

MONDAY, MAY 6, 2019 @ 9:00 A.M.
COMMISSIONER'S COURTROOM
100 W. MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG

ORIGINAL

ROLL CALL

Mr. Shannon Henry
Mr. James King
Ms. Sherry Riggin
Mr. John Brooke, Attorney
Mr. Steve Craycraft, Auditor

APPOINTMENTS

MOTION: Commissioner King made the motion to reappoint Mr. Jim Turner to the Animal Control Board, effective May 6, 2019 through May 6, 2022.

SECOND: Commissioners Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

APPROVAL OF MINUTES

MOTION: Commissioner King made a motion to approve April 22, 2019 minutes.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

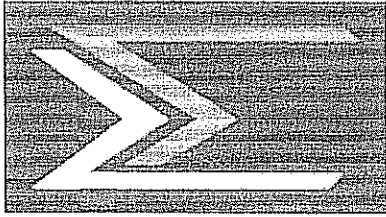
PRESENTATIONS TO COMMISSIONERS

ECIRPD/MERCHANT-MCINTYRE PROJECT SUMMARY

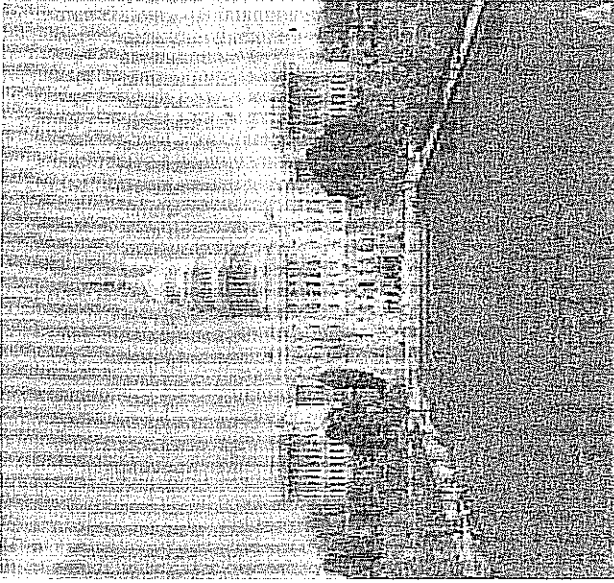
Mr. Brad Bookout, Economic Development, presented information on McIntyre project (see below).

A contract will be presented on May 20, 2019.

Mr. John Brooke, County Attorney, said 2019-2022 EDIT plan is currently being reviewed and will factor into the contract.



MERCHANT
MCINTYRE
ASSOCIATES

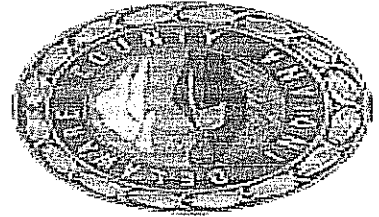


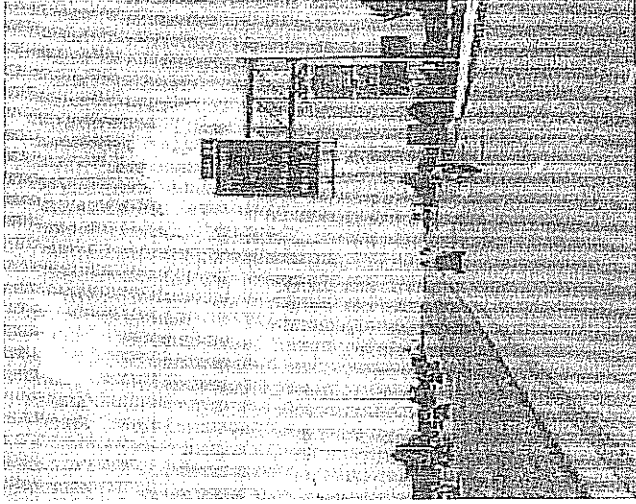
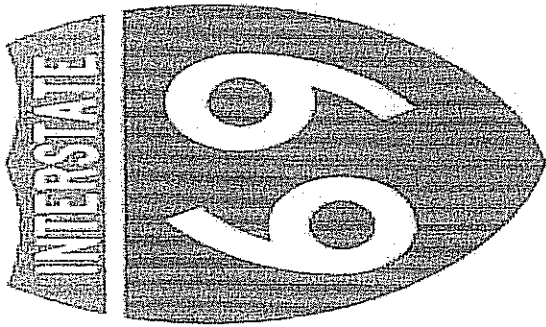
- Merchant-McIntyre is a government relations firm based in Washington DC
- ECI Regional Planning District signed a two year contract for assistance in 2017 & 2018
- Delaware County, along with the Cities of Portland and Winchester partnered on the effort



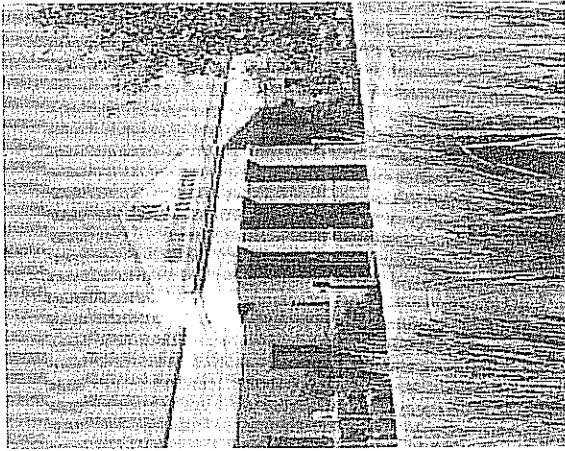
EAST CENTRAL INDIANA

REGIONAL PLANNING DISTRICT



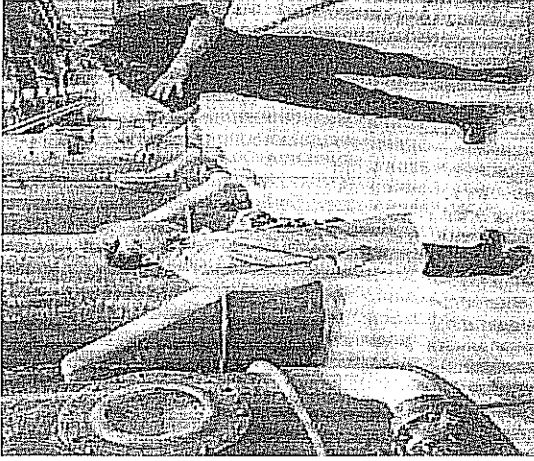
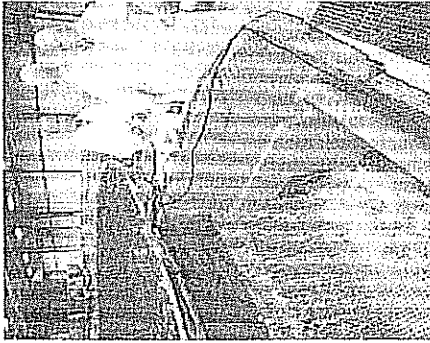


- Improvements to I-69 is a top project in the regional Comprehensive Economic Development Strategy (CEDS)
- Merchant-McIntyre facilitated meetings at the federal Dept. of Transportation (DOT) and U.S. Dept. of Commerce (EDA)
- Merchant-McIntyre completed an EDA grant application for \$88,600 to fund an Economic Impact Study for I-69
- The grant was awarded and the study is set to commence in 2019
- Ball State University is a partner on the project
- I-69 Steering Committee will lead the effort

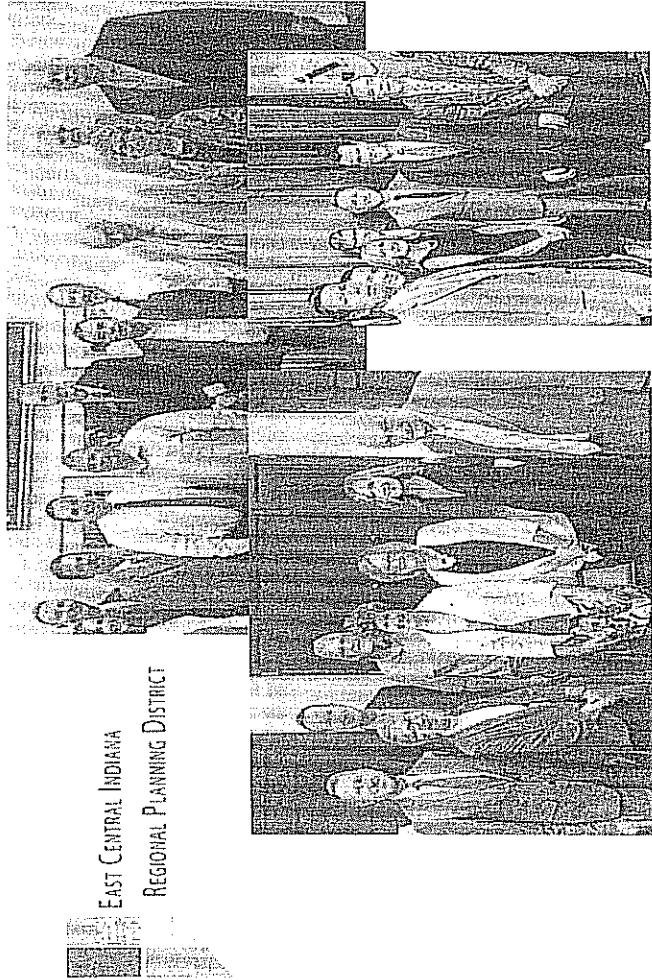


- The Innovation Connector is a leader in providing business counseling, consulting and coaching
- The need exists to expand business services into the rural areas in the region
- Merchant-McIntyre facilitated meetings with the USDA Business Development Division
- Merchant-McIntyre secured a grant in the amount of \$68,000 to fund the new Business Enterprise Service & Training (BEST) Program
- Small business and business start up services from the Innovation Connector are now being offered in Winchester, Portland, Montpelier, Hartford City as well as all rural towns in Delaware County and the regional area
- Thank you to Ted Baker for his expertise and facilitation of the program

AquaBounty



- AquaBounty in Albany, Indiana needed assistance securing GMO certification for their salmon processing facility
- Merchant-McIntyre facilitated meetings with federal legislative offices
- Regional delegation of elected officials visited with legislators and staff to seek assistance for AquaBounty to secure the GMO certification
- GMO certification was granted in 2019
- GMO salmon are now set to be raised at the Albany, Indiana AquaBounty location
- Thank you to Senator Todd Young's office for assistance



- ECI Regional Planning District leads the annual DC Fly-in
- Merchant-McIntyre assists with arranging one on one meetings with the Indiana legislative delegation
- Merchant-McIntyre assists with arranging meetings with key staff members in the offices of the DOT, USDA, EDA, EPA and Army Corp. of Engineers
- Meetings are well attended by a regional group of elected officials

CONTRACTS OR AGREEMENTS FOR APPROVAL**BRIDGE #127 (600 West over York Prairie Creek) SUPPLEMENTAL AGREEMENT # 1**

Ms. Angie Moyer, Project Manager, presented information regarding Bridge #127 Supplemental agreement #1. Five parcels will be affected with the right of way acquisition. The land acquisition services had not been included in the original agreement. Ms. Moyer said she does not have appraisals. An additional \$36,580 is needed for bridge design.

MOTION: Commissioner Henry made a motion to approve Bridge #127 Supplemental agreement #1.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin

Ms. Moyer said the new Bridge on 700 south, east of highway 3 is now open with no restrictions.

SUPPLEMENTAL AGREEMENT NO.1

Delaware County
CR 600 W over York Prairie Creek
Bridge #127 Replacement

ORIGINAL

Des No. 1700681

This shall be considered Supplemental Agreement No. 1 and become an integral part of the Agreement between GAI Consultants, Inc. (Consultant), and Delaware County (LPA) for the engineering services for the Bridge #127 Replacement project in Delaware County, Indiana.

WHEREAS, on August 6th, 2018, the LPA entered into an agreement with the Consultant to provide survey, roadway, traffic and drainage design, environmental services, land acquisition, permitting, utility coordination, and construction plans and contract documents for the replacement of the existing bridge on CR 600W over York Prairie Creek.; and

WHEREAS, additional Right-of-Way services were required because the original contract was based upon two (2) Parcels anticipated and the actual number determined during the Preliminary Design Phase was five (5) Parcels. Specifically, three (3) additional Parcels were required for the ROW Services for the Title and Encumbrance Reports (20-year search), Title Updates, ROW Engineering, Staking, Appraisal Problem Analysis and ROW Management items.

WHEREAS, additional land acquisition services were identified as not included in the original contract and to be negotiated after the Appraisal Problem Analysis services were completed. Specifically, these additional land acquisition services include appraising, appraisal review, buying (negotiating), and ROW staking services for five (5) Parcels.

THEREFORE, the following shall be amended to the LPA-Consultant Contract, Appendix "A", and Appendix "D."

LPA-CONSULTANT CONTRACT

Page 1 of 26 - Replace Section IV Compensation in its entirety with the following:

The LPA shall pay the CONSULTANT for the Services performed under this Contract as set forth in Appendix "D" which is herein attached to and made an integral part of this Contract. The maximum amount payable under this Contract shall not exceed \$256,900.

APPENDIX "A"

Page 21 add the following to the end of Section 1.8 Right-of-Way (ROW) and before 1.9 Bid and Construction Phase Services.

ROW Engineering

The ROW activities of this section are required for the three (3) additional Parcels to verify property ownership, prepare legal descriptions and right of way parcel plats, and determine the type of appraisal that will be needed for each property from which permanent or temporary ROW acquisition will be required for the Project. Work will be performed in accordance with the INDOT Right-of-Way Acquisition and Procedure Manual for Local Public Agencies. Two (2) parcels were initially estimated. However, during the Preliminary Design Phase it was determined that a total of five (5) parcels were required. Services include:

- Abstracting (SJCA)
 - + Provide Title and Encumbrance (T&E) reports for each parcel anticipated to be involved in the right of way acquisition, including a 20-year search for all mortgages, easements, liens, contract sales, judgments, other encumbrances, and the current legal owner.
- ROW Engineering (GAI)
 - + Prepare one metes and bounds description for each ROW parcel take (assumes five parcels).
 - + Prepare one parcel plat for each ROW parcel take (assumes five parcels).
- Appraisal Problem Analysis (RWS South)
 - + Determine the type of appraisal required to be performed.

Land Acquisition

The land acquisition services include all reasonable services as required to secure all parcels (5 parcels) based on the approved engineering design or to recommend to Delaware County (LPA) that condemnation proceedings be filed. All activities under this section are provided by RWS South as a subconsultant to GAI. The appraisal report types consist of 4 Waiver Valuations and one Value Finding. Fees were based on the current INDOT real estate fee schedule revised 01/01/2019. Should modifications be made to the Fee Schedule prior to the work rendered, the adjusted fees shall be used, and Delaware County billed the difference.

- ROW Management and Supervision (RWS South)
 - + The Consultant is responsible for administering and scheduling and coordinating all activities necessary to certify that ROW has been acquired and that the project is clear for construction letting. This responsibility will include:
 - » Meetings, conferences, and communications with property owners, relocates, attorneys, engineers, appraisers, buyers, LPA, INDOT, and FHWA.
 - » Revisions to construction plans, right-of-way plans, plats, and legal descriptions.
 - + These ROW services include all reasonable services as required to secure all parcels based on the approved engineering design or to recommend to the LPA that condemnation proceedings be filed.
- Appraising (RWS South)
 - + The Appraiser will be a licensed appraiser in the State of Indiana and on INDOT's approved Appraiser/Review Appraisers list.
 - + The appraisals will be sufficiently documented to meet the minimum standards set out in INDOT's 2006 Appraisal Manual as approved by the FHWA. The Appraiser will follow accepted principles and techniques in evaluation of real property in accordance with state laws. Any appraisal that does not meet requirements will be further documented or reappraised without additional compensation to the Appraiser.
 - + The Appraiser will furnish the LPA with a comparable sales docket consisting of sufficient current sales data near the Project to establish a pattern of values. Each comparable property will be identified by photograph and will be located on county or township maps which will be a party of the comparable sales docket.
- Review Appraising (RWS South)
 - + The Review Appraiser will be a certified appraiser in the State of Indiana and on INDOT's Approved Appraisers/Review Appraisers List.
 - + The review appraisals will be sufficiently documented to meet the minimum standards set out in INDOT's 2006 Appraisal Manual as approved by the FHWA and will be submitted on forms approved by the LPA and INDOT. The Review Appraiser will follow accepted principals and techniques in evaluation of real property in accordance with state laws. Any

review appraisal that does not meet such requirements will be further documented without additional compensation to the Review Appraiser.

- Buying Services (RVWS South)
 - + The Buyer will be a licensed real estate broker in the State of Indiana.
 - + The Buyer will make a prompt offer to acquire each parcel for the full amount which has been established and approved as just compensation for the acquisition. The Uniform Lane or Easement offer letter will be given to each parcel owner or sent by certified mail with return receipt requested.
 - + Upon initiation of buying, the Buyer will provide owner of real property to be acquired with a written statement of, and a summary of the basis for, the amount which has been established by the LPA as just compensation for the proposed acquisition.
 - + The Buyer will perform the services under this Agreement in compliance with INDOT's Buyers Procedure Manual.

APPENDIX "D"

Page 25 of 26 – Replace the First Paragraph and distribution of fees under "Methods of Payment for Services of CONSULTANT" with the following that results in a net increase of \$36,580 from \$220,320 to \$256,900.

Methods of Payment for Services of CONSULTANT:

A total Not-to-Exceed fee of \$256,900 for services of CONSULTANT including services of CONSULTANT's Subconsultants. Amounts paid for Items 1.1, 1.2, 1.2A, 1.3, 1.4, 1.5, 1.6, 1.7, 1.8, and 1.9 will be based on the percentage of work performed. Amounts paid for Item 1.8 will be on a unit price basis in accordance with the rate schedule. The engineering fees will be distributed and compensated as follows:

GAI CONSULTANTS, INC.
PROJECT: Delaware County Bridge #127 Replacement
Des No 1700881 CR 600 W over York Prairie Creek

Section	Item	Fee Type	Original Amount	Supplemental No. 1	Revised Amount
1.1	Topographical Survey	Lump Sum	\$ 36,400.00		\$ 36,400.00
1.2	Environmental Document	Lump Sum	\$ 31,000.00		\$ 31,000.00
1.2A	Asbestos Inspection	Lump Sum	\$ 1,500.00		\$ 1,500.00
1.3	Hydraulics/Scour Analysis	Lump Sum	\$ 12,000.00		\$ 12,000.00
1.4	Design and Plan Development	Lump Sum	\$ 69,100.00		\$ 69,100.00
1.5	Utility Coordination	Lump Sum	\$ 14,700.00		\$ 14,700.00
1.6	Geotechnical	NTE – Unit Rate	\$ 32,500.00		\$ 32,500.00
1.7	Permits	Lump Sum	\$ 9,400.00		\$ 9,400.00
1.8	Right-of-Way	NTE – Unit Rate	\$ 8,720.00	\$ 36,580.00	\$ 45,300.00
1.9	Bid and Construction Phase Services	NTE - Hourly	\$ 5,000.00		\$ 5,000.00
	TOTAL NTE		\$220,320.00	\$36,580.00	\$256,900.00

Notes:

Section 1.2A: Asbestos inspection performed by subconsultant SJCA (DBE firm).

Section 1.6: Performed at unit rates proposed by subconsultant K&S Engineers (DBE firm).

Section 1.8: Right-of-Way fees per table below – services performed on a per parcel basis.

Section 1.9: Performed hourly utilizing a multiplier of 2.89 on direct labor (101.10% OH plus 10.7% profit factor) plus expenses.

Section / Item / Category / Cost	Period (Year)	Number Periods	Original Amount	Supplemental (Net)	Revised Amount
ROW Engineering					
Title and Encumbrance Reports	\$ 310.00	5	\$ 620.00	\$ 930.00	\$ 1,550.00
Title Update	\$ 150.00	5	\$ 300.00	\$ 450.00	\$ 750.00
ROW Engineering	\$1,700.00	5	\$ 3,400.00	\$ 5,100.00	\$ 8,500.00
Staking	\$1,250.00	5	\$ 2,500.00	\$ 3,750.00	\$ 6,250.00
Appraisal Problem Analysis	\$ 450.00	5	\$ 900.00	\$ 1,350.00	\$ 2,250.00
Management	\$ 500.00	5	\$ 1,000.00	\$ 1,500.00	\$ 2,500.00
Land Acquisition					
Management	\$1,075.00	5	N/A	\$ 5,375.00	\$ 5,375.00
Appraisal	Varies	5	N/A	\$ 4,410.00	\$ 4,410.00
Review Appraisal	Varies	5	N/A	\$ 2,440.00	\$ 2,440.00
Transfer Documents	\$ 175.00	5	N/A	\$ 875.00	\$ 875.00
Buying	\$1,930.00	5	N/A	\$ 9,650.00	\$ 9,650.00
Recording	\$ 150.00	5	N/A	\$ 750.00	\$ 750.00
TOTAL NTE			\$ 8,720.00	\$36,580.00	\$ 45,300.00

Notes:

Title and Encumbrance Reports (20-year search) performed by Dodd Title.
 Title Update performed by Dodd Title.
 ROW Engineering by GAI.
 Appraisal Problem Analysis performed by RWS South.
 Land Acquisition activities by RWS South.

All other terms and conditions of the original Agreement shall remain in force.

IN WITNESS WHEREOF, the parties hereto have executed this Supplemental Agreement No. 1 to be effective on the date written below.

CONSULTANT
 GAI Consultants, Inc.

Scott F. Hornsby
 Scott F. Hornsby, Asst. Vice President
Digitally signed by Scott F. Hornsby
 DN: cn=Scott F. Hornsby,
 email=S.Hornsby@gaiconsultants.com,
 Date: 2019.05.23 12:27:50 -0400

LOCAL PUBLIC AGENCY

James King
 James King, Commissioner
Sherry Riggall
 Sherry Riggall, Commissioner
Shannon Henry
 Shannon Henry, Commissioner

Date

Attest:

Steven Craycraft
 Steven Craycraft, Auditor

ANNUAL REPORT OF COMMISSIONERS TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
FOR YEAR ENDING APRIL 30, 2019.

Ms. Donna Patterson, Settlement Clerk, presented the annual report for approval before the Commissioners.
The interest earned is for two years.

IN CONJUNCTION WITH COUNCIL APPROVED RESOLUTION 2019—13, A RESOLUTION REGARDING
TRANSFER OF CONGRESSIONAL SCHOOL FUNDS TO THE STATE OF INDIANA

Mr. Ed Carroll, Treasurer and Ms. Patterson talked with State Board of Accounts, and this should be transferred to the State of Indiana. County Council approved Resolution 2019-013, A Resolution Regarding Transfer of Congressional School Funds to the State of Indiana (see below).

MOTION: Commissioner Henry made a motion to approve the transfer of fund to State of Indiana.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggins

ORIGINAL

RESOLUTION 2019- 013
DELAWARE COUNTY COUNCILA RESOLUTION REGARDING TRANSFER OF CONGRESSIONAL SCHOOL FUNDS TO
THE STATE OF INDIANA

WHEREAS, Delaware County holds and administers two funds, namely a Congressional School Principal Fund, which was derived from the sale of congressional township school lands, and a Congressional School Interest Fund, comprised of the interest earned on the Congressional School Principal Fund; and

WHEREAS, the Auditor of Delaware County is required to make semi-annual payments from the Interest Fund to public school corporations within Delaware County and the Congressional School Principal Fund may never be diminished in amount; and

WHEREAS, neither of the Congressional School Funds has any outstanding or unpaid loans; and

WHEREAS, Indiana Code 20-42-2-4.5 authorizes and provides for the transfer of Congressional School Principal and Interest Funds to the Treasurer of the State of Indiana to be held and administered by the Treasurer; and


WHEREAS, it is in the best interest of Delaware County to transfer the Congressional School Principal and Interest Funds to the Treasurer of the State of Indiana in order to relieve the County of the administrative responsibilities and protect it from any potential liability connected with such Funds;

NOW THEREFORE BE IT RESOLVED that:

1. Pursuant to Indiana Code 20-42-2-4.5, the Delaware County Council hereby elects to transfer and surrender the custody of all of the Congressional School Principal Fund and all of the Congressional School Interest Fund to the Treasurer of the State of Indiana to be held and administered as provided by law; and
2. The Board of County Commissioners of Delaware County, the Delaware County Auditor, and the Delaware County Treasurer are hereby ordered to take all steps necessary in order to surrender the custody of the Congressional School Principal Fund and the Congressional School Interest Fund to the Treasurer of the State of Indiana; and
3. This Resolution shall be effective from and after its adoption by the Delaware County Council.

Dated this 22 day of April, 2019.


Scott Alexander, Councilman


Ryan M. Ballard, Councilman

Larry W. Bledsoe, Jr.
Larry W. Bledsoe, Jr., Councilman

Jessica Piper
Jessica Piper, Councilwoman

Mary Chambers
Mary Chambers, Councilwoman

Ronald Quakenbush
Ronald Quakenbush, Councilman

June Lasater
June Lasater, Councilwoman

Attest:

Steven Craycraft
Steven Craycraft, Auditor

This Resolution is approved in form by _____

W. H. H.
Legal Counsel

CASA GRANTS (2)
CONTRACTUAL POSITION (UNITED WAY)
VOCA GRANT (federal monies)

Ms. Ashley Soldaat, Director of CASA presented two (2) grants.

The contractual position is a United Way grant and has been sent to Mr. Brooke for review.

The VOCA (Victim of Crimes Act) federal grant is currently being written. VOCA goes through the State for distribution of monies. Ms. Soldaat said she is seeking a grant for a new position/benefit. Soldaat is going to ask Council for salary adjustments, that two part-time employees go full-time plus add a full-time position.

MOTION: Commissioner Henry made a motion to approve the contractual position United Way (local) grant and to move forward on the VOCA grant.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggins

United Way
of Delaware County
400 N. High St., Ste. 300 • Muncie, IN 47305
765.288.5586 • Fax 765.288.5589
www.invitedtoliveunited.org



April 29, 2019

Ashley Soldaat
3412 West Kilgore Avenue
Muncie, IN 47304

ORIGINAL

Dear Ashley:

On behalf of United Way of Delaware County's Board of Directors, I would like to thank you for your application for United Way funding. This was a highly competitive process with 35 program applications from 29 different organizations. In total, \$1,267,797 was requested.

We are grateful for the support of 18 community volunteers who met our rigorous conflict of interest requirements. Together, they volunteered nearly 150 hours to carefully review applications and make funding recommendations to the board.

At the recommendation of the committee, our Board of Directors decided to fund Delaware County CASA Program for the Family Recovery Court. We are committed to funding **\$22,440.00**.

UWDC will fund this amount for the next two fiscal years **beginning on July 1, 2019 and ending on June 30, 2021**. The second fiscal year's funding is contingent upon reported outcomes and campaign results. Director of Impact Jim Flatford will be in touch soon via email to set a meeting to discuss scaling outcomes to meet funding commitment and reporting requirements.

We look forward to seeing the great outcomes of this program over the funding cycle.

Congratulations,


Jenni Marsh, CFRE
President and CEO

GIVE. ADVOCATE. VOLUNTEER.



STATE OF INDIANA



Eric J. Holcomb, Governor
Devon McDonald, Executive Director

2019 Victims of Crime Act Grant (VOCA) New Agency Program Solicitation

Request for Proposals

The Indiana Criminal Justice Institute (ICJI) is now accepting applications from agencies who have not applied or have never been funded for the VOCA Grant Program in the past. This grant requires a 20% match and applicants must show that 25% of their total agency funding comes from non-federal sources. This grant is being released through IntelliGrants. All applications must be submitted online through this system.

ICJI is interested in funding NEW innovative programming that will assist crime victims. Examples could include, but are not limited to: Programs to assist the elderly with crime victimization; Legal assistance to victims; Sexual assault victim advocates; Data and technology needs that support the delivery of direct services to victims; Programs directed to youth, teen, and college age victims; Programs assisting male victims of domestic violence and sexual assault.

Please be aware these grants are reimbursement in nature and dollars awarded must be expended by the grantee prior to submission for reimbursement via the IntelliGrants online system.

Applicants must be registered in IntelliGrants (the online Grants Management System utilized by ICJI) in order to access the electronic application. Applications must be submitted on or before 11:59 P.M. (ET) on May 15, 2019.

Applicants are strongly encouraged to submit applications 48 hours prior to the deadline.

Award Period: 10/01/2019 – 09/30/2020

Prior to beginning an application, please read the entire solicitation to assure your program and agency are eligible for funding. This solicitation is ONLY for New Agencies or Agencies that have never received VOCA dollars.

ICJI Staff are not at liberty to assist with specific application questions. For technical assistance with submitting an application, contact the HelpDesk at CIJHelpDesk@cijl.in.gov. HelpDesk hours are Monday-Friday 8:00 am to 4:30 pm ET, except State holidays, or at 317-232-1233.

ICJI is not responsible for technical issues with grant submission within 48 hours of grant deadline.

Page 1 of 22

GRANT REQUESTS (3)
 DELAWARE COUNTY REQUEST FOR GRANT
 APPLICATION/INDIANA AMERICAN WATER
 INDIANA FOUNDATION GRANT
 STATE HOMELAND SECURITY GRANT

Mr. Jason Rogers, EMA/EMS Director, presented three (3) grants, Indiana American Water (local for \$9,675), Indiana Foundation (\$4,000 for public safety) and State Homeland Security (\$50,000).

MOTION: Commissioner Henry made a motion to approve the Indiana American Water, Indiana Foundation and State Homeland Security grants.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Rigglin

OPEN TREE TRIMMING BIDS ON HOYT AVENUE

Mr. Brooke opened two bids for tree trimming services. Hick's and Watters Tree Service for \$26,800, and Josh Newsome's Tree Surgery \$32,950.00.

MOTION: Commissioner Henry made a motion to take bids under advisement.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Rigglin

BREVINI SETTLEMENT AND ACCESS AGREEMENT

Mr. Bookout presented the Brevini Settlement/ Access agreement. Bookout had received a verbal response from Brevini, however Brevini called Friday, May 3, 2019 and said they had questions/issues with the language within the contract. Mr. Bookout asked for a formal approval from the Commissioners.

Mr. Brooke said the contract started as a condemnation for access. The agreement had been revised. The price of the easement is \$46,400, which is \$760,000 less than what Brevini paid Delaware County when some of the monies was recaptured.

MOTION: Commissioner King made a motion to approve Brevini Settlement/ Access Agreement.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Rigglin

Mr. Bookout is still waiting on signature from Brevini. Agreement available in Auditor's office

ORDINANCES

AN ORDINANCE AMENDING TITLE 4 OF THE DELAWARE COUNTY CODE DUE TO ENACTMENTS OF THE GENERAL ASSEMBLY OF THE STATE OF INDIANA

ORDINANCE 2019-012

Mr. Brooke presented Ordinance 2019-012, an Ordinance Amending Title 4 of the Delaware County Code due to Enactments of the General Assembly of the State of Indiana.

MOTION: Commissioner Henry made a motion to introduce Ordinance 2019-012, an Ordinance Amending Title 4 of the Delaware County Code due to Enactments of the General Assembly of the State of Indiana.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riffin

RESOLUTIONS

DELAWARE COUNTY COMMISSIONERS RESOLUTION APPROVING AMENDMENT TO THE COUNTY PERSONNEL HANDBOOK

RESOLUTION 2019-016

Mr. John Brooke, County Attorney, presented an amendment to the Delaware County Handbook 7.8, regarding vaping and use of smokeless tobacco.

MOTION: Commissioner King made a motion to approve Resolution 2019-016, Approving Amendment to the County Personnel Handbook.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riffin

RESOLUTION NO. 2019- 0116**ORIGINAL**

**DELAWARE COUNTY COMMISSIONERS
RESOLUTION APPROVING AMENDMENT TO THE COUNTY PERSONNEL
HANDBOOK**

WHEREAS, the Board of Commissioners of Delaware County have adopted a County Personnel handbook for the conduct of employees in the workplace;

WHEREAS, the Delaware County Commissioners believe that the County Personnel Handbook should be amended from time to time;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA:

1. The Delaware County Personnel Handbook shall be amended as follows:

7.8 Smoking

In keeping with Delaware County's intent to provide a safe and healthful work environment, smoking, use of e-cigarettes, vaping and use of any tobacco products in all County buildings is prohibited; out-of-doors locations have been specifically designated as smoking areas and away from any door, window or access to any building. Smoking is not allowed in any County-owned vehicles.

"e-cigarettes" shall be defined as an electronic cigarette.

"vaping" shall mean inhaling and exhaling the vapor produced by an electronic cigarette or similar device.


"Tobacco product" means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other manner of ingestion or absorption.

This policy applies equally to all employees, citizens, and visitors; signs are posted in County facilities.

2. This resolution shall be effective upon passage.

ADOPTED: May 1, 2019

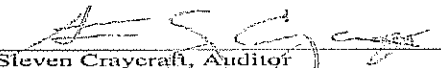
BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA


Sherry Riggins, President


Shannon Henry, Vice President


James King, Commissioner

Attest:


Steven Craycraft, Auditor
Delaware County, Indiana

A RESOLUTION ADOPTING UPDATED TAX COMPLIANCE PROCEDURES FOR NEWLY-ISSUED
CAPITAL OBLIGATIONS OF DELAWARE COUNTY, INDIANA

RESOLUTION 2019-017

Mr. Brooke presented Resolution 2019-017, Adopting Updated Tax Compliance Procedures for Newly Issued Capital Obligations of Delaware County, Indiana. This is part of financing for the Jail project.

MOTION: Commissioner King made a motion to approve Resolution 2019-017, Adopting Updated Tax Compliance Procedures for Newly Issued Capital Obligations of Delaware County, Indiana.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

RESOLUTION NO. 2019-017

ORIGINAL

A RESOLUTION ADOPTING UPDATED TAX COMPLIANCE PROCEDURES FOR
NEWLY-ISSUED CAPITAL OBLIGATIONS OF DELAWARE COUNTY, INDIANA

WHEREAS, Delaware County occasionally incurs capital obligations such as bonds, capital leases, and the like, all of which are generally necessary to facilitate various projects throughout the County; and

WHEREAS, many of the County's capital obligations are purchased and/or serviced by private entities, such as federal and state banks, securities corporations, private placement organizations, and the like; and

WHEREAS, these private entities often provide the County with favorable rates of interest due to the County's tax-exempt status as a municipality, which, in turn, provides these private with a source of interest income which is excludable from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended; and

WHEREAS, the Board of Commissioners of Delaware County has determined that it is necessary to adopt a set of tax compliance procedures to ensure that capital obligations issued by, or for the benefit of the County, satisfy and will continue to satisfy all requirements of the Internal Revenue Code and the regulations thereunder, thereby allowing any interest paid by the County continues to be excluded from the gross income of its lenders.

*IT IS THEREFORE RESOLVED BY THE BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA THAT:*

SECTION 1. The Tax Compliance Procedures, attached hereto as Exhibit A, and incorporated herein by reference, are hereby adopted by Board of Commissioners and shall be followed for any new capital obligations incurred by the County after the date of adoption of this Resolution.


SECTION 2. The Tax Compliance Procedures, attached hereto as Exhibit A, shall supplement, but do not replace, any other procedures of the County existing as of the date of adoption of this Resolution.

SECTION 3. This Resolution shall be effective upon adoption.

PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF DELAWARE
COUNTY, INDIANA ON THIS, THE 6 DAY OF May, 2019.


BOARD OF COMMISSIONERS OF
DELAWARE COUNTY, INDIANA


Sherry Riffin, President


Shannon Henry, Vice President


James King, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

Tax Compliance Procedures**DRAFT**

May 9, 2019

The following procedures (the "Procedures") are adopted by the County to ensure that any obligations, including capital lease obligations, issued by or for the benefit of the County, the interest on which is excludable from gross income under Section 103(a) of the Internal Revenue Code of 1986, as amended (the "Code"), (any such obligations, "Bonds," which term includes the capital obligations of the County in the Lease referenced in this Tax and Arbitrage Certificate), satisfy and will continue to satisfy all requirements of the Code and the regulations thereunder (the "Regulations").

The Procedures supplement, but do not replace, any other procedures of the County. The Procedures may be supplemented or amended at any time and from time to time by the County, with the advice of nationally recognized bond counsel, but without any notice to or consent from any trustee, any bondholder or any other person. Noncompliance with the Procedures is permitted, with the advice of nationally recognized bond counsel, but without any notice to or consent from any trustee, any bondholder or any other person, if (i) compliance would impose unreasonable burdens on the County and (ii) noncompliance would not cause any Bonds to fail to satisfy all requirements of the Code and the Regulations.

Compliance with the Procedures, with respect to the Bonds, may be effected by compliance by the County with the Procedures.

General

1. The County Auditor, on behalf of the County (the "Compliance Officer"), shall be primarily responsible for monitoring compliance with the Code and the Regulations.
2. The Compliance Officer may delegate any such responsibility to any officer, employee, attorney or agent of the County, if such officer's employee's, attorney's or agent's discharge of such responsibility is under the supervision of the Compliance Officer.
3. The Compliance Officer and any such officers, employees, attorneys or agents shall be provided training and educational resources necessary to ensure compliance with the Code and the Regulations.

Issuance

4. Upon the issuance of any Bonds, the Compliance Officer shall obtain, review and retain a copy of any tax or arbitrage certificate of the County with respect to the Bonds (the "Tax Certificate").
5. The Compliance Officer shall cause an Internal Revenue Service Information Return (e.g., Form 8038, 8038-G, 8038-B, 8038-TC) for any Bonds (an "Information Return") to be filed with the Internal Revenue Service not later than the 15th day of the second calendar month after the close of the calendar quarter in which the Bonds are issued.

Post-Issuance

6. The Compliance Officer shall monitor the yield on the investment of Bond proceeds (including compliance with any yield restrictions or temporary periods).
7. The Compliance Officer shall monitor the timely expenditure of Bond proceeds.
8. The Compliance Officer shall monitor the proper use of Bond proceeds and any facilities financed thereby.
9. The Compliance Officer shall, on or before each anniversary of the date of issuance of any Bonds, determine whether the County has paid all amounts required to be rebated to the United States under Section 148(f) of the Code and Section 1.148-3 of the Regulations.
10. The Compliance Officer shall, on or before each anniversary of the date of issuance of any Bonds, determine whether the County has made all yield reduction payments required to be made to the United States under Section 1.148-5(c) of the Regulations.
11. The Compliance Officer shall monitor the investment, expenditure and use of Bond proceeds, to ensure timely identification of any violations of federal tax requirements and timely correction of any identified violations through remedial actions described in Section 1.141-12 of the Regulations or through the Tax Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31.

Governmental Bonds

12. The Compliance Officer shall monitor use of Governmental Bond proceeds, and any facilities financed thereby, to ensure that not more than the 5% of Governmental Bond proceeds, or any facilities financed thereby, are:
 - (a) owned by any nongovernmental person;
 - (b) leased to any nongovernmental person;
 - (c) subjected to any management, service or incentive payment contract with any nongovernmental person, under which such nongovernmental person provides services involving all, any portion or any function of such facilities, unless such contract satisfies the conditions under which it would not result in private business use set forth in Revenue Procedure 97-13 (1997-1 C.B. 623), as amended from time to time; or
 - (d) subjected to any other arrangement that conveys special legal entitlements for beneficial use thereof that are comparable to special legal entitlements described in subparagraph (a), (b), or (c) above.

Record Retention

22. The following documents shall be maintained, on paper or by electronic means (e.g., CD, disks, tapes), for the life of any Bonds, plus 3 years:

- Tax Certificate
- Information Return
- Audited Financial statements of the County
- Bond transcripts, official statements and other offering documents
- Minutes and resolutions authorizing the issuance of the Bonds
- Certifications of the issue price of the Bonds
- Any formal elections for the Bonds (*e.g.*, election to employ an accounting methodology other than specific tracing)
- Appraisals, demand surveys or feasibility studies for Bond-financed property
- Documents related to government grants associated with construction, renovation or purchase of Bond-financed facilities
- Publications, brochures and newspaper articles related to the Bonds
- Trustee statements for the Bonds
- Correspondence (letters, e-mails, faxes, etc.) for the Bonds
- Reports of any IRS examinations of the County or the Bonds
- Documentation of allocations of investments and investment earnings to the Bonds
- Documentation for investments of the Bond proceeds related to:
 - Investment contracts (*e.g.*, guaranteed investment contracts)
 - Credit enhancement transactions (*e.g.*, bond insurance contracts)
 - Financial derivatives (swaps, caps, *etc.*)
 - Bidding of financial products
- The following arbitrage-related documents for the Bonds:
 - Computations of Bond yield
 - Computation of rebate and yield reduction payments
 - Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate
 - Form 8038-R, Request for Recovery of Overpayments Under Arbitrage Rebate Provisions

- Documentation of allocations of Bond proceeds to expenditures (e.g., allocation of Bond proceeds to expenditures for the construction, renovation or purchase of facilities)
- Documentation of allocations of Bond proceeds to issuance costs
- Copies of requisitions, draw schedules, draw requests, invoices, bills and cancelled checks related to Bond proceeds spent during the construction period
- Copies of all contracts entered into for the construction, renovation or purchase of Bond-financed facilities
- Records of expenditure reimbursements incurred prior to issuing the Bonds for facilities financed with Bond proceeds
- A list or schedule of all Bond-financed facilities or equipment
- Depreciation schedules for Bond-financed depreciable property
- Documentation that tracks the purchase and sale of Bond-financed assets
- Records of all unrelated trade or business activities allocated to Bond-financed facilities
- Records of trade or business activities by third parties allocated to Bond-financed facilities
- Copies of the following agreements when entered into with respect to Bond-financed property:
 - ✓ Management and other service agreements
 - ✓ Research contracts
 - ✓ Naming rights contracts
 - ✓ Ownership documentation (e.g., deeds, mortgages)
 - ✓ Leases
 - ✓ Subleases
 - ✓ Leasehold improvement contracts
 - ✓ Joint venture arrangements
 - ✓ Limited liability corporation arrangements
 - ✓ Partnership arrangements
 - ✓ Take contracts, take or pay contracts, or requirements contracts

DEPARTMENT HEADS AND ELECTED OFFICIALS

Mr. Robert Jesse, Highway Superintendent, said the highway paver will be purchased through Road Tec for \$330,543. This will include a warranty and GPS system.

MOTION: Commissioners Henry made a motion to approve Road Tec's bid for \$330,543.

SECOND: Commissioners King

YEAS: Commissioner Henry, Commissioner King, President Riggins

PAYMENTS OF CLAIMS

MOTION: Commissioner King made a motion to approve claims in the amount of \$1,544,063.75.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

QUESTIONS, PUBLIC COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Mr. Bob Kemp, Muncie Alliance for the Prevention of Substance Abuse, and Reverend Royce Mitchell presented a proposal.

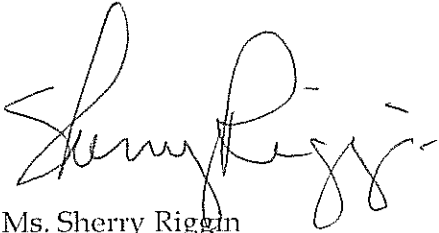
The Commissioners had concerns regarding funding, property investors, renovating property, profits from flipping houses, transitional housing etc. The Commissioners recommended that a financial plan be brought back before the Commissioners, if Mr. Kemp and Reverend Mitchell have interest.

RECESS

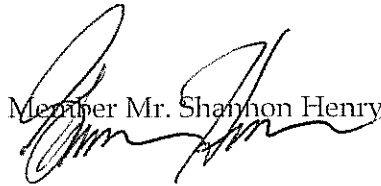
MOTION: Commissioner King made a motion to recess until May 20, 2019.

SECOND: Commissioner Henry

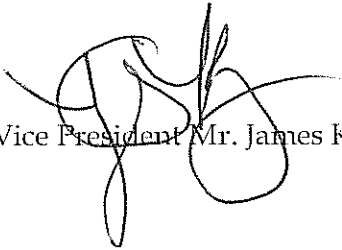
YEAS: Commissioner Henry, Commissioner King, President Riffin



President Ms. Sherry Riffin



Member Mr. Shannon Henry



Vice President Mr. James King



Auditor Mr. Steven G Craycraft

CHARLES E. RICHMOND
CHIEF DEPUTY AUDITOR