

DELAWARE COUNTY COMMISSIONER’S MEETING

Monday, May 2, 2022 @ 9:03 A.M.

Commissioners’ Courtroom

100 W. Main St. Room 309A

CALL TO ORDER

PLEDGE TO FLAG

Commissioner Henry asked for a “moment of silence” for Mr. Adam Grimes, 911 Dispatcher and Mr. Brian Franklin, Retired Sheriff Deputy.

WELCOME

ROLL CALL

Mr. Shannon Henry

Mr. James King

Ms. Sherry Riggan

Mr. John Brooke, County Attorney

Mr. Steven G Craycraft, Auditor

APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve April 18, 2022 Commissioner Minutes.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

PRESENTATIONS

JUDGE LINDA RALU WOLF SEEKING SUPPORT TO CHANGE THE CURRENT MASTER COMMISSIONER POSITION TO MAGISTRATE POSITION

JUDGE WOLF-MAGISTRATE POSITION

Judge Wolf presented information regarding changing the position of Master Commissioner to Magistrate. At the end of the hearings, the Master Commissioner’s findings and recommendations are sent to the Judge for review. This causes a delay in getting the decision to the litigants. Litigants are waiting on the sitting Judge to review the recommendations, sometimes the Judge is in court so the review may not happen until the end of day or next day. There are several steps to the process. If the position was changed, the Magistrate could/would have the authority to make a decision and also handle criminal cases.

Benefits and retirement would be paid through the State because the Magistrate is a State employee. The total amount of county general would be \$42,000 compared to the current cost of \$77,730.65. General Assembly determine State salaries.

A “letter of support” was provided by Council on April 26, 2022. This would be sent to Summer Study Committee then legislators and a recommendation to General Assembly in a form of a bill and then in hopes that they would authorize the Magistrate position. This is a long process and a very important process which allows Judges to make sure that we have local support for the proposal.

MOTION: Commissioner Henry made a motion to approve the request to take Master Commissioner to Magistrate, per recommendation of Judge Wolf.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggan

| | Courts County General | I/V-D Court Total | 66.6% Reimbursement | I/V-D Ct County General | Total County General Savings |
|------------|-----------------------|-------------------|---------------------|-------------------------|------------------------------|
| Salary | \$40,450.00 | \$40,450.00 | -\$26,939.70 | \$13,510.30 | \$53,960.30 |
| FICA | \$3,094.43 | \$3,094.43 | -\$2,060.89 | \$1,033.54 | \$4,127.97 |
| PERF | \$4,530.40 | \$4,530.40 | -\$3,017.25 | \$1,513.15 | \$6,043.55 |
| Health Ins | \$9,642.00 | \$9,642.00 | -\$6,421.57 | \$3,220.43 | \$12,862.43 |
| Life Ins | \$55.50 | \$55.50 | -\$36.96 | \$18.54 | \$74.04 |
| LTD | \$50.40 | \$50.40 | -\$33.57 | \$16.83 | \$67.23 |
| STD | \$96.12 | \$96.12 | -\$64.02 | \$32.10 | \$128.22 |
| Longevity | \$350.00 | \$350.00 | -\$233.10 | \$116.90 | \$466.90 |
| | \$17,818.85 | \$58,268.85 | | | \$77,730.65 |
| | | | | Total MC Cost to County | |
| | | | | Magistrate Salary | -\$35,314.20 |
| | | | | Left over funds | \$42,416.45 |

| | | |
|-----------------------------|-------------|---------------------------|
| Savings to Court Budget 138 | \$19,253.00 | |
| Savings to IVD Budget 123 | \$5,344.59 | after 66.6% reimbursement |
| Savings to County General | \$17,818.85 | |
| | \$42,416.44 | Total Savings |

\$37,071.85 IVD savings before reimbursement

| | |
|-------------|--|
| \$13,510.30 | \$24,197.00 1/2 Magistrate Salary |
| \$1,033.54 | \$14,117.20 Salary after 66.6% reimbursement |
| \$1,513.15 | \$35,314.20 total cost of Magistrate Salary |
| \$3,220.43 | |
| \$18.54 | |
| \$16.83 | |
| \$32.10 | |
| \$116.90 | |
| \$19,461.79 | IVD Benefits ONLY |

ORIGINAL

Council letter of support. See below.

April 26, 2022

Legislative Study Committee for Courts
Indiana Statehouse
200 W. Washington Street
Indianapolis, IN 46204

ORIGINAL

ORIGINAL

RE: Full-time Magistrate for Delaware County


Dear Members of Committee:

It has been brought to our attention that there is a need for a full-time magistrate for Delaware Circuit Courts. We support the request for a full-time magistrate for Delaware County.

Having a magistrate will assist in curtailing additional expense to the county. Furthermore, the magistrate will be able to issue his own orders in a more expeditious manner for the benefit of litigants. The current court commissioner position would be replaced by the full-time magistrate position. No other staffing changes or expenses would be necessary to facilitate this change.

We understand that it would mean that the magistrate would be a state employee, predominantly paid by the state, and the county would be required to pay a portion of the magistrate salary. We are willing to pay the county portion of the magistrate's salary.

Sincerely,


Scott Alexander
Delaware County Council President
Delaware County Council, At-Large

Ryan Ballard
Delaware County Council, District 1

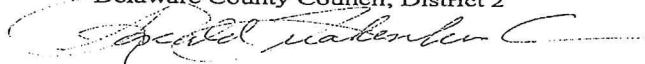


Jessica Piper
Delaware County Council, At-Large

Ryan Webb
Delaware County Council, At-Large

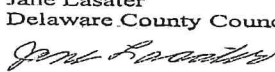


Ronald Quakenbush
Delaware County Council, District 2



Mary Chambers
Delaware County Council, District 3

Jane Lasater
Delaware County Council, District 4



CONTRACTS OR AGREEMENTS FOR APPROVAL
3RD AMENDED AMERICAN RESCUE PLAN

Commissioner King confirmed with President Riggin that she still requested that this be tabled until she could review further.

President Riggin said yes she wanted to review the plan.

MOTION: Commissioner King made a motion to table until President Riggin could review the 3rd American Rescue Plan.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

ASHTON LAND SURVEYOR – COLLINSVILLE AND ERNSTBERGER SUBDIVISIONS

Ms. Kathy Vannice, Ashton Surveyor, presented both plats. One plat is located on Bethel Avenue for a right-of-way and the other plat is 850 North. Both properties have been before the Plat Committee.

MOTION: Commissioner King made a motion to approve both presented plats.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

EMS – MEAGAN COUTINHO

Ms. Meagan Coutinho, EMS Office Manager, asked for the Commissioners support on the 457 Plan. They are wanting to change the actuarial firm and financial company that they are currently with. EMS is requesting to go with John Hancock and Edward Jones. Mr. Aaron Hammond from Edward Jones was available for questions. This will be a savings of \$10,000 in fees and much more in benefits and they will offer much more in investment options. The 457 plan has been around for about 20 years. A committee is in place and they make decisions as a whole.

Mr. John Brooke, County Attorney, said this money in from runs. This is strictly within their plan and EMS have been administrating their plan for some time.

MOTION: Commissioner Henry made a motion to approve for John Hancock and Edward Jones to take over the 457 plan for EMS.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggini



ORIGINAL

Proposal number: 000803703
Date prepared: April 20, 2022
Date printed: April 20, 2022
Valid until: August 18, 2022

DELAWARE COUNTY EMERGENCY MEDICAL SERVICES 457(B)

Proposal Summary

This summary outlines the estimated annualized cost payable by the Plan with respect to the first year of the contract based on the assumptions shown below. It is for illustration purposes only and is not a legally binding agreement. Any change in these assumptions may result in a change to the *Estimated Annual Plan Costs* below. Additional fees may apply for certain features or services individually elected by the participants.¹

ASSUMPTIONS

| | |
|--|-------------|
| Total number of participants with account balances | 48 |
| Total number of eligible employees | N/A |
| Total recurring contributions | \$100,000 |
| Total external transfer amount | \$3,200,000 |

Additional Notes

- Contribution allocation instructions will be submitted electronically using a submission method acceptable to John Hancock.

ESTIMATED ANNUAL PLAN COSTS

| Asset-based | Current |
|---------------------|--------------|
| Investment Services | 0.18% |
| Plan services | 0.67% |
| Total: | 0.85% |

Henry Riggini
Aaron Hammond
JS
Jana Patterson
 Chief Deputy Auditor

DIGITAL ARTS (COURTROOM TECHNOLOGY UPGRADES)

Mr. Brooke met with Mr. Jim Flook, IT Director and Mr. Mark Slusher, President of Endpoint Creative, regarding upgrades in the Commissioners courtroom. Cameras, big screen TV and a production room will be added to the Courtroom. This would dovetail with EOC in case of emergencies. The price would be less than \$30,000, however, does not include the big screen TV.

President Riggin asked if the work would be done in house.

Mr. Brooke said yes because it would just be adding a wall.

MOTION: Commissioner Henry made a motion to approve Digital Arts and to include up to \$30,000 for the remaining part of project and for the production room.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin

KC Enterprises Ltd. (dba Digital Arts)
 PO Box 5206
 3927 W Roll Ave
 Bloomington, IN 47407
 Phone: 800-692-6442
 FAX: 812-330-0126
 sales@digarts.com



Mark Slusher
 Delaware County

4/14/2022
 Hi!

Following is our current 'order' sheet for TriCaster systems and accessories. Pricing is good for 30 days unless otherwise specified. Prices include ground shipping in the continental United States. We've tried to cover many bases but if you need something not listed or have questions, please be sure to let us know. Our hours are Tues-Sat 10-6

| QUAN | ITEM | COST | TOTAL |
|--|--|-----------------|--------------------|
| TRICASTER & 3PLAY SYSTEMS | | | |
| 1 | TriCaster TC Mini Bundle(4K)- includes TriCaster TC Mini, TC Mini Control Surface, two input modules and NewTek custom travel case Includes Extended Features. | \$9,995.00 | \$9,995.00 |
| 1 | Mini Backup (M2 Card & USB Adapter) | \$180.00 | \$180.00 |
| ***** All TriCaster/3Play pricing includes initial software and Linux partition updating & registering, unlimited free technical and technique support for the product plus 2 hours of training. | | | |
| MISCELLANEOUS HARDWARE | | | |
| 1 | 43" Wide Screen TV | \$378.00 | \$378.00 |
| 1 | Ethernet Switch: (1G) 16-port Managed w/8- PoE+ ports (110W total) | \$265.00 | \$265.00 |
| PTZ CAMERAS/CONTROLLERS/MOUNTS | | | |
| 4 | NewTek PTZ-2 (1080, 20x, NDI/HX, black, PoE+) | \$2,130.00 | \$8,520.00 |
| 4 | Wall Mount For PTZ Cameras | \$90.00 | \$360.00 |
| 1 | PTZ NDI controller - BirdDog (255 cameras, intercom) | \$1,560.00 | \$1,560.00 |
| SERVICES | | | |
| 1 | Onsite Installation | \$900.00 | \$900.00 |
| NEWTEK WARRANTY OPTIONS | | | |
| 2 | TriCaster Mini 4K & (Included) Sparks ProTek Prime Per year | \$360.00 | \$720.00 |
| | | Ground Shipping | FREE |
| | | Total | \$22,878.00 |

Mark Slusher
Am...
J...
D...

ORDINANCES FOR FIRST READING
 AN ORDINANCE CREATING A NEW FUND FOR DELAWARE COUNTY
 ORDINANCE NO. 2022 – 010

Mr. Brooke presented Ordinance 2022-010, Creating a new fund for Delaware County. The county will be receiving the grant from the state but details are not final as of date.

MOTION: Commissioner King made a motion to introduce Ordinance 2022-010, An Ordinance Creating a New Fund for Delaware County.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

Commissioners meeting May 2, 2022

INTERLOCAL AGREEMENT WITH DELAWARE COUNTY SHERIFF

Mr. Brooke presented the interlocal agreement between the Prosecutors office and Sheriff’s office. A county officer will be assigned to the unit and be paid \$50,000 in salary and benefits for the deputy from the unit.

MOTION: Commissioner King made a motion to approve the Interlocal agreement with Delaware County Sheriff

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

***The interlocal agreement was changed after the meeting, however, Mr. Brooke said this does not need to be approved or amended again because the change from “merit” to “civil” was not a material change that would matter to the agreement. The agreement can be found by contacting the Auditor’s office.*

ORIGINAL

**DELAWARE COUNTY HIGH TECH CRIMES UNIT
INTERLOCAL AGREEMENT WITH THE DELAWARE COUNTY SHERIFF**

This Delaware County High Tech Crimes Unit (the "Unit") Interlocal Agreement (this "Agreement") is entered into by and between the Board of Commissioners of Delaware County, Indiana (the "County"), the Delaware County Sheriff (the "Sheriff"), and the Delaware County Prosecutor's Office (the "Prosecutor's Office").

WHEREAS, in 2021 House Enrolled Act 1082 added section 33-39-8-7 to the Indiana Code. This provision allows "[t]he Indiana Prosecuting Attorney's Council to . . . establish high tech crimes units to assist prosecuting attorneys in investigating, collecting evidence, and prosecuting high tech crimes." High tech crimes are defined as "a criminal act that is either: (1) committed with or (2) assisted by digital . . . , network, or communications technology." The IPAC "may select up to ten (10) counties that collectively represent the north, south, east, west, and central geographic areas of Indiana" ensuring state-wide coverage. Indiana's High Tech Crime Units or HTCU's will focus on digital forensics which, according to the National Institute of Standards and Technology, is "the field of forensic science that is concerned with retrieving, storing and analyzing electronic data that can be useful in criminal investigations" to include "information from computers, hard drives, mobile phones and other data storage devices;" and

WHEREAS, on November 2, 2021, the IPAC informed the Delaware County Prosecutor that his office has been selected to receive approximately \$285,000 annually in state funding to establish a regional high tech crime unit; and

DEPARTMENT HEADS AND ELECTED OFFICIALS
DRUG TESTING

Ms. Pam McCammon, Human Resource Director, said drug testing currently is done by Concentra. The price of the test started out at \$15 and is now \$42. This is paid by the employee. The clinic is willing to do drug testing for \$18 to \$20 depending on the type of test. Workers comp will also be turned over to the clinic. This is all a savings to Delaware County. The clinic does not handle money, these tests are paid by the employee.

Commissioner Henry would like to start paying for the drug tests.

MOTION: Commissioner Henry made a motion to start paying for pre-employment drug test.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin

Mr. Brooke will draft a resolution for the clinic pre-employment drug test and workers comp.

President Riggin said businesses have had to lower their standards of expectations for employees, however, President Riggin would like to have random drug testing.

Ms. McCammon said this can easily be done and she will look into this.

Ms. Marta Moody is speaking as a Board Member of Community Enhancement Project (CEP). CEP is willing to take over maintenance on the raised planters. Once CEP is finished with the job they then would submit an invoice for reimbursement.

President Riggin asked that they clean the moss on the statues too.

MOTION: Commissioner Henry made a motion to approve the concept of Ms. Moody's recommendations regarding maintenance of the raised planters.

SECOND: Commissioner King

Ms. Moody said this would be to reimburse for maintenance, landscaping and time.

CEP maintains areas for City of Muncie and Jay-Crew is used for these projects. They do have a quote from Jay Crew.

Commissioner Brooke said a formal agreement is needed.

President Riggin said the Historical Society had done repairs.

Ms. Moody said CEP is willing to also work on the stormwater rain garden project in front of the county building.

Commissioner Henry said he approved the stormwater rain garden as well.

YEAS: Commissioner Henry, Commissioner King, President Riggin

Commissioner King asked about the Memorandum of Understanding (MOU) with Indiana Reentry and Correctional Support Program (IRACS).

Mr. Brooke said a special meeting could take place to keep things moving due to timeline but Mr. Brooke has not been given an outline as of date.

Mr. Tommy Humbert, Highway Superintendent, said the Country Village bid process has started. Ms. Angie Moyer and Mr. Troy Landers has helped with the project.

Mr. Humbert said the 90% for 90 days is a turn off to candidates that are getting interviewed for positions at the Highway.

Commissioner King said that is something Council would need to review and it would require an update on the ordinance.

Commissioner Henry agrees with Mr. Humbert.

Ms. Shelley Harvey, Office Manager and Mr. Kelly Bryan, Chief Public Defender, said they are backlogged with cases from COVID. They have lost four Public Defenders recently and cannot compete with other counties regarding the salary paid by Delaware County. An explanation was provided to Council regarding supplementing these cases when someone leaves and a new person comes in as a Public Defender. When a Public Defender quits someone has to then take their workload. They have openings but no applicants. The state also has American Rescue available. There are certain levels to cases in which an attorney can take, not all are available to take just any case. Ms. Harvey would like to get permission to use some supplemental funds. Some of these people have been in jail for two years and this is not acceptable. The short-term problem is COVID cases and the long-term problem is Delaware County cannot compete with other counties. Hamilton and Marion County have been reached out to for Public Defenders but for the pay they will only make the drive for so long. In a baseball analogy it would be to create a farm system. Delaware County could get through this and then qualification is a product of years of practice, jury trials that the attorney conducted or was second chair. Get people from Muncie who want to stay in the area, get them into our system and make the salary attractive. This all was presented to County Council on April 26, 2022.

President Riggin asked if the Public Defender Board could provide recommendation.

Mr. Brooke said this should be addressed to Council because Delaware County is the lowest pay in the area. There is money available for jury trials in the American Rescue Plan.

Ms. Emily Anderson, Court Administrator, said jury trial money was not spent during COVID and went back to general fund and was not spent.

Ms. Wolfe seconds what each speaker stated and by constitution it is required that a Public Defender be hired, if needed. Required by law, each mental patient is assigned a Public Defender.

WEEKLY, MONTHLY AND QUARTERLY REPORTS

Weights & Measures Monthly Report

PAYMENT OF CLAIMS and PAYMENT OF ARP CLAIMS

MOTION: Commissioner King made a motion to approve claims in the amount of \$1,396,483.73 and ARP claims in the amount of \$18,602.23.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

PUBLIC COMMENTS, QUESTIONS, OTHER BUSINESS & DISCUSSION

Dr. Lynn Witty said they are working on a grant that involves the County Jail. An announcement will be made by County Commissioners, Sheriff Skinner and Mayor Ridenour on Thursday, May 5, 2022 at 11:00 a.m.

President Riggin said Mits Transit bus number 17 is available to go to the Tillotson location on Thursday to anyone interested in going.

RECESS

MOTION: Commissioner King made a motion to recess until May 16, 2022.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins



President, Ms. Sherry Riggins



Vice President, Mr. Shannon Henry



Member, Mr. James King



Auditor, Mr. Steven G. Craycraft