUCK CREEK	CENTER		1135-400-5-20000-501	REHAB	\$50,000.00	TO START DESIGN	\$621,000.00
BR #502	G HARKEY ST @ BUCK CREEK	CENTER		1135-400-5-20000-502	REHAB	\$50,000.00	TO START DESIGN	\$419,000.00
BR #701	WATER ST @ HALFWAY CREEK	DELAWARE	15 TON	1135-400-5-20000-701	REHAB	\$50,000.00	TO START DESIGN	\$339,000.00
						\$1,050,000.00		\$10,510,000.00
PROJECTS ARE CURRENTLY PROGRAMMED WITH 80% FEDERAL FUNDS								
PURSUING FEDERAL FUNDS THROUGH MPO								
I AM LOOKING AT VARIOUS SOURCES OF FUNDING TO ASSIST IN COMPLETING PROJECTS, SUCH AS, TIF, EDIT, FEDERAL, STATE AND LOCAL FUNDS								

MOTION: Councilman Alexander made a motion to approve financial, transfers with like reductions and to amend salary ordinance.

SECOND:

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

March 28, 2017 Council minutes

COMMITTEE REPORTS

- Tax Abatements-

President Quakenbush said Bridgestone/Kendon requested the Resolution be rescinded, due to changes in production.

BRIDGESTONE/KENDON

RESOLUTION 2016-003 TO RESCIND

MOTION: Councilman Alexander made a motion to rescind Resolution 2016-003, Bridgestone/Kendon.

SECOND: Councilwoman Piper

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

RESOLUTION NO. 2016-003

RESOLUTION APPROVING DEDUCTION FROM ASSESSED VALUE OF NEW MANUFACTURING EQUIPMENT IN AN ALREADY DECLARED ECONOMIC REVITALIZATION AREA

(Bridgestone Bandag DBA Kendon)

WHEREAS, the Indiana General Assembly has enacted a statute, I.C. 6-1.1-12.1 (the "Act"), authorizing certain deductions from the assessed value of new manufacturing equipment (as defined in the Act) for purposes of taxation of such equipment if installed during the period beginning March 1, 1983 and ending December 31, 2016, or such other date as extended by Indiana Code, in an area that is declared an economic revitalization area; and

WHEREAS, Bridgestone Bandag DBA Kendon, will install new manufacturing equipment at its plant located at 3904 S. Hoyt Ave. Muncie, Indiana 47302 during the above-described period; and

WHEREAS, by previously adopted resolutions, the Delaware County Council declared and affirmed that the area commonly described as 3904 S. Hoyt Ave. Muncie, Indiana 47302, which is identified on the attached map and legal description (the "Area"), is an economic revitalization area, and authorizes deductions from assessed value of new manufacturing equipment, installed in the area for purposes of taxation; and

WHEREAS, as a condition of approval of the ensuing abatement, Bridgestone Bandag DBA Kendon, agrees to, upon request, update the County Council with regard to the status of employment at the facility during the term of the life of the abatement.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Delaware in the State of Indiana:

1. The Delaware County Council finds and determines that the new manufacturing equipment to be installed in the above referenced area by Bridgestone Bandag DBA Kendon, shall be allowed a deduction of five (5) years (note attached schedule) from the assessed value of such equipment, in accordance with the provisions of I.C. 6-1.1-12.1-4.5.
2. The Delaware County Auditor shall take such further actions as may be required to carry out the purposes of this resolution and to insure the eligibility of the new manufacturing equipment for the deduction described herein.
3. This Resolution shall be in full force and effect from and after its passage by the Delaware County Council and after advertised in such publications as may be required by law.

- Appointments-Yorktown Library

MOTION: Councilwoman Piper made a motion to approve Ms. April Juntunen to the Yorktown Library Board, effective April 1, 2017 through July 1, 2018.

SECOND: Councilman Alexander

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

ORDINANCES
FIRST READING

AN ORDINANCE TO ESTABLISH USES FOR APPROPRIATIONS FROM DELAWARE COUNTY SHERIFF
INTERDICTION REVENUE ACCOUNT

ORDINANCE 2017-008

MOTION: Councilman Bledsoe made a motion to introduce Ordinance 2017-008, An Ordinance to Establish Uses for Appropriations from Delaware County Sheriff Interdiction Revenue Account.

SECOND: Councilman Alexander

Mr. Ray Dudley, Sheriff said this is adding a section into the ordinance from the original ordinance from 2012. This will allow the monies to be used for "buy money".

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

ORIGINAL

ORDINANCE 2017-008
DELAWARE COUNTY COUNCIL

AN ORDINANCE TO ESTABLISH USES FOR APPROPRIATIONS FROM DELAWARE COUNTY
SHERIFF INTERDICTION REVENUE ACCOUNT

WHEREAS, pursuant to Indiana Code 34-24-1 money seized, and proceeds received from the sale of property seized, by local law enforcement for a violation of certain criminal statutes may be received by the unit as reimbursement for their costs associated with such seizures; and

WHEREAS, by Ordinance No. 2012-012, the Delaware County Commissioners created the Delaware County Sheriff Interdiction Revenue Account within the Delaware County General Fund for the deposit of such money and proceeds; and

WHEREAS, the Delaware County Council, as the fiscal body of the County, wishes to establish the uses for which moneys can be appropriated from the Account.

NOW THEREFORE BE IT ORDAINED BY THE DELAWARE COUNTY COUNCIL that:

1. The moneys deposited in the Delaware County Sheriff Interdiction Revenue Account within the Delaware County General Fund may be appropriated by the Delaware County Council for the following law enforcement related uses:
 - a. Special training for a law enforcement officer;
 - b. Victim assistance;
 - c. Office equipment, computers, computer software, communications devices, office machinery, furnishings and office supplies;
 - d. Expenses of a criminal investigation;
 - e. Any activity or program operated by the Delaware County Sheriff that is intended to reduce or prevent criminal activity, including:
 - i. Substance abuse;
 - ii. Human trafficking/Prostitution;
 - f. Any other purpose that benefits law enforcement and is designated by an amended Court order and approved by the Delaware County Council upon request of the Delaware County Sheriff.
2. This ordinance is effective upon adoption.

Dated this _____ day of _____, 2017.

Attest:

Steven G. Craycraft, Jr.
Delaware County, Inc

First
Reading
3/28/2017

SECOND READING OF ORDINANCES

AN ORDINANCE DEFINING TERMS AND ESTABLISHING PROCEDURES FOR HIRING AND IMPLEMENTING
SALARIES FOR COUNTY EMPLOYEES (EXCLUDING MERIT OFFICERS)

ORDINANCE 2017-005

MOTION: Councilman Alexander made a motion to approve the second reading for Ordinance 2017-005, An Ordinance Defining Terms and Establishing Procedures for Hiring and Implementing Salaries for County Employees (Excluding Merit Officers).

SECOND: Councilwoman Piper

Mr. Bill Hughes, Council Attorney, provided changes/amendments.

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

SHERIFF RAY DUDLEY

DROP PROGRAM

DEFERRED RETIREMENT OPTION PROGRAM

Mr. Stan Brown, McCready and Keene/One America, Mr. Kris Callaway, Morgan Stanley and Mr. Ray Dudley, Sheriff of Delaware County, discussed the DROP program with Council.

President Quakenbush said that this is the result from Mr. Dudley setting a meeting with Councilman Bledsoe, Chief Deputy and the Captain met to discuss the Plan.

Merit Board has approved the DROP Program, subject to legal review.

Mr. Hughes will review information and provide a report.

All Council agreed to discuss the Deferred Retirement Option Program during April's Council meeting.

*presented
to Council in
March meeting*

FIRST AMENDMENT
TO
DELAWARE COUNTY POLICE RETIREMENT PLAN

WHEREAS, Delaware County Police Retirement Plan (hereinafter referred to as "Plan") was established by Delaware County Sheriff's Department, Muncie, Indiana (hereinafter referred to as "Employer"), effective as of January 1, 1969; and as amended by a complete restatement, effective as of January 1, 2015; and

WHEREAS, by Section 11.01 of the Plan, the Employer reserved the right to amend the Plan with the approval of the Merit Board and the county fiscal body; and

WHEREAS, the Employer desires to amend the Plan in certain respects heretofore considered and discussed to adopt a deferred retirement option program (hereinafter sometimes referred to as "DROP");

NOW, THEREFORE, BE IT RESOLVED, that the Plan is hereby amended by this First Amendment, effective as of the first of the month after execution of this Amendment by the Sheriff's Department, Merit Board and County Council, to read as follows:

1. Section 2.01 (a) is hereby amended in its entirety to read as follows:

"(a) For all benefits except in the conversion of the 'DROP Accumulation' to a monthly annuity, such 'Actuarially Equivalent' or 'Actuarial Equivalent' benefits shall be computed based on an interest rate of six percent (6%) per annum, compounded annually, and mortality determined as follows:

- (1) For Participants, the Unisex Pension 1984 Mortality Table (UP-1984 Table) with ages set forward one-half (1/2) year. This age adjustment is determined by interpolating (straight line) between mortality rates with no age adjustment and mortality rates with ages set forward one (1) year.

- (2) For Beneficiaries, the Unisex Pension 1984 Mortality Table (UP-1984 Table) with ages set back three and one-half (3-1/2) years. This setback is determined by interpolating (straight line) between mortality rates with a three (3) year age setback and mortality rates with a four (4) year age setback.

"It is noted that the above mortality assumptions are commonly referred to as a '90-10 male/female mix.'

"To convert the 'DROP Accumulation' to a monthly annuity as provided for under Section 5.04(f), the 'Actuarially Equivalent' or 'Actuarial Equivalent' benefits shall be computed based on the Applicable Interest Rate for the month of November immediately preceding the Plan Year in which the conversion to a monthly annuity is made and the Applicable Mortality Table. For

purposes hereof, the 'Applicable Interest Rate' is the rate described in Section 417(e) of the Internal Revenue Code. Determination of the segmented rates shall be based on rules similar to the rules on segmented rates under Section 430(h)(2)(C) of the Internal Revenue Code and shall comply with Internal Revenue Service Notice 2007-81 and any future guidance provided by the Internal Revenue Service. The applicable mortality table is prescribed by the Secretary of the Treasury pursuant to Section 417(e)(3) of the Internal Revenue Code, Revenue Ruling 2007-67, and any other guidance provided by the Internal Revenue Service.

"For purposes of applying any limitations applicable under Section 6.05 of the Plan, which incorporates the provisions of Section 415(b) of the Internal Revenue Code, any specific rules on determining Actuarial Equivalence or applying any actuarial increase or reduction for purposes of such limitation shall take precedence over any provisions of this Section 2.01(a) that may imply a contrary result."

2. Section 2.01 (h) is hereby amended in its entirety to read as follows:

"(h) 'Net Amount of Contributions' means the amount of money actually paid into the Trust Fund from the wages of each Participant, prior to January 1, 2002 and subsequent to October 4, 2010, plus interest at the rate of three percent (3%) compounded annually, up to the earlier of DROP Entry Date, if applicable, or severance date, less any sums, plus interest at the same rate, paid from the Trust Fund to such Participant or to any governmental fund for the credit or benefit of such Participant. Crediting of interest shall commence as of the end of the Plan Year in which contributions are made by the Participant."

3. Section 2.02 of the Plan is hereby amended by the insertion of new language immediately before the reference to a definition of 'Early Retirement Age' in order to cross-reference the provisions of the DROP added by this First Amendment; such new language shall read as follows:

"DROP Benefit Accumulation	5.04(d)
DROP Entry Date	5.04(a)(3)
DROP Frozen Benefit	5.04(a)(4)
DROP Participant	5.04(a)(2)
DROP Period	5.04(a)(5)
Deferred Retirement Option Program or DROP	5.04(a)(1)E
Normal Retirement	5.01"

4. Section 3.04 of the Plan is hereby amended by the addition of subsection (h) which shall read as follows:

"(h) A Participant who has elected to enter the Deferred Retirement Option Program provided in Section 5.04 shall not be eligible to elect to purchase additional Credited Service during the DROP Period."

5. Article V of the Plan is hereby amended by the addition of a new Section 5.04, which shall read as follows:

"Section 5.04. Deferred Retirement Option Program (DROP)."

"(a) The following definitions shall apply for purposes of this Section:

- (1) 'Deferred Retirement Option Program' or 'DROP' shall mean the program described in this Section.
- (2) 'DROP Participant' shall mean a Participant who elects the DROP benefit described in this Section.
- (3) 'DROP Entry Date' shall mean the date elected by the Participant as the first day of the Participant's DROP Period.
- (4) 'DROP Frozen Benefit' shall mean a monthly pension benefit calculated under the provisions of this Plan payable in a life annuity commencing on the Participant's Normal Retirement Date, or if later, his Late Retirement Date, and based on the Participant's Salary and years of Credited Service as of the Participant's DROP Entry Date.
- (5) 'DROP Period' shall begin on the Participant's DROP Entry Date and shall end on the Participant's retirement date. The DROP Period shall not be longer than three (3) years and shall not extend beyond the date the Participant is credited with thirty-two (32) years of Credited Service if hired prior to October 4, 2010, or is credited with twenty-six (26) years of Credited Service if hired on or after October 4, 2010.

"(b) When a Participant has attained Normal Retirement Age, he may irrevocably elect to enter the DROP. If the Participant does not elect the DROP on the date he is first eligible, he may elect to enter the DROP as of the first day of any subsequent month. In order to be valid, a Participant's DROP election must comply with all provisions of this Section and must be made in writing delivered to the Committee prior to the date when the Participant is first eligible to enter the DROP, which shall be the later of (i) the first day of the month after execution of this First Amendment by the Sheriff's Department, Merit Board and County Council, or (ii) the date when the Participant has reached Normal Retirement Age but is not yet credited with thirty-two (32) years of Credited Service if hired prior to October 4, 2010, or not yet credited with twenty-six (26) years of Credited Service if hired on or after October 4, 2010. A Participant may only make one (1) DROP election.

"(c) From the date that a Participant enters the DROP thereby becoming a DROP Participant, the following consequences shall apply: (i) he will not be credited with any additional Credited Service after his DROP Entry Date, even if the Plan is amended to provide for recognition of more than thirty-two (32) years of Credited Service for Participants hired prior to October 4, 2010, or to provide for recognition of more than twenty-six (26) years of Credited Service if hired on or after October 4, 2010, (ii) no increases in Salary after his DROP Entry Date shall be recognized for purposes of calculating any benefit to which a DROP Participant may become entitled under other Sections of this Plan upon severing his employment, and (iii)

no further employee contributions by the DROP Participant shall be required or permitted after the payroll period that ends immediately after his DROP Entry Date.

"(d) This Section provides for certain DROP benefits that may become payable in addition to the benefits payable under other provisions of the Plan upon the actual severance from employment by retirement at any time after the Participant has entered the DROP. Such a Participant's DROP benefit shall be equal to the accumulated amount of the DROP Frozen Benefit that would have been payable during the DROP Period if the Participant had, instead of entering DROP, elected to retire and had commenced to receive his DROP Frozen Benefit, for each month while he is a DROP Participant. Such amounts shall not be accumulated with interest. The accumulated benefits are hereinafter sometimes referred to the 'DROP Benefit Accumulation.'

"(e) In order to enter the DROP, an eligible Participant must submit the following irrevocable elections:

- (1) a written election to participate in the DROP, specifying a future DROP Entry Date;
- (2) a written election of a retirement date, which must be the last day of the DROP Period elected by the Participant; provided, that a Participant is not precluded from voluntarily retiring as of an earlier date, nor is the Employer precluded from severing his employment in accordance with applicable laws; and
- (3) a written election not to make any contributions under the Plan during any period of employment after the payroll period that ends immediately after the Participant's DROP Entry Date.

"(f) Upon severance from employment at the end of the DROP Period, or upon severance from employment at any earlier time during the DROP Period, a DROP Participant shall be entitled to receive his DROP Benefit Accumulation, payable (as elected by the DROP Participant) in any of the following forms of payment:

- (1) a lump sum of the DROP Benefit Accumulation;
- (2) a direct rollover of the DROP Benefit Accumulation;
- (3) an increase in the DROP Frozen Benefit that is Actuarially Equivalent to the DROP Benefit Accumulation as of the date of commencement of the DROP Frozen Benefit and payable in the same form as the DROP Frozen Benefit; or
- (4) any combination of the foregoing.

Such DROP Benefit Accumulation shall be payable to the DROP Participant in addition to the DROP Frozen Benefit.

"(g) If a Participant's employment with the Employer severs because of a disability (either in the line of duty or other than in the line of duty) after the Participant's DROP Entry Date and prior to the retirement date specified in the written election described in Section 5.04(e), benefits payable under this Plan shall be calculated as if the Participant had never

entered the DROP. Credited Service for the period of time the Participant was in the DROP shall be credited to the Participant, and the Participant shall not be required to make up the required Participant contributions for such period.

"(h) If the retirement date a Participant has specified in his DROP election form needs to be extended because of the voting or electoral process, the Participant's benefits from the Plan shall be calculated as if he had never entered the DROP. Furthermore, the Participant shall not be eligible to elect the DROP in the future. Such a Participant shall receive credit for each year of service earned while he was in the DROP, only if he makes up the required Participant contributions for each year within twelve (12) months of the date the Participant notifies the Employer that his retirement date needs to be extended.

"(i) If during the DROP Period the Participant is on an unpaid non-military leave of absence, then the benefit payments that would have been added to the DROP Benefit Accumulation under Section 5.04(d) for the full months of the leave shall not be added to the DROP Benefit Accumulation. Benefit payments for any partial month of the leave shall be added to the DROP Benefit Accumulation. However, if during the DROP Period the Participant is on a leave of absence that qualifies as a military leave under the Uniformed Services Employment and Reemployment Rights Act, then benefit payments shall be added to the DROP Benefit Accumulation without interruption as provided under Section 5.04(d). Neither a military leave of absence nor a non-military leave shall extend the DROP Period."

6. Section 8.01 is hereby amended in its entirety to read as follows:

"Section 8.01. Death Benefits After Retirement. If a Participant dies after retirement benefits have commenced, the death benefit shall be in accordance with the provisions of the form of benefit paid under Article VI at the time of retirement. If at the time of the death of a Beneficiary receiving a benefit in accordance with Section 6.04 the aggregate payments to the Pensioner and the Beneficiary (including the DROP Frozen Benefit and the DROP Benefit Accumulation) do not equal or exceed (a) the Participant's Net Amount of Contributions plus (b) the amount transferred by the Participant (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) pursuant to Section 3.04 for the purchase of Credited Service, then the difference between such aggregate and (a) the Net Amount of Contributions plus (b) the transfer amount for the purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral) shall be paid to such Beneficiary's estate in a lump sum."

7. Section 8.02 of the Plan is hereby amended in its entirety to read as follows:

"Section 8.02. Death Benefits Before Retirement. In the event a Participant dies prior to the commencement of any benefit from this Plan, a death benefit shall be payable in accordance with subsections (a), (b), and (c) as follows:

"(a) If a Participant who does not have a vested interest in the Plan dies while employed by the Employer or after severance from employment for any reason, but prior to the commencement of any benefit from this Plan, his designated Beneficiary shall be entitled to receive a death benefit which shall be a lump sum equal to his Net Amount of Contributions at time of death plus the amount transferred by the Participant pursuant to Section 3.04 for the

purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral). If a married Participant dies who has a vested interest in the Plan, his designated Beneficiary shall be entitled to a lump sum equal to the greater of (i) his DROP Benefit Accumulation if he had entered the DROP, or (ii) the Net Amount of Contributions at time of death. If an unmarried Participant dies who has a vested interest in the Plan, his designated Beneficiary shall be entitled to a lump sum equal to the greater of (i) his DROP Benefit Accumulation if he had entered the DROP, or (ii) the Net Amount of Contributions at time of death plus the amount transferred by the Participant pursuant to Section 3.04 for the purchase of Credited Service (adjusted for interest at a rate that ensures the Plan remains actuarially cost neutral).

"(b) In addition to the lump sum equal to the greater of (i) his DROP Benefit Accumulation or (ii) the Net Amount of Contributions at time of death, if a married Participant who has a vested benefit in the Plan dies while employed by the Employer or after severance from employment, for any reason, but prior to the commencement of any benefit from this Plan, his surviving spouse shall be entitled to a monthly survivor benefit payable in accordance with this subsection (b) for the remaining lifetime of such surviving spouse. If the Participant had satisfied the requirements for Early Retirement at the date of his death, then such monthly survivor benefit shall commence as of the first day of the month following his date of death unless the spouse elects a later commencement date. Such later commencement date may not be later than the Participant's Normal Retirement Date. However, if the Participant's death occurs after he has reached Normal Retirement Age, the benefit shall commence the first day of the month following his death. The amount of the death benefit shall be equal to the survivor annuity that would have been payable if the Participant had severed employment and immediately prior to his date of death had commenced receipt of his retirement benefits in the form of an Actuarially Equivalent one hundred percent (100%) joint and survivor annuity with adjusted level monthly payments to the Participant during his lifetime and continued monthly payments in the same amount for the lifetime of his surviving spouse.

If the Participant had not satisfied the requirements for Early Retirement under the Plan at the date of his death, the payment of benefits to the surviving spouse shall commence on the date specified by the spouse, provided the date is not earlier than the Participant's Early Retirement Date and is not later than the Participant's Normal Retirement Date. The amount of benefit is calculated assuming the Participant had (i) severed employment with the Employer on the earlier of the Participant's actual severance from employment or the date of the Participant's death, (ii) survived to the date of commencement of the death benefit elected by the surviving spouse, (iii) commenced receipt of his deferred vested severance benefit as of his Early Retirement Age or his Normal Retirement Age, depending on the commencement date elected by his surviving spouse, in the form of an Actuarial Equivalent one hundred percent (100%) joint and survivor annuity with adjusted level monthly payments to the Participant during his lifetime and continued monthly payments in the same amount for the lifetime of his surviving spouse, and (iv) died on the day after the commencement date elected by his surviving spouse.

"(c) For a DROP Participant, the foregoing provisions of this Section shall apply to any death benefit payable for the DROP Frozen Benefit. The DROP Benefit Accumulation shall be paid to the Participant's surviving spouse in a lump sum. If there is no surviving spouse, the DROP Benefit Accumulation shall be paid in a lump sum that is divided equally among the

Participant's surviving children. If there are no surviving children, the DROP Benefit Accumulation shall be paid in a lump sum that is divided equally between the Participant's parents. If there are no surviving parents, the DROP Benefit Accumulation shall be paid in a lump sum to the Participant's estate."

In witness of its adoption of the foregoing amendment to the Plan, the Employer has caused this amendment to be executed as of the _____ day of _____, 20____.

DELAWARE COUNTY SHERIFF'S DEPARTMENT

By _____
Sheriff of Delaware County

Approved and ratified at a meeting of the Delaware County Sheriff's Merit Board on the _____ day of _____, 20____.

DELAWARE COUNTY SHERIFF'S MERIT BOARD

Approved and ratified at a meeting of the County Council of Delaware County on the _____ day of _____, 20____.

COUNTY COUNCIL OF DELAWARE COUNTY

D121

7

PRESIDENTS REMARKS

President Quakenbush said all Council members should sign the below Nepotism Certificate and file it in the Commissioner's office.



Brooke | Stevens, PC

For presented in March 2017 meeting

John H. Brooke
Certified Mediator

John M. Stevens
Also Licensed in Illinois & Iowa

Joseph I. Rhett
Lauren D. Henry

March 17, 2017

Ronald Quakenbush
rqd1ctydist2@yahoo.com

RE: Nepotism Certificate

Dear Ronald:

Enclosed please find a certification that is required by Indiana Code concerning nepotism. The State adopted an anti nepotism statute last year and requires certification each and every year from elected officials to certify that they have not violated the anti nepotism statute with regard to hiring or contracting.

Please sign and keep for your records. If you have any questions, please don't hesitate to contact me.

Sincerely,

Brooke | Stevens, P.C.

John H. Brooke
John H. Brooke
Attorney at Law

Enclosure

112 E. Gilbert St. • Muncie, IN 47305 • 765-741-1375 • 800-481-0900 • FAX 765-288-7768 • www.brooke-stevens.com

CERTIFICATION

Comes now Ronald Quakenbush, Delaware County Council Member, and hereby certifies pursuant to I.C. 36-1-20.2-16 that the undersigned has not violated Indiana's statutes on nepotism nor has this elected official employed anyone in a full time, part time, temporary, intermittent or hourly basis which is a relative as defined in I.C. 36-1-20.2-8.

I have not entered into or renewed any contract for the procurement of goods or services or a contract for public works with an individual who is a relative or a business entity that is wholly or partially owned by a relative of this elected official or I have filed a disclosure with the Clerk of Circuit Court and State Board of Accounts pursuant to I.C. 36-1-25-5(b).

 Ronald Quakenbush, Council Member

I hereby verify under the pains and penalties of perjury that the foregoing statements are true and accurate.

 Ronald Quakenbush, Council Member

President Quakenbush received January and February 2017 Housing Authority meeting minutes.

Mr. Paul Singleton, 911 Director, told Council that a full-time position left to go to EMS from Communication Center. Benefits transferred into the new position at EMS. The transfer request was \$25,117.28 item A125 to B125 in Communication Center.

MOTION: inaudible

SECOND: inaudible

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

Mr. Emily Anderson, Court Administrator, presented information regarding the CASA Courthouse Dog meeting that will take place on Friday, March 31, 2017 at 3:00 p.m. in the Commissioners Courtroom.

MOTION: Councilman Alexander motioned to adjourn.

SECOND: Councilwoman Piper

MOTION PASSED UNANIMOUSLY, absent Councilwoman Lasater

~~CONFIDENTIAL~~

WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget:		
SECTION 1, THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered		ORIGINAL
FINANCIAL AGENDA FOR COUNTY COUNCIL MONTH OF 3/28/2017		
COUNTY GENERAL		
SURVEYOR #130		
OTHER SERVICES AND CHARGES		
333 Photography/Blueprints	2,000.00	X
TOTAL	2,000.00	
OTHER		
RAINY DAY 1186		
OTHER SERVICES AND CHARGES		
317 Aerial Photography (Pictometry)	20,000.00	20,000
TOTAL	20,000.00	20,000
HIGHWAY DEPARTMENT 1176-202		
SUPPLIES		
Garage Motor Supplies 1176-202-5-30000-223	128,000.00	128,000
TOTAL	128,000.00	128,000
ENGINEERING DEPT-CUMULATIVE BRIDGE FUND 1135		
CAPITAL OUTLAYS		
BR #30 1135-400-5-20000-030	50,000.00	50,000
BR #45 1135-400-5-20000-045	50,000.00	50,000
BR #51 1135-400-5-20000-051	50,000.00	50,000
BR #69 1135-400-5-20000-069	50,000.00	50,000
BR #75 1135-400-5-20000-075	50,000.00	50,000
BR #125 1135-400-5-20000-125	50,000.00	50,000
BR #127 1135-400-5-20000-127	50,000.00	50,000
BR #141 1135-400-5-20000-141	100,000.00	100,000

continued	ORIGINAL	
BR #204 1135-400-5-20000-204	350,000.00	350,000
BR #226 1135-400-5-20000-226	100,000.00	100,000
BR #268 1135-400-5-20000-268	50,000.00	50,000
BR #501 1135-400-5-20000-501	50,000.00	50,000
BR #502 1135-400-5-20000-502	50,000.00	50,000
BR #701 1135-400-5-20000-701	50,000.00	50,000
TOTAL	1,100,000.00	1,100,000
Councilman Alexander		
Councilman Bledsoe		
Councilwoman Chambers		
Councilwoman Lasater		
Councilman Matchett		
Councilwoman Piper		
Councilman Quakenbush		
Auditor Craycraft		

WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget:		
SECTION 1, THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds for the purposes herein specified subject to the laws governing the same.		
TRANSFER AGENDA FOR COUNTY COUNCIL MONTH OF 3/28/2017		
COUNTY GENERAL		
COMMISSIONERS 153		
PERSONAL SERVICES		
Salaries and Wages		
137 Secretary VA	-25000.00	
137A Secretary VA	25000.00	
TOTAL	0.00	Q
EMS 155		
PERSONAL SERVICES		
Salaries and Wages		
125 C Advanced EMT	-29450.00	
125 D Advanced EMT	29450.00	
140 Paramedic	-37568.00	
140 A Paramedic	37568.00	
120 A Advanced EMT	-28151.00	
120 B Advanced EMT	28151.00	
TOTAL	0.00	Q
JAIL 145		
PERSONAL SERVICES		
Salaries and Wages		
161 A Cook	-22697.00	
161 B Cook	22697.00	
TOTAL	0.00	Q
TREASURER		
PERSONAL SERVICES		
Salaries and Wages		
105 A Assistant Bookkeeper	-26624.00	
105 B Assistant Bookkeeper	26624.00	
TOTAL	0.00	Q

AUDITOR 126		
PERSONAL SERVICES		
Salaries and Wages		
110 Cof E & TA Deputy	-25790.00	
110 A Cof E & TA Deputy	25790.00	
TOTAL	0.00	
OTHER		
CUMULATIVE BRIDGE 1135		
PERSONAL SERVICES		
Salaries and Wages		
141A Laborer	-26883.00	
141B Laborer	26883.00	
110C Bookkeeper 1/2	-12030.65	
110D Bookkeeper 1/2	12030.65	
TOTAL	0.00	
CUMULATIVE BRIDGE ENGINEER 1135		
PERSONAL SERVICES		
Salaries and Wages		
C106 Staff Assistant	-24857.00	
D106 Staff Assistant	24857.00	
TOTAL	0.00	
HIGHWAY 1176		
PERSONAL SERVICES		
Salaries and Wages		
110 C Bookkeeper 1/2	-16374.00	
110 D Bookkeeper 1/2	16374.00	
127 Truck Driver	-28160.00	
127 A Truck Driver	28160.00	
156B Mechanic	-30681.00	
156 C Mechanic	30681.00	
TOTAL	0.00	
MAJOR TRANSFER		
COUNTY COUNCIL TO FAMILY SUPPORT DIVISION		
PERSONAL SERVICES		
Salaries and Wages		
157/198 Salary Adjustments	-1525.06	
237/102A Deputy Prosecutor	1525.06	
TOTAL	0.00	

ORIGINAL

Stan Chris
Brown

Councilman Alexander	<i>[Signature]</i>		
Councilman Bledsoe	<i>[Signature]</i>		
Councilwoman Chambers	<i>Mary Chambers</i>		
Councilwoman Lasater	<i>Absent</i>		
Councilman Matchett	<i>[Signature]</i>		
Councilwoman Piper	<i>Jessie Piper</i>		
Councilman Quakenbush	<i>[Signature]</i>		
Auditor Craycraft	<i>[Signature]</i>		

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Councilman Alexander

[Signature]

Councilman Bledsoe

[Signature]

Councilwoman Chambers

Mary Chambers

Councilwoman Lasater

[Signature]

Councilman Matchett

[Signature]

Councilwoman Piper

Jessie Piper

Councilman Quakenbush

[Signature]

Auditor Steve Craycraft

[Signature]

March 28, 2017 Council minutes

ADJOURN