

COMMISSIONERS' MEETING

May 2, 2016

The Bartholomew County Commissioners met in regular session on May 2, 2016 in the Governmental Office Building, 440 Third Street, Columbus, Indiana. Commissioners Rick Flohr, Larry Kleinhenz, and Carl Lienhoop were present. County Attorney J. Grant Tucker and County Auditor Barbara Hackman were also in attendance.

Chairman Flohr called the meeting to order and Catherine Greenlee from Auditor's Office gave the Invocation and led the Pledge of Allegiance.

The first order of business was the approval of the April 25, 2016 Commissioners' Meeting Minutes. Commissioner Lienhoop made a motion to approve the minutes. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next was the approval of claims. Commissioner Kleinhenz motioned to approve the claims. Commissioner Lienhoop seconded the motion which passed unanimously.

The next item was weekly reports. Chairman Flohr read the New Permit Report dated 4/25/16 to 4/29/16. Thirty-five (35) permits were issued with fees collected of \$3,793 and estimated construction costs of \$1,727,840.

County Engineer Danny Hollander gave the Highway Weekly Crew Report which included the following work: patched roads; worked on signs; ground stumps; ditched along 600E; fixed the ditch along Carr Hill Road; fixed washouts along Old Nashville Road and on 650E; replaced pipe on Coffey Drive; and picked tree debris on Grandview, Old Nashville Rd., 225S, 200E, 950S, Sawmill Rd., and 200N.

Mr. Hollander presented quotes for the purchase of a **fifth-wheel hitch. Pro-Tote Systems, Inc.** (South Bend) bid \$5,690 and Direct Equipment Supply (Charlestown, SC) bid \$6,519. Commissioner Kleinhenz motioned to accept the low quote from Pro-Tote. Commissioner Lienhoop seconded the motion that passed unanimously.

Mr. Hollander then presented a **Change Order from Trisler Construction Company, Inc. for the Bridge #47** Rehabilitation Project (Opossum Glory) totaling \$145,692. Removal of the decking had revealed more deterioration of the beams than

was originally anticipated. Replacement of the stringers was not part of the bid specifications, but Mr. Hollander recommended doing that now with the rehabilitation. Commissioner Lienhoop motioned to accept the recommendation and approve the change order for \$145,692. Commissioner Kleinhenz seconded the motion that passed unanimously.

IT Department's Zac Holt presented items for ratification that were approved by the Data Board.

| <u>Vendor</u> | <u>Product/Service</u> | <u>Cost</u> | <u>Number</u> | <u>Budgeted</u> |
|---------------------|-----------------------------|--------------|---------------|-----------------|
| Data Strategy, Inc. | 2 new VDI servers | \$ 20,542.92 | 04-41 | Yes |
| Data Strategy, LLC | install new back up servers | \$ 4,480.80 | 03-10 | Yes |

Commissioner Kleinhenz motioned to approve the items for ratification. Commissioner Lienhoop seconded the motion that passed unanimously.

Mr. Holt also requested approval for two additional purchases approved by the Data Board.

| <u>Department</u> | <u>Product/Service</u> | <u>Cost</u> | <u>Number</u> | <u>Budgeted</u> |
|-------------------|---------------------------------|-------------|---------------|-----------------|
| Surveyor | Ink cartridges for plotter | \$ 2,100.00 | 03-63 | Yes |
| Surveyor | ArcGIS desktop maintenance ESRI | \$ 400.00 | 03-31 | Yes |

Commissioner Kleinhenz motioned to approve the two purchases. Commissioner Lienhoop seconded the motion that passed unanimously.

The next item was the second reading of an **Ordinance Establishing a Public Defender Board** (*See attached*). Judge Joe Meek, Magistrate of Superior Court 2, presented the ordinance request on behalf of Judges Coriden, Heimann and Worton. The U.S. Constitution and the State of Indiana Constitution require anyone charged with a crime be represented by a lawyer - if not funded by their own means, then provided by the court at a reduced cost or no cost. Currently, the county contracts with local private attorneys using their time, staff and resources to serve in the public defender program. Superior Court II has contracted with three public defenders, Superior Court I has three fulltime defenders, and Circuit Court has five public defenders. These expenses are council-approved and paid through the courts' budgets. As of April 18, 2016, Superior

Court II had appointed 285 cases to public defenders, Superior Court I appointed 69 cases, and Circuit Court appointed 323 cases, criminal and juvenile combined. The purpose of the board would be to investigate options and devise a comprehensive plan to facilitate the most prudent way of delivering these services. The board would be comprised of 3 members: one appointed by the commissioners and two by the judges; persons having judicial or law enforcement background would be excluded, and; not be of the same political party. One thing the board might do is recommend the creation of a full-time public defender's office which could ultimately receive 60% of its funding from the state. The state requires the existence of a public defender board for a county to receive such funding. The board would explore this and other options and make recommendations. Chairman Flohr opened the meeting for public comment. Audience member Mike Lovelace asked how much would be the savings for the county. Judge Meek did not have the numbers, as that would be part of the investigation and consideration of the board. There being no other comments Chairman Flohr closed the meeting. Commissioner Lienhoop motioned to pass the ordinance on second reading. Commissioner Kleinhenz seconded the motion that passed unanimously.

Director of Emergency Management Shannon Hinton presented the **updated Bartholomew County LEPC (Local Emergency Planning Committee) Hazardous Material Emergency Response Plan**. Contact and site information was updated and site maps were removed. Chairman Flohr moved to accept the changes to the plan. Commissioner Kleinhenz seconded the motion that passed unanimously.

The next item presented was the **SRI, Inc. 2016 (Annual) Tax Sale Work Plan and Tax Sale Support Services Addendum** for services associated with tax sales. Commissioner Lienhoop made a motion to sign the agreement with SRI. Commissioner Kleinhenz seconded the motion that passed unanimously.

Next, the Youth Services Center Director Anita Biehle presented the **IDOC Grant Agreement EDS# D25-17-503** that helps to fund the county's **Juvenile Detention Alternatives Initiative ("JDAI")** program. Its term runs from 7/1/16 through 6/30/17 and the total of \$81,736 will provide \$54,736 for the program coordinator's

salary/benefits and \$27,000 toward program services. The second **IDOC Grant Agreement** EDS# D25-17-503 runs for the same term, 7/1/16 through 6/30/17, and the total of \$63,631 will be allocated to **Juvenile Community Corrections** - specifically, for the day treatment program coordinator salary and her benefits. Commissioner Kleinhenz motioned to approve the grant agreements and authorize the auditor to affix her signature. Commissioner Lienhoop seconded the motion that passed unanimously.

Then Court Services Director Brad Barnes presented for consideration the **Adult Community Corrections Grant** from **IDOC** for the 30th year in a row. The total amount is \$1,461,969 for the 16/17 funding year. Commissioner Kleinhenz made the motion to approve the grant request. Chairman Flohr seconded the motion that passed unanimously.

Next was the consideration of a **Joint Resolution for the Provision of Professional Staff Support on Building Code Matters**. (*See attached*) It allows for the County's Building and Zoning Administration to provide staff support for the issuance of permits and the performance of inspections for the Town of Hope, Indiana. The County will retain the fees associated with those services. Hope has been issuing their own permits and collecting fees while the county has performed the building inspections. Commissioner Lienhoop motioned to repeal the current governing resolution #1998-09: Joint Resolution for Provision of Professional Staff Support on Building Code Matters, dated July 20, 1998, which resolved that the County would perform inspections and be paid \$2,500 each year for that service. Commissioner Kleinhenz seconded the motion that passed unanimously. Commissioner Kleinhenz then motioned to approve the new joint resolution with the Town of Hope. Commissioner Lienhoop seconded the motion that passed unanimously.

Next was the consideration to waive permit fees in 2016 for the Columbus Housing Authority performing rehabilitation projects. Inspections would still be required. Chairman Flohr motioned to waive the permit fees. Commissioner Lienhoop seconded the motion that passed unanimously.

Under Miscellaneous was a reminder that County Offices would be closed Tuesday, May 3, 2016, for the Primary Election.

The next Commissioners' Meeting will be held on Monday, May 9, 2016 at 10:00 a.m. in the Commissioners' Chambers. There being no other business the meeting was adjourned at 10:55 a.m.

BARTHOLOMEW COUNTY
COMMISSIONERS

RICHARD A. FLOHR, CHAIRMAN

ATTEST:

LARRY S. KLEINHENZ, MEMBER

BARBARA J. HACKMAN

CARL H. LIENHOOP, MEMBER

ORDINANCE NO. 2016- 04

AN ORDINANCE ESTABLISHING A BARTHOLOMEW
COUNTY PUBLIC DEFENDER BOARD

WHEREAS, I.C. 3340-7-1 et seq. authorizes the establishment of county public defender boards, and

WHEREAS, the Board of Commissioners deems it advisable that Bartholomew County establish such a board with all the rights and duties that attend thereto, as per state statute.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF BARTHOLOMEW COUNTY, INDIANA that:

Section 1. Board Established.

The Bartholomew County Public Defender Board is hereby established for the purpose of providing legal representation to indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support, civil commitments and other proceedings where the right to counsel has been established by law.

Section 2. Definitions.

When used herein the following words and terms shall be defined as follows:

- (1) *Board* means the Bartholomew County Public Defender Board created by this ordinance.
- (2) *Indigent defendant/respondent* means a person who requests legal representation and is determined by the court to be entitled to legal representation as public expense.
- (3) *Legal representation* means the services of an attorney provided to a defendant/respondent in a matter originating in a state court in Bartholomew County involving:
 - (a) a person charged with a crime as defined in IC 35-31.5-2-75;
 - (b) an act of delinquency as defined in IC 31-37-1-2;
 - (c) a violation of a condition of probation established as a part of a sentence in a juvenile or criminal matter;
 - (d) detention of a person subject to extradition to another jurisdiction;
 - (e) proceedings to collect unpaid child support pursuant to IC 31-16;
 - (f) civil commitment and contempt proceedings; or
 - (g) other proceedings where the right to counsel at public expense has been established by law.

The term *legal representation* includes services in connection with all pre-trial, trial and appellate proceedings in which an indigent defendant/respondent has a right to counsel.

Section 3. Board membership and appointment.

(a) The Board shall consist of three (3) members: one (1) member appointed by the county commissioners; and (2) members from different political parties appointed by majority vote of the judges who exercise felony or juvenile jurisdiction.

(b) Appointments shall be for three (3) year terms. Members of the Board shall serve until their successor is appointed. An appointment to fill a vacancy shall be made by the authority appointing the member vacating the position and shall be for the remainder of the unexpired term.

(c) The following persons shall be ineligible to serve a members of the board: a city, town, or county attorney, a law enforcement officer, a judge, or a court employee.

(d) Board members shall serve without pay but may receive reimbursement for expenses incurred in connection with the member's duties if approved by the Board.

(e) Two members of the Board shall constitute a quorum for the purpose of conducting the business of the Board. Decisions of the Board shall be approved by a majority of the members present.

(f) The Board shall meet at least quarterly or upon call of its chairperson or any two members of the Board.

(g) The Board shall elect its chairperson by a majority vote of the Board.

Section 4. Powers and duties of the Board.

The Board shall have the following powers and duties:

(1) Prepare a comprehensive plan for providing legal representation to indigent defendants/respondents in the county in accordance with I.C. 33-40-7-5. The comprehensive plan shall, at a minimum, provide for:

- (a) legal representation to an indigent defendant/respondent at the earliest possible point in time;
 - (b) legal representation to an indigent defendant/respondent by the same attorney or attorneys through the pendency of the matter to the greatest extent possible;
 - (c) professional development, continuing legal education, and malpractice coverage for public defenders; and
- (2) Establish policies and procedure for the provision of competent legal representations for indigent defendants/respondents in criminal, juvenile, probation violation, extradition, child support and criminal contempt, and other matters pursuant to the comprehensive plan.

- (3) Establish guidelines and procedures for the determination of indigency and for the appropriate reimbursement for legal representations provided at public expense in accordance with I.C. 33-40-3.
- (4) Recommend an annual operating budget for the Agency and monitor the expenditures of funds.
- (5) Prepare and submit to the County Council and the general public an annual report on the operation of the Agency.

Section 5. Authority of Judges.

Nothing contained herein shall be deemed to abridge the authority of any judge of a state court of this county from appointing counsel for any person entitled thereto under the Constitution of the United States or the Constitution of the State of Indiana.

Section 6. Effective Date.

This ordinance shall be in full force and effect upon passage, approval, and publication.

PASSED ON FIRST READING THIS 18th DAY OF April, 2016.

**BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA**

Richard A. Flohr
Richard A. Flohr, Chairman

Carl H. Lienhoop
Carl H. Lienhoop, Member

Larry S. Kleinhenz *Not on list*
Larry S. Kleinhenz, Member

ATTEST:

By: _____
Barbara J. Hackman, Auditor
Bartholomew County, Indiana

PASSED ON SECOND READING THIS 2nd DAY OF May, 2016.

BOARD OF COMMISSIONERS OF
BARTHOLOMEW COUNTY, INDIANA

Richard A. Flohr
Richard A. Flohr, Chairman

Carl H. Lienhoop
Carl H. Lienhoop, Member

Larry S. Kleinhenz
Larry S. Kleinhenz, Member

ATTEST:

By: Barbara J. Hackman
Barbara J. Hackman, Auditor
Bartholomew County, Indiana

RESOLUTION 2016- 05

**JOINT RESOLUTION FOR THE PROVISION OF PROFESSIONAL
STAFF SUPPORT ON BUILDING CODE MATTERS**

WHEREAS, Bartholomew County currently maintains a Building and Zoning Administration which has demonstrated its ability to provide competent administration of applicable planning, zoning and building codes and regulations, as well as professional staff support to the Bartholomew County Plan Commission and the Bartholomew County Board of Zoning Appeals; and

WHEREAS, the Town of Hope, due to its limited population and resources, does not currently have professional staff to issue permits and perform inspections; and

WHEREAS, the County of Bartholomew and the Town of Hope are mutually committed to the provision of necessary governmental services in the most effective and efficient manner;

NOW, THEREFORE, BE IT JOINTLY RESOLVED by the Bartholomew County Board of Commissioners and the Hope Town Council, that:

1. The Bartholomew County Building and Zoning Administration shall, following joint approval of this resolution, provide professional staff support for the issuance of permits and the performance of inspections to the Town of Hope, Indiana.
2. That the initial term of this agreement shall be the calendar year 2016; further that this agreement by and between Bartholomew County and the Town of Hope, Indiana shall continue from year to year under the terms provided herein unless altered by the mutual agreement of the parties hereto, or unless terminated by either Bartholomew County or the Town of Hope, Indiana as described herein.
3. As consideration for the services to be provided hereunder, Bartholomew County shall retain all fees associated with the issuance of permits and the performance of inspections in the Town of Hope, Indiana.
4. This agreement may be terminated by either party hereto by providing sixty (60) days prior written notice to the other party.

FURTHERMORE, BE IT RESOLVED that this Resolution shall become effective upon approval by the Hope Town Council and the Bartholomew County Board of Commissioners and upon this document being signed.

ALL OF WHICH IS RESOLVED THIS 2ND DAY OF May, 2016.

**BOARD OF COMMISSIONERS
OF BARTHOLOMEW COUNTY**

Richard A. Flohr
Richard A. Flohr, Chairman

Warry S. Kleinhenz
Warry S. Kleinhenz, Member

Carl H. Lienhoop
Carl H. Lienhoop, Member

HOPE TOWN COUNCIL

ATTEST:

Barbara J. Hackman
Barbara J. Hackman
Auditor of Bartholomew County

Date: 05/02/2016

ATTEST:

Clerk-Treasurer

Date: _____