

**MINUTES OF A SPECIAL SESSION OF THE
BOARD OF COMMISSIONERS HELD MARCH 11, 2013**

Comes now the hour of 8:31 A.M. on the 11th day of March, 2013, in the Commissioners Court in the Noble County Courthouse, Albion, Indiana, being the time, date and place set for a special session of the Board of Commissioners of Noble County, Indiana.

Present were:

Gary Leatherman, President
David J. (Dave) Dolezal, Vice President
Chad Kline, Member

Also present were:

Marion S. Cavanaugh, Deputy Auditor
Dennis Graft, County Attorney
and Bob Braley & Scott Perry, News Media

**IDEM – ESSEX GROUP IN KENDALLVILLE –
PROPOSED MODIFICATION TO PERMIT**

The Commissioners were notified by IDEM that Essex Group in Kendallville has applied for a permit modification, (H.I.).

**IDEM – JCIM, LLC IN KENDALLVILLE –
REVOCAION OF OPERATING PERMIT**

The Commissioners received notice that JCIM, LLC has ceased operation and had requested that their Minor Source Operating Permit be revoked, and IDEM revoked it, (H.I.).

**TOWN OF ALBION – INVOICE FOR DISPOSAL
OF LEACHATE FROM LANDFILL**

The Commissioners received an invoice in the amount of \$360.00 for the disposal of 6,000 gallons of leachate from the Noble County Landfill, (H.I.).

**FINDINGS & ORDER – RICHARD HATTON UNSAFE
BUILDING AT BEAR LAKE & GLEN WOODCOCK
UNSAFE BUILDING IN WASHINGTON TWP.**

The Commissioners received a Findings and Order for Richard Hatton's unsafe building at Bear Lake, (H.I.). Dave moved to approve the Findings and Order which states this issue will be reconvened on June 3, 2013 at 10:15 A.M. to determine Richard Hatton's compliance. Chad seconded the motion and it carried, 3-0.

The Commissioners also received a Findings and Order for Glen Woodcock's unsafe building in Washington Township, stating that on or before April 30, 2013, Caskey Excavating and Trucking shall complete the work required pursuant to the bid specifications for demolition and removal of the structure and two trees, (H.I.).

FLOOD SAFETY AWARENESS WEEK PROCLAMATION

Gary read the proposed proclamation aloud. Mick Newton, EMA Director was present to speak in favor of the proclamation. Dave moved to proclaim March 18, 2013 – March 22, 2013 as Flood Safety Awareness Week. Chad seconded the motion and it carried, 3-0.

MINUTES APPROVED

After reviewing the minutes of the February 25, 2013 meeting and making corrections, Dave moved to approve them as amended. Chad seconded the motion and it carried, 3-0.

APPOINTMENT TO COUNCIL ON AGING BOARD

Gary said he had been told the Commissioners need an appointment from their board, to serve on the Council on Aging Board. Dave moved to appoint Chad as the Commissioners appointment to the Council on Aging. Chad seconded the motion and it carried, 3-0.

WEBER ROAD ANNEX & SOUTH COMPLEX – SPACE DISCUSSION

The Commissioners briefly discussed removing a wall at the annex to make a larger room and how the space would be utilized there. They also briefly discussed the Health Department's move of the clinic from downstairs at the south complex to upstairs at the south complex.

AT&T SETTLEMENT OFFER

Dave Baum, IT presented a letter he had received regarding a class action suit against AT&T for Dennis to review. Chad moved to authorize Gary's signature on the AT&T settlement offer. Dave seconded the motion and it carried, 3-0.

ASSESSOR'S OFFICE – COLOR COPIES

Dave Baum, IT was present at this time. Gary asked him if he could put a public terminal in the Assessor's Office where the customers could view their property instead of having colored printouts. Dave Baum said there used to be one down there. He said it was there for years and he didn't know what happened to it unless they took it to the Weber Road annex. Chad said if the public looks at it and they want a color copy to take home with them, then it could be sent to a color printer upstairs and they could pay for it. Dave Baum said he could install a public terminal.

GENERAL LIABILITY INSURANCE RENEWAL DISCUSSION

Auditor Jackie Knafel said she had insurance renewal papers for the general liability (Inland Marine) insurance. After a brief discussion the Commissioners said they would like to hold this until later this morning when Jarrod Ramer, the insurance agent will be here.

CLERK'S OFFICE – NEW SOFTWARE & POSTAGE SYSTEM FOR CERTIFIED MAIL

Shelley Mawhorter, Clerk was present to ask for permission for the Clerk's Office to purchase new software, (H.I.). She said she had to go through the Supreme Court of Indiana to get approval from them. Shelley said presently they have Gavel which is a good system, but

they quit updating it when the court started mandating Odyssey. She said our server is dying and we need to go. Shelley said CSI is her choice and the letter from the Supreme Court approves for her to go with CSI. She said they are going to start scanning their documents and that is a huge cost increase for her with CSI. Shelley said she wasn't asking for any money. She said she would pay for it from her 4-D money, her Perpetuation Fund, and the Arc Fund she has, and she is going to ask Dave Baum to pay some of it. Shelley said Dave Baum, IT has some questions about the contract. She said she won't be getting all of the equipment available, but she would be getting the scanners, because Dave didn't think he could get them any cheaper. She said they will be able to put a bar code on everything that goes through the court, and they will scan them and it will become a part of the system. Shelley said eventually it will eliminate the micro-filming they are doing. She said right now attorneys can go on line for free and look at a CCS, and that will no longer be. Shelley said she will be going through Doxpop, and there will be a monthly fee for lawyers or whoever wants to pay to see it. She said if you are an individual and only use it once or twice, you can use it up to six times a month and it is still free. Shelley said Doxpop will cost her nothing because they get their money from the people that pay to use it. Chad asked if the public court records that he could look at now would not be there anymore. Dave Baum said internally the county offices would have the ability to look it up for free. He said any active cases are free but not the historical information.

Shelley said another thing she would like to talk about is the postage program dealing with certified mail. She said currently if someone is part of a case and she wants to send a piece of certified mail out, she just puts in ".certm" and it prints her certified mail. Shelley said the county offices send out an average of 667 pieces of certified mail per month. She estimated her office sends approximately 600 of them. Shelley said our total cost savings would be \$1534.10. She said she told Pitney Bowes she didn't want it unless it works, so Pitney Bowes got with CSI to integrate this into the CSI system so it would work, and it could be used by all of the offices. Shelley said she doesn't have any money to put towards this, but the Recorder, Probation and Auditor's Office all have money they could put towards it.

Dave Dolezal asked if the lease offer would be a better deal because the software maintenance is included. Shelley said it would, but it would take us forever to get our money back. Jackie and Shelley said they wouldn't have a problem with the lease agreement if we owned it at the end of the 48 months.

There was discussion about how much storage space would/would not be saved by scanning the documents. There was also discussion about the benefits of scanning.

Dave Baum said we have to do something with the software. He said the system we have is dead-ended and there is no place to go with it. Shelley said all three judges are on board with going with CSI.

Dave Baum said his opinion would be to go with the lease option for the certified mail with Pitney Bowes, with an option to purchase down the line, if they would let us do that. He said that would give us some time to accumulate the extra money needed to purchase it outright.

Shelley said she would like to go live with CSI on the 1st of April if the Commissioners approve it. She gave several reasons why April 1st would be a good time to go live.

After further discussion Chad moved to approve the lease option for the 48 month term for Pitney Bowes (Electronic Return Receipt). Dave seconded the motion and it carried, 3-0.

Shelley said after Dennis and Dave Baum get together to discuss any issues with the contract, she would hope that the Commissioners could sign the contract next Monday.

Chad moved to table the decision on the contract (CSI) until next Monday. Dave seconded the motion and it carried, 3-0.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 9:38 A.M. and reconvened at approximately 9:47 A.M.

HIGHWAY BUSINESS – MARK GOODRICH **QUOTES FOR TRUCK LIFTS**

Mark presented copies of quotes for 2 truck lifts at the Highway Department. Mark said bay one at the department is quoted for a 60,000 pound lift and bay two for a 64,000 pound lift. He said the first number on the quotes is for bay one and the second is for bay two.

USA Lift -	\$119,230.00
	120,987.61
CJM -	\$ 79,086.00
	90,309.00
Ott Equipment -	\$ 75,489.00
	87,819.00

Mark said they are all in-ground lifts. He said there was a company that has above ground lifts but they declined to submit a quote because they would have had to hire out the installation.

Chad asked Mark how he would pay for the lifts. Mark said he had \$170,000.00 set aside for a truck, and that money could be used for this. Gary said the new truck purchase would be shipped into another fund. There was discussion about the warranties.

Chad moved to accept the low bid of Ott Equipment. Dave seconded the motion and it carried, 3-0.

TRUCK MAINTENANCE COSTS

Mark gave the Commissioners a copy of the truck maintenance costs for the last five years for their review, (H.I.).

CREDIT MONEY FOR TRUCK

Mark said he would probably be requesting CREDIT money for a truck for next year.

TRUCK #14

Mark reported that truck #14 is still not running properly. He told the Commissioners about the problems they are having with it.

SIGN FACE FOR ROAD MARKERS

Mark said the Sign Foreman would like to get some different sign faces for road markers. He said it would still be green and it has a metallic material in it that makes it more visible during the day. Mark said the cost for the material is \$1140.00 and the cost for what we are using now, which is an engineer grade and is non-reflective, is a little over \$600.00. Dave asked how many signs that would make. Mark said it would be for two rolls of material but he couldn't say how many signs it would make. Dave asked Mark if he could give us an idea of how much of the material would be used in a year. Mark said he would bring that information next week.

FRONTIER - CLAIM FOR DAMAGES

Mark reported that he had received a claim from Frontier for damages to phone lines, (H.I.). He said he had talked to the sign foreman and he didn't even know he had hit anything. Mark said normally they can feel it if they hit a line. He said they had asked for a

locate, and it was between the lines where he put the sign. Dave asked if it was in our right-of-way. Mark said it was. Dave asked Mark what he usually does with these when they come in. Mark said we had another one of these and he talked to them and explained his feeling about the way they position their lines and the fact that they don't identify all of their lines, and they never sent a bill.

Dennis said he thought Mark should talk to Frontier to see exactly what they are talking about, and what they are talking about money wise too.

UTILITY PERMITS

Mark presented permit #UP-005-13 from Noble REMC for work on Williams Lake Drive between Highland Drive and CR 150 W in Noble Township at the Dale Friskney residence and permit #UP-006-13 from Noble REMC for work on North Street (CR 850 N) between SR 5 and CR 700 W in Perry Township for rebuilding overhead power lines, (H.I.).

SCHOOL SECURITY

Present for this portion of the meeting were: Sheriff Doug Harp; Andrew Deming, East Noble School Corp. (EN); John McGill, Central Noble School (CN); Rodney Stayner, CN; Mike Campbell, Observer; Shannon Gleason, CN; Jarrod Ramer, Black & Ramer Insurance; John Fitzpatrick, CN School Board; Connie Sprague, CN School Board; and Troy Gaff, CN.

Doug said unfortunately he doesn't have his SOP's back from the attorney's yet. He said they had been talking to insurance companies about worker's comp issues, and he asked Jarrod if he would address that issue.

Jarrod said since the last meeting he had spoken with IPEP who he has the county's insurance with, and IPEP right now is taking the stance that they will not renew the worker's comp policy if the county would take on the responsibility of carrying the worker's comp on the school employees. He said he talked to Bill Leer who is the insurance agent of record for Central Noble and East Noble, and Bill's understanding was that Selective, who Central Noble has their coverage with, will look at it but they are not taking a stance either way. Jarrod said they really want to take a look at the SOP, but that is still on the table. He said IPEP who East Noble currently has, will take the same stance with the school systems they are with the county.

Doug asked Andrew if East Noble had any more discussions regarding that. Andrew said something was said about Selective and if they picked it up they might consider them as volunteers and then cover them with workman's comp. He said he wasn't sure. Jarrod said the last time he spoke to Bill he said Selective would take a look at it. He said in his opinion the biggest issue with the volunteer side is that when they do a roster of volunteers it really only takes care of medical and not the loss of income, which is a huge issue on the worker's comp. Doug said three or four years ago we had a reserve officer that was involved in an accident. He said he talked to him Wednesday night, and his wages were picked up. Jarrod said with a volunteer there is an accident sickness plan and he thought there was a cap on it. He said it is more of a supplemental plan to go along with the worker's comp. Jarrod said at this point he thought Selective was still on the table.

Chad asked if there would be an increase in costs for the county and/or East Noble to switch to Selective. Jarrod said he didn't know about the costs. He said he didn't know how the standard operating procedures (SOP) are set up, but he thought the best way would be to word it so the volunteers were employees of the schools. He said there might be a couple of other carriers that might look at it, but he can't speak for another agency.

Dave asked where that leaves us. Doug said he thought it would depend on what Selective decides for Central Noble. He said we could come back and take another look at it if they are on board with it. Doug said there are volunteer firemen in every school system and they don't carry guns, but if there is a fire in the school and they switch to being a fireman to fight the fire and they get hurt, then how does that impact the insurance. He said he didn't know what the difference is. When asked by Chad, Andrew from EN said they have never had that happen so he doesn't know the impact. Doug said all of our police reserves work full time jobs doing something else and when they are at their full time job and something happens that they turn to being a police reserve and get injured, how does that work with worker's comp. He said there are also volunteer firemen that could have the same scenario.

Gary said we are talking volunteers, reserve responsibilities, special deputies, and school employees. Doug said he is talking about volunteers, period. Jarrod said there is still a concern on the reserves versus the special deputies. He said the concern would be the maximum amount on the loss of wages if someone was injured. Jarrod said he thought the best bet would be to go through Selective on CN's side of it and see where they would come in at. He said from the insurance side of it, it is a new concept and that makes IPEP uncomfortable.

Doug said South Dakota enacted legislation last week to allow the school (personnel?) to carry weapons. Jarrod said Ohio is a monolithic state which means it is a state school, not a private school. He said the state is making the laws, whereas in Indiana we have private insurers that come in and insure, so they (schools) can pick and choose what they are doing.

Chad said on the legislative side of things, he found an article that said Senator Jim Toms had intended to suggest changing the law in the 2013 session so teachers could carry guns, but he found that they already can. He said Jim said it is a school policy decision, and an attorney said the law applies to anyone that is authorized by the school. Chad said everybody keeps saying it has to be dedicated security, but the law says "or authorized". He said that brings back his question of why they have to be special deputies when it seems that the law already allows for the schools to arm their staff if they so choose. Chad said there was also an article from the Associated Press when they were talking to Chuck Hibbert, who is a security person that said the schools could designate everyone as security officers if they wanted to get that crazy.

Scott Perry asked how that reconciles with what they heard last week, that school corporations were not allowed to have security officers unless they were SRO's. Chad said he asked Ann Linson, (East Noble Superintendent) to clarify where she saw that they had to be dedicated in those security roles, and all she forwarded him was the same IC code that says they could be authorized by the school. Chad said he couldn't find anything that said that their sole role has to be a security position. Dennis said the IC code is: 35-47-9-1. Doug said in southern Indiana they are full time school staff members and their job is security. Chad said the State Department of Education says that they are not aware of any place in Indiana where teachers carry guns.

Doug said the whole point is to make the schools as safe as we can. He said if the schools want to implement something he thought we would still be involved with training. Chad said he thought we should be involved with training if the schools implement something. Jarrod said in his opinion that wouldn't be an issue. Gary asked if the schools opt to do this on the own, if Doug provides the training, and if a school staff member would become injured during the training, do we need to have a "Hold Harmless" agreement. Jarrod said he thought they would still be covered under the school because they are their employees. Dennis said if the employee was required by the school to take the training, then he thought the school should pick up the

workman's comp. Jarrod said there could be some "premises" liability, but that is no different than someone walking in the courthouse and slipping and falling.

Dave asked what approach West Noble has taken. Doug said he hadn't had any discussions with them for two to four weeks. He said they have had some people go through training to get a feel for what we are talking about.

Gary said from what he had been told and sees in the law, administrative staff can be designated as a security team. He said if the schools wish to take the step of going with arming their staff, that should be their liability and their workman's comp. and the Sheriff's Department would do the training.

Rodney Staner said his understanding was that they couldn't do that. He said he had asked if they could do that. Gary said the superintendent he talked to said the law had been relaxed in 2007 to allow them to do just that. He said Central Noble would have to change their policy as far as firearms on school grounds, and East Noble may have to do the same thing.

Shannon Gleason from Central Noble said she knew that more than one attorney was consulted, and that was not the interpretation they were given. She said the direction they were given is that it was not a possibility. Gary said it was a school attorney that made the interpretation that they could have a security team, but it wasn't a Central Noble or an East Noble attorney that made it.

Dave asked if the security people in southern Indiana were dedicated security, or if they were administrative. Doug said they were dedicated security. He said they had a retired trooper that was substitute teaching, and he kind of gravitated towards that, and then they had another person that was a truancy officer. Doug said Hancock County and several departments within the state are looking at doing the same thing as far as having special deputies. Doug said with East Noble if it is a worker's comp issue, then that is a big stumbling block. He said he thought the school official would have to go with what their attorney is telling them. Chad said maybe they need to go to their senator or maybe go to a judge to have the law interpreted. There was discussion about there being a big problem with interpretation.

Chad asked if the school's had taken a position to support Senate Bill 1. Doug said that is a two year process. There was discussion about SRO's and how they are paid by the school(s) and the county.

Doug said he will try to set up a meeting with the three superintendents and try to revisit the statute with their attorneys and get a better idea on worker's comp.

Rodney said he thought it would be great if we could have school resource officers (SRO's) in every school building, if it could be fit into the budget. He said he thought it would be good to have backup so if an SRO is sick or has time off there would still be someone in the schools. Rodney said we should do whatever we can to protect the kids.

Gary said his struggle is with schools not being locked and following a safety procedure program and then wanting to go right to a special deputy. He said they have probably had a school safety plan for years, and they haven't been functioning within the safety plan, and now they want to go with guns. Doug said the problem with locked doors is that most of the school shootings are done by students who come through the door with all of the other kids.

Chad said he had talked to a lot of different people. He said the county's only role in this is to assume liability or not to assume liability. Chad said of those he has spoken to, he asked if the schools could do this on their own, if they thought the county or the school should do it, and they all said they thought the school should do it. Gary said he is not and had never been against arming staff, but they must be trained.

Dave said he thought if they could get a resolution to the Indiana Code it would make the Commissioners decision a lot easier.

Rodney said he didn't want the Commissioners to think CN is not doing anything with securities in their school, because they are. He said there is a lot of work to do at the high school.

Shannon said the class rooms have been locked, but the entrance to the school is not because they don't have the electronic monitoring/entry system yet.

Doug asked where they go to get the definitive answer. Dennis said he thought the statute is written broadly enough that it could be interpreted either way. He said to get an Attorney General's opinion would probably take months and it wouldn't bind anyone to follow that opinion.

Chad moved that the county does not accept the liability coverage for the special deputies. Dave seconded the motion. After further discussion the motion carried, 3-0.

BUILDING & PERSONAL PROPERTY **INSURANCE RENEWAL - EMC INSURANCE CO.**

While Jarrod was present the Commissioners asked him about the insurance renewal paperwork Jackie had presented this morning, and the values put on buildings. He said that about 3 or 4 years ago, EMC went through and looked at all of the buildings and did a complete reconstruction cost. Jarrod said since then there is an inflation guard built in and they increase the buildings accordingly. He said it is usually 2-3%. Jarrod said the courthouse was the big one. Jarrod said the Commissioners were told it would take X amount of money to rebuild it, and then they decided to an agreed value on it.

Chad said basically, that is saying that property values are going back up. Jarrod said it is the replacement cost that is going up, not necessarily the market value. Dave said our liability insurance is going up almost \$20,000.00 and the Commissioners are trying to figure out where we are getting hit. Jarrod said liability cost is big. He said it is a combination of losses and the insurance industry in general is making money and they want more money. Jarrod said he didn't look at other markets this year, because EMC was still on the bottom trend and the other companies wouldn't want to drop down to come in lower than them.

After further discussion Dave moved to sign the insurance renewal paperwork. Chad seconded he motion and it carried, 3-0.

Jarrod said Mick (Newton, EMA Director) had asked him if there would be insurance coverage in an emergency situation if they would want to use for example a school parking lot for a drive-in, like an H1N1 scare or something where they would need to administer meds quickly. He said they were under the impression that the insurance company would not allow them to use non-owned locations. Jarrod said he started checking into it and he thought where there was some confusion was that back in 2011 they were administering H1N1 shots at the Kendallville Event Center and someone fell and was injured, and that would go back to the insurance covering the premises. He said there were some issues with getting the owner to turn it in. Jarrod said he turned in a claim to EMC and they said there was no negligence on the county's part, and it goes to the premises owner. He said he thought that was interpreted that we are not covered on non-owned premises, but we are. Jarrod said there was no negligence on either party, the person just fell and that is why we denied the claim. He said if the county would have had some negligence then it wouldn't matter where you were at.

Jackie asked if there would be any additional to add the Search and Rescue volunteer groups if they decide to list them on the worker's comp policy. Jarrod said the number they gave him was a range, and with the number Mick gave him he thought it would be about \$1500.00 for that range. Jarrod said he would check into the cost.

Chad said there would probably be some increased costs for Community Corrections and he asked Jarrod to check into what the county liability would be for that. Stacey Beam, Chief Probation Officer said they already have insurance for community service that they pay for.

RECESSED AND RECONVENED

The Commissioners recessed their meeting at approximately 11:20 A.M. and reconvened at approximately 11:32 A.M.

COMMUNITY CORRECTIONS ORDINANCE

Present for this portion of the meeting were: Stacey Beam, Chief of Probation; Danyel Wagner, Court Services; and Steve Clouse, Prosecutor.

The Commissioners reviewed the above referenced proposed ordinance and asked questions of Stacey and Danyel. They also noted a few corrections that need to be made to the ordinance. There was discussion about appointments that would need to be made.

Chad moved to approve the first reading of the proposed ordinance with the corrections made as noted. Dave seconded the motion and it carried, 3-0.

Stacey said they would get the Commissioners a list of the names they have so far for the Commissioners to consider as board members.

HEALTH DEPARTMENT & CLINIC RELOCATION AT SOUTH COMPLEX

Dr. Terry Gaff was present to inquire about the Health Department's move at the south complex. Gary told Dr. Gaff that the Health Department Offices could do the preparations to move down the hallway to the three offices on the left and the clinic will move upstairs. Chad said the Commissioners don't want the clinic to move upstairs until the stairway issue is addressed. He said Dick (Adair, Building Inspector) is working on getting quotes to have that addressed.

PROPOSAL FOR SEPTIC SYSTEM

Dr. Gaff asked if it is ok for him to bring the Commissioners a proposal for a possible demonstration septic unit. He said they had someone come in that said instead of putting in a mound system to repair a septic system you can put in a 3-stage compact system at the other end of it that puts out water that is lake quality. Dr. Gaff said it is not specifically approved in Indiana, but there are other states that are using this system to avoid putting a lot of solids and effluent into the septic systems, because the finger systems fail and they are having trouble with very expensive mound systems and repairs. He said the company that makes this system might be willing to put in a demonstration unit at the south complex. Dr. Gaff said if they would put it in with no charge to the county or at a reduced cost, with the understanding that people would be coming and looking at it, then we would get experience with the system without damaging what we have out there now. There was discussion that this system would be much cheaper than hooking up to the sewer. Dennis said this would be in the area of \$5,000.00 - \$6,000.00.

The Commissioners agreed that Dr. Gaff could look into the system further. There was discussion that it might require a waiver from the Board of Health to put this in.

ADJOURNMENT

This session of the Board of Commissioners of Noble County was at approximately 12:17 P .M. recessed from day to day until the 18th day of March, 2013 on a motion from Chad which was seconded by Dave and carried, 3-0.

Gary Leatherman, President

David J. Dolezal, Vice President

Chad Kline, Member

ATTESTED: _____
Jacqueline L. Knafel, Auditor