

MONDAY, APRIL 22, 2019 @ 9:00 A.M.
COMMISSIONER'S COURTROOM
100 W. MAIN STREET
MUNCIE, IN 47305
CALL TO ORDER
PLEDGE TO FLAG

ROLL CALL

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

PUBLIC HEARING
PROPERTY DEED SALE

Mr. Jon Orlosky, Representative of Muncie Mission is interested in two properties located at 1716 South Liberty and 1708 South Liberty, Muncie, Indiana. The properties, if approved, will be used to expand Muncie Mission's transitional housing.

Mr. John Brooke, County Attorney, will review the request of Mr. Orlosky.

MOTION: Commissioner King made a motion to close the public hearing for Property Deed Sale.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

APPOINTMENTS

President Riggan recommended Mr. Bill Frasier. Mr. Frasier is replacing Mr. Ron Chambers, the term will end 12/31/2020.

MOTION: Commissioner King made a motion to appoint Mr. Bill Frasier to the Airport Authority Board.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

TABLED BUSINESS

MOTION: Commissioner King made a motion to remove Muncie Alliance for the Prevention of Substance Abuse from the table.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggan

Reverend Royce Mitchell stated that due to traffic, Mr. Bob Keck will be late attending the Commissioners meeting.

Commissioner King said at the last Commissioners meeting, a request was made to Muncie Alliance to review the list of properties and reduce the list and then email the Commissioners. At the time of the meeting, no one had received an updated list. Commissioner King is interested in asking some questions regarding upkeep and finances of the requested properties.

Commissioners April 22, 2019

APPROVAL OF MINUTES

MOTION: Commissioner Henry made a motion to approve April 1, 2019 Commissioner minutes.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin

PRESENTATIONS TO COMMISSIONERS CONTRACTS OR AGREEMENTS FOR APPROVAL HIGHWAY BIDS – BOB JESSEE

Mr. Brooke opened the bids for the new highway paver.

Road Tec, Chattanooga, TN, \$233,697 basic unit, options up to \$313,403.

B & W Equipment, Ft. Wayne, IN for 2016 model \$275,347 and a 2019 model for \$341,164.

MOTION: Commissioner King made a motion to take bids under advisement until Commissioners May 6, 2019 meeting.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggin

COMPUTER SYSTEMS INC

Ms. Emily Anderson, Court Administrator, said she received a letter from CSI, the previous court management system used by Delaware County (see letter below). Delaware County does not have a current contract with CSI. CSI said if a new contract was not signed, the cost per year for old court records to remain on Delaware County server would be \$4500 for courts and \$750 for probation. The Clerk's office is in the process of getting old records off (scanning) and the server will be turned off by Mr. Jim Flook, IT Director, on April 30, 2019.

The Supreme Court is fighting this per State of Indiana, however Ms. Anderson said this is a fight that Delaware County is staying out of.

Mr. Brooke said there is room for argument, however, he agreed with Ms. Anderson and which the Supreme Court should be the one to pay litigation, not Delaware County.

MOTION: Commissioner Henry made a motion to approve that Delaware County will remove all software of Computer Systems, Inc. by April 30, 2019.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggin



COMPUTER SYSTEMS, INC.

February 1, 2019

Dear Board of Commissioners of Delaware County
100 W Main St.
Muncie, IN 47305

Re: JTS Software Notification

It has come to our attention that many of our former customers who have switched to the Indiana Supreme Court's court case management and/or supervision system are still requiring the use of CSI's JTS statewide court case management system to access court information. Using the JTS system requires a valid license agreement with CSI. If your judges and/or Clerk are currently using CSI's JTS system you will need to have either a valid Software License Agreement or Premium Software Maintenance Agreement. If you do not have either one of these agreements then you do not have the rights to use the JTS system. CSI is not claiming any rights to the County court records and data which CSI acknowledges is owned by the County. CSI is only claiming its rights to the JTS Licensed Software that is being used to access the court records and data.

If you want to continue to use the JTS system, CSI can offer either the Software License Agreement or the Premium Software Maintenance Agreement. CSI can give you the pricing and licensing terms for each of these Agreements.

If you currently are using the JTS system and don't want to sign the Software License Agreement or Premium Software Maintenance Agreement, the County has until April 30, 2019 to delete and remove the JTS Licensed Software and any copies thereof from all computer systems and backups, cease using, or permitting to be used, the JTS Licensed Software and any adaptation, modification, derivation or translation thereof and shall confirm the removal of the Licensed Software per the attached Software Removal Agreement. Any use of the JTS Licensed Software after April 30, 2019 without a valid license agreement will be in violation of CSI's Intellectual property rights and will subject the County to all unpaid License fees at CSI's then current list prices, without prejudice to any other rights and remedies available to CSI.

Respectfully,

Kevin Cook
CEO President

ORIGINAL

RECEIVED
FEB 04 2019
BY:

CSI – Computer Systems, Inc
Software Removal Agreement

This Software Removal Agreement (Agreement) is made and entered into between CSI – Computer Systems, Inc. (CSI) and the Board of Commissioners of Delaware County. CSI and County, as parties to the Agreement, hereby agree as follows:


1. **AGREEMENT DEFINITION AND EFFECTIVE DATE**
 - a. This Agreement is effective beginning May 1, 2019.
 - b. Licensed Software - means such software (in executable form), documentation, file layouts and other tangible or intangible information included in CSI's Judicial Tracking System (JTS) applications and related to the operation thereof which are the intellectual properties of CSI. Licensed Software includes the modules listed herein.
 - c. Source Code - means the copyright protected Licensed Software programs as written and developed by CSI used for input to a compiler, written in a source language used to produce the object code which is then executable machine code for the Licensed Software. Source code also includes all shell scripts, batch files or other programs used in the execution and production of Licensed Software.
2. **CSI'S LICENSED SOFTWARE RESPONSIBILITIES**
 - a. CSI acknowledges that the court records and data are the property of the Court and the Clerk of Circuit Court of County and that such information are subject to the directions and orders of the Court and Clerk of Circuit Court of County with respect to the handling and access to the court records per Indiana Supreme Court Administrative Rules.
3. **COUNTY RESPONSIBILITIES**
 - a. County hereby certifies that it has permanently deleted, removed and destroyed the JTS Licensed Software and Source Code, and any copies thereof from all computer systems and backups, has ceased using, or permitting to be used, the JTS Licensed Software and any adaptation, modification, derivation or translation thereof.
 - b. **TITLE TO LICENSED SOFTWARE AND CONFIDENTIALITY AGREEMENT.** County hereby agrees that the Licensed Software and all copies thereof are proprietary to CSI, and title thereto remains in CSI. All applicable rights to patents, copyrights, trademarks and trade secrets in the Licensed Software are and shall remain in CSI except as provided herein. County shall not sell, transfer, publish, disclose, display or otherwise make available the Licensed Software or copies thereof to others except as provided herein. County agrees that during the term of license and thereafter, it will hold the Licensed Software in strict confidence, that it will not except as provided herein disclose or otherwise make the Licensed Software or any part thereof available to any third party other than accountants, attorneys, consultants, and other agents and servants in the course of County's business or as required by Indiana law or court order, and that it will take all reasonable steps and precautions to maintain the confidentiality of the Licensed Software. County further agrees that it will restrict use of the information provided hereunder solely to the field of use, and will not use any information in tangible or intangible form which has been or may be delivered or disclosed to County or County's employees by CSI for the purpose of creating or attempting to create, or permitting others to create, the programs which operate the Licensed Software or any part of the Licensed Software except as may be permitted under this Agreement.
 - c. The County shall not copy or reproduce in any form whatsoever the Licensed Software without the express written permission of CSI.
 - d. Without the prior written consent of CSI, the County may not assign this Agreement. Any attempt by County to assign any of the rights or obligations of this Agreement without such consent is void.
4. **LICENSED SOFTWARE**
 - a. The Licensed Software Modules to be covered by this Agreement are detailed per Attachment A.

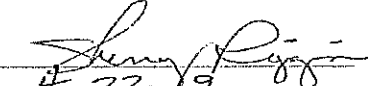
CSI - Computer Systems, Inc
Software Removal Agreement

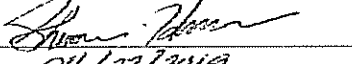
IN WITNESS WHEREOF, the parties hereto have executed this Agreement effective the day and year first written above, and do each hereby warrant and represent that their respective signatory whose signature appears below has been and is on the date of this Agreement duly authorized by all necessary and appropriate corporate action to execute this Agreement.


CSI: CSI - Computer Systems, Inc.

COUNTY: Board of Commissioners of Delaware

BY: 
Kevin J. Cook
TITLE: President
DATE: February 1, 2019

BY: 
DATE: 4.22.19

BY: 
DATE: 04/22/2019

BY: 
DATE: 4/22/2019

2019 DELAWARE COUNTY EMERGENCY PLAN

Mr. Jason Rogers, EMS/EMA Director, presented the Comprehensive Emergency Management Plan.

MOTION: Commissioner King made a motion to approve the Comprehensive Emergency Management Plan.

SECOND: Commissioner Henry

YEAS: Commissioner Henry, Commissioner King, President Riggins

A copy of Emergency Management Plan is available through the Auditor's office

RESOLUTIONS FOR APPROVAL

RESOLUTION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS APPROVING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO IND. CODE 36-1-11 *ET SEQ.* USING SERVICES PROVIDED BY SRI, INC.

RESOLUTION NO. 2019- 011

MOTION: Commissioner Henry made a motion to approve Resolution 2019-011, Approving County Owned Real Property by Using Services Provided by SRI.

SECOND: Commissioner King

YEAS: Commissioner Henry, Commissioner King, President Riggins

ORIGINAL

RESOLUTION NO. 2019- 011**RESOLUTION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS
APPROVING THE SALE OF COUNTY-OWNED REAL PROPERTY PURSUANT TO
IND. CODE § 36-1-11 ET SEQ. USING SERVICES PROVIDED BY SRI, INC.**

WHEREAS, the Delaware County Board of Commissioners has, or will acquire, deeds to certain parcels of real property located in Delaware County, as identified in Exhibit A, attached hereto;

WHEREAS, the Delaware County Board of Commissioners has endeavored to return these parcels of real property to productivity on the tax rolls by way of selling them at public auction pursuant to the provisions of Ind. Code § 36-1-11 *et seq.*;

WHEREAS; the Delaware County Board of Commissioners is authorized to sell the parcels of real property to be deeded in the name of the Delaware County Commissioners pursuant to Indiana law;

WHEREAS, a duly noticed public hearing was held by the Delaware County Board of Commissioners on the 22nd day of April, 2019, as required by Ind. Code § 36-1-11-3(b) to allow interested parties to provide evidence either for, or against, the sale;

WHEREAS, the Delaware County Board of Commissioners, in accordance with Ind. Code § 36-1-11-3 approves the sale of the parcels of real property deeded in the name of the Delaware County Commissioners;

WHEREAS; in order to conduct the sale of the parcels, the Delaware County Board of Commissioners shall enlist the services of SRI, Inc., an Indiana vendor with extensive experience in conducting auctions for the sale of real estate; and

WHEREAS; the Delaware County Board of Commissioners shall conduct the public auction pursuant to Ind. Code § 36-1-11 *et seq.* with the assistance of SRI, Inc., after publishing required notices in accordance with a work plan to be developed by vendor SRI, Inc.

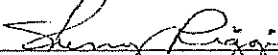
NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF DELAWARE COUNTY, INDIANA:

1. The Delaware County Board of Commissioners shall dispose of the parcels of real property deeded in the name of the Delaware County Commissioners, identified in Exhibit A, by way of public auction prescribed by Ind. Code § 36-1-11 *et seq.*
2. That the Delaware County Board of Commissioners is authorized by law to conduct the auction in an effort to return the lands to productivity on the tax rolls pursuant to the provisions of Ind. Code § 36-1-11 *et seq.*

- 3. The Delaware County Commissioners shall enlist the services of SRI, Inc. to conduct the auction of the parcels.
- 4. The Delaware County Commissioners shall follow applicable state statutes governing the sale of the parcels to conduct the auction in order to dispose of the parcels.
- 5. The Delaware County Board of Commissioners may, at any time prior to, or during the sale, withhold from sale any parcel of real property listed on Exhibit A which may have been listed in error, has become ineligible for sale, or is no longer in the County's interest to sell.
- 6. This resolution shall be effective upon passage.

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled meeting held on this, the 22nd day of April, 2019.

DELAWARE COUNTY
BOARD OF COMMISSIONERS


Sherry Riggin, President


James King, Commissioner


Shannon Henry, Commissioner

ATTEST:


Steven Craycraft, Auditor
Delaware County, Indiana

RESOLUTION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO TRANSFER OF
COUNTY-OWNED REAL PROPERTY TO THE TOWN OF SELMA
RESOLUTION NO. 2019- 012

Mr. Brooke presented Resolution 2019-012 to Transfer of County Owned Real Property to Town of Selma.
MOTION: Commissioner King made a motion to approve Resolution 2019-012 to Transfer of County Owned Real Property to Town of Selma
SECOND: Commissioner Henry
YEAS: Commissioner Henry, Commissioner King, President Riggin

RESOLUTION NO. 2019-012

ORIGINAL

**RESOLUTION OF THE DELAWARE COUNTY BOARD OF COMMISSIONERS TO
TRANSFER OF COUNTY-OWNED REAL PROPERTY TO THE TOWN OF SELMA**

WHEREAS, the Delaware County Board of Commissioners own certain pieces of real property located in the Town of Selma, Indiana, pursuant to a Tax Deeds issued in April, 2019 (hereinafter, the "Properties");

WHEREAS, the Properties are specifically identified as follows:

STATE PARCEL ID: 18-12-15-102-004.000-011
BRIEF LEGAL DESC.: SELMA SPARR 96X56.5 W SIDE PT LOT 1
COMMON ADDRESS: 9911 E. Jackson St.
Selma, Indiana 47383

STATE PARCEL ID: 18-12-15-108-001.000-011
BRIEF LEGAL DESC.: N 67' ORIG SELMA AND ST ADJ Lot # 4
COMMON ADDRESS: 10001 Muncie St.
Selma, Indiana 47383

WHEREAS, the Town Council for the Town of Selma, Indiana desires to acquire the Properties from the Delaware County Commissioners to be used by the Town in the future for various Town purposes; and

WHEREAS, the Delaware County Commissioners desire to transfer said property to the Town of Selma, Indiana, subject to acceptance of said property by the Town.

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


1. The Delaware County Board of Commissioners shall transfer the Properties referenced herein to the Town of Selma, upon acceptance of the Properties by the Town and upon the Town's payment in the sum of Seven Hundred and 00/100 Dollars (\$700.00) to Delaware County as reimbursement of the County's acquisition costs for the Properties.
2. The Town's acceptance of the Properties shall be demonstrated by the adoption of a substantially similar resolution by the Town Council for the Town of Selma indicating their acceptance of the Properties from the Delaware County Board of Commissioners.
3. Upon receipt of a substantially similar resolution adopted by the Town Council for the Town of Selma, Indiana, the President of the Delaware County Board of Commissioners

shall be authorized to execute all necessary documents to facilitate and carry out said transfer of the Properties to the Town of Selma.

- 4. This resolution shall be effective upon adoption.

DULY ADOPTED by the Board of Commissioners of Delaware County at a regularly scheduled meeting held on this, the 22nd day of April, 2019.

DELAWARE COUNTY
BOARD OF COMMISSIONERS



Sherry Riggan, President




James King, Commissioner



Shannon Henry, Commissioner

ATTEST:



Steven Craycraft, Auditor
Delaware County, Indiana

MONTHLY/WEEKLY REPORTS

WEIGHTS & MEASURES MONTHLY REPORT

PAYMENTS OF CLAIMS

MOTION: Commissioner King made a motion to approve claims in the amount of \$1,854,382.16.
SECOND: Commissioner Henry
YEAS: Commissioner Henry, Commissioner King, President Riggin

QUESTIONS, PUBLIC COMMENTS, ANSWERS, OTHER BUSINESS & DISCUSSION

Mr. Brad Bookout, Economic Development, spoke about the new fence placed by Walmart north. Mr. Bookout is in hopes that this will keep the trash from going onto McGalliard.

MUNCIE ALLIANCE FOR THE PREVENTION OF SUBSTANCE ABUSE

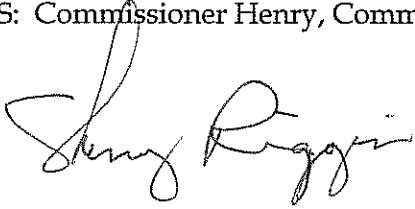
MOTION: Commissioner King made a motion to vote down Muncie Alliance for Prevention of Substance Abuse until information is provided.
SECOND: Commissioner Henry
YEAS: Commissioner Henry, Commissioner King, President Riggin

RECESS

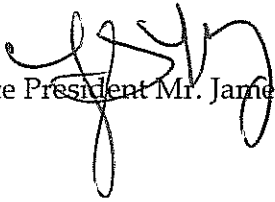
MOTION: Commissioner King made a motion to recess until May 6, 2019.

SECOND: Commissioner Henry

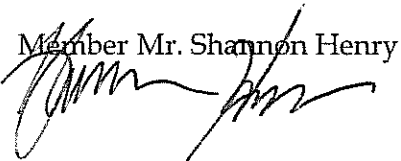
YEAS: Commissioner Henry, Commissioner King, President Riggin



President Ms. Sherry Riggin



Vice President Mr. James Kings



Member Mr. Shannon Henry



Auditor Mr. Steven G. Craycraft