

Board of Commissioners
October 20, 2009 – 2:30 pm

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Phase II Certification

Auditor Shelton explained the Phase II Certification required by the DLGF. The software used in the Auditor's office, Assessor's office, and the Treasurer's office must be tested on site by a certified tester to make sure that they all work together properly. Shelton obtained three different quotes and made a recommendation to accept GNA Assessment Professionals who quoted a price of \$5,000. Gogel made a motion to request an additional in County General from the council for \$5,000 to pay for the Phase II Certification. Logsdon seconded. All in favor.

EMA Grant

EMA Director sent documents requesting commissioner approval on a grant for \$4,000 for radios in the Mobile Command Trailer. Gogel made a motion to approve and sign the grant. Logsdon seconded. All in favor.

NACo Membership

Shelton asked if the commissioners would like to continue the county's membership in NACo, National Association of Counties, at a cost of \$427 annually. Logsdon made a motion to continue membership. Gogel seconded. All in favor. Dean Bolin asked how much Spencer County residents have saved by using the NACo prescription drug plan. Shelton reported the amount currently is up to \$61,023.94.

Highway Report

Determination of Emergency Conditions - Lueken explained the need to sign the Determination of Emergency Conditions with regard to the repairs the highway department will be having done on the culvert located under CR 700E north of I64. Gogel made a motion to sign the Determination. Logsdon seconded. All in favor.

Bridge #93 – Highway Superintendent Painter reported that work has begun on Bridge #93 on CR 700N.

Engineer Report

Stimulus Funds – Engineer Lloyd reported that the work is continuing on the stimulus projects.

House Moving Permit – Lloyd stated that Wolfe House Movers have filed a permit application to move a house for Jeff and Tara Compton and a 100% surety bond has been requested. Logsdon made a motion to approve. Gogel seconded. All in favor.

Snow Removal

Shelton asked the commissioners if they wanted to continue having Robinson Landscaping clean the sidewalks and Schroeder clean the parking lot after a snow or ice storm. Logsdon made a motion to continue their services, as long as there is no more than a 5% increase in the cost. Gogel seconded. All in favor.

Driving Policy

Lueken discussed the proposed Driving Policy and the changes made. The policy is as follows:

I. PURPOSE

To assure that the employee drivers of the County of Spencer who operate a county vehicle for which operation a license is required by the State of Indiana will maintain a current unrestricted Indiana operators or CDL license in accordance with the following policy.

For purposes of this policy, the term "unrestricted" refers to a license or permit issued by the Bureau of Motor Vehicles which has not been suspended, revoked, or restricted by order of a court under I.C. 9-24-15 or any subsequent amendment or replacement.

II. PROCEDURE

A. Each such employee driver of the County of Spencer shall at all times maintain a current unrestricted Indiana operators or CDL license. Any such employee driver failing to maintain a current unrestricted operators or CDL license shall be placed on administrative leave until such time as he / she obtains a current unrestricted operators or CDL license.

B. Any such employee driver whose operator or CDL license is suspended, revoked or restricted is immediately prohibited from operating any such County vehicle. Each such employee driver shall immediately notify his immediate supervisor if his / her operators or CDL license has been suspended, revoked or restricted in any way. If such an employee driver's sole job description or qualification is to operate such a county vehicle, then such an employee who is prohibited from operating any such county vehicle will be re-assigned to manual labor, if available, or will otherwise be suspended without pay. Each such employee driver is responsible for knowing the status of his / her operators or CDL license. This policy applies to such employee's license status affected by the operation of any motor vehicle, whether owned by the county, the employee, any other entity or person.

C. Any such employee driver convicted of a misdemeanor violation pertaining to the operation of a motor vehicle will be prohibited from driving any such county owned vehicle. This driving suspension will expire when the employee obtains a valid unrestricted license.

Any time any of the above actions are taken such an employee driver will be provided with a Pre-adverse Action Disclosure which includes a copy of the driver's MVR and a copy of A Summary of Your Rights Under the Fair Credit Reporting Act. In addition, that employee driver will be given notice either orally, in writing or electronically that the action has been taken in an Adverse Action Notice.

III. BUREAU OF MOTOR VEHICLES DRIVER RECORD EVALUATION REQUIREMENTS

A. CLASS A VIOLATION

Any employee driver convicted of a misdemeanor violation shall be automatically suspended from driving such County vehicles. In addition, any such employee driver shall also be required to attend an approved driver improvement program or equivalent training and, if applicable, be certified to operate emergency vehicles.

B. VIOLATIONS

1. "Misdemeanor Violations" referred to in this policy include, but are not limited to the following:

- a) Driving while intoxicated.
- b) Driving under the influence of controlled substance.
- c) Operating during a period of suspension or revocation.
- d) Reckless driving.
- e) Leaving the scene of an accident.

C. CIVIL INFRACTIONS

1. Any such employee driver who accumulates no more than (3) civil infraction moving violations on his / her driving record in a rolling 2 year period will be prohibited from driving any such County owned vehicles. The suspension will expire when the penalty points causing the suspension are seven (7) or less.

2. Annually the County shall review the driving record of each such employee driver of the County of Spencer. Prior to obtaining the driving record of such an employee driver, a written authorization will be obtained from that employee driver

a) A change in point status license restriction could result in driving status change or possible suspension from employment by the County of Spencer.

b) The immediate supervisor may change the driving status of County personnel based on driving complaints, driving ability, or upon recommendation by another supervisor.

c) A valid complaint received by the County shall become a part of the employee driver's personnel file. The employee driver shall also be notified of the complaint.

3. Course of action to be taken by Spencer County when any such county employee driver is determined to be an At Risk Driver by the current county insurance provider:

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First incidence:

The employee will not be suspended from employment. He/she must complete a defensive driving training course within 15 days at his/her personal cost of approximately \$50.00. The amount will be determined after the county is provided the cost of the training course materials.

Second incidence:

The employee will be suspended from work for three days with no pay and no opportunity to utilize wage related fringe benefits (vacation days, personal leave days, sick days, etc) during this suspension. The employee must complete an advanced defensive driving training course within 10 days at a personal cost of approximately \$100.00.

Third incidence:

If this violation occurs within three years of the date of the first Violation, the employee has created grounds for termination of employment.

Employee has the right to appeal any imposed sanctions before the Board of Commissioners.

I have read and understand the content of this policy.

Signature by County Employee

Logsdon made a motion to approve the policy and make it effective November 1, 2009. Gogel seconded. All in favor.

Legal Report

County Owned Property – Lueken discussed the difficulty a county resident was having of obtaining an insurance certificate naming the county and the commissioners as additional insured. He stated that the underwriters of the resident's insurance were unwilling to take on the liability. Gogel stated that since the resident wants to improve a county road, he needs to be held to the same standard as companies that work on county roads, because the liability is the same for the county. Logsdon stated that he would not vote to allow any use of county property without the proper liability coverage. Logsdon made a motion to table the discussion until the first meeting in November. Gogel seconded. All in favor.

Broadband Grant

Economic Development Director Tom Utter reported to the commissioners that the county was rejected for the broadband grant due to the fact that only one provider was willing to submit a bid. PSCI was the only company that submitted a bid and the government required a minimum of three bidders.

Luce Sewer Project

Jeff Lindsey, attorney for the Luce Township Regional Sewer District, reported that the State Revolving Fund has agreed to help fund the LTRSD project if 80% of the user easements are signed and the district obtains permission to use the county rights-of-way to connect any gaps. Lindsey explained that using the county rights-of-way is not the preferred method and the district will still strive to get all of the easements signed. Lindsey used the Santa Claus Water District as an example of a utility using the county rights-of-way. Logsdon stated that whenever possible, just as was stated with Santa Claus Water, the county would require the district to bore under roads. Cutting the roads should only be done when boring cannot be done. Engineer Lloyd agreed. Logsdon also stated that Santa Claus Water was given strict guidelines on how the roads were to be repaired and Luce Sewer would be held to the same standards.

Logsdon made a motion to grant Luce Sewer District permission to use the county rights-of-way when necessary, under the guidance of the highway superintendent and the county engineer. Gogel seconded. All in favor.

Lindsey stated that the district appreciates the cooperation and hopes that the use will be held to a minimum.

Prosecutor Office Leases

Prosecutor Wilkinson presented the leases for the Prosecutor's office and the Child Support office. Both are for \$1,000 per month. After a brief discussion, Gogel made a motion to sign both leases. Logsdon seconded. All in favor.

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Christmas in the Courthouse

Clerk Harney, representing the Association for a Better Rockport, requested permission to use the courthouse for the annual Christmas Craft Show. The booths will be set up on the evening of December 4th and the show will be on December 5th. Gogel made a motion to approve the request. Rininger seconded. All in favor.

Jail/Dispatch CAD System

Prior to the start of the meeting, the commissioners saw a presentation of the WTH CAD system proposed for the Jail and Dispatchers. Gogel made a motion to recommend the council fund the system. Rininger seconded. All in favor.

Animal Control Building

Gogel and Painter reported that they have found a place for the Animal Control Building on the County Highway grounds that will comply with the Town of Chrisney requirements.

Gogel made a motion to adjourn. Rininger seconded. All in favor. The meeting was adjourned at 4:01 pm.

Board of Commissioners,

President

Attest:

Cindy Shelton, Auditor

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