

BE IT REMEMBERED THE HENRY COUNTY COUNCIL OF HENRY COUNTY, INDIANA, met at the Henry County Courthouse Circuit Courtroom, in the City of New Castle, Indiana on February 24, 2022 at 3:30 p.m. with the following members present: Betsy Mills, Chad Malicoat, Kenon Gray, Harold Griffin, Peggy Stefandel, Susan Huhn, Kyle Allen, Debra Walker, Henry County Auditor, and Attorney Joel Harvey.

The meeting was opened with a Prayer and the Pledge.

A motion was made by Chad Malicoat and seconded by Betsy Mills to approve the minutes of the January meeting as presented. Motion carried unanimously.

The Public Hearing was opened for the New Castle Henry County Public Library. Steve Murphy for Attorney for the Library explained the reasoning for the bond and that it would have no fiscal impact on the county. He presented a Resolution that would have to be adopted by the council. Kenon Gray asked if there was any questions from the Council or public. With no questions asked the public hearing was closed.

A motion was made by Betsy Mills and seconded by Chad Malicoat to approve Resolution 2022-02-24-2 A Resolution of the Henry County Council Approving the New Castle-Henry County Public Library Issuance of One or More Series of Bonds and Appropriation of Such Bond Proceeds. Motion carried unanimously.

**RESOLUTION OF THE HENRY COUNTY COUNCIL
APPROVING THE NEW CASTLE-HENRY COUNTY PUBLIC LIBRARY ISSUANCE OF ONE OR MORE
SERIES OF BONDS AND APPROPRIATION OF SUCH BOND PROCEEDS**

2022-02-24-002

WHEREAS, New Castle-Henry County Public Library (the "Library") is a public library organized and existing under the provisions of IC 36-12; and

WHEREAS, IC 36-12-3-9 states that a public library board may, by resolution, issue bonds in order to finance the acquisition, construction, extension, alteration or improvement of structures and equipment necessary for the proper operation of a library; and

WHEREAS, the Board of Trustees (the "Board") of the Library has found that its present facilities are not adequate to provide the proper library services to present and future Library patrons utilizing its facilities; and

WHEREAS, the Board of the Library has found that there are not sufficient funds available or provided for in existing tax levies with which to pay the total cost of the renovation of and improvements to the New Castle-Henry County Public Library, including site improvements and the purchase of equipment and technology (the "Project"), and that the Library should issue one or more series bonds in an aggregate amount not to exceed \$10,600,000 for the purpose of providing funds to be applied to the Project;

WHEREAS, the estimated cost of the Project at the present time is in the maximum amount of Ten Million Six Hundred Thousand Dollars (\$10,600,000), and the Board finds that no provision has been made on account thereof in the existing Library budget; that a need exists for the making of an additional appropriation for such purpose;

WHEREAS, legal notice of an additional appropriation hearing to be held at this County Council (the "Council") of Henry County (the "County") meeting was published on February 11, 2022 in the *Courier Times*; and

WHEREAS, IC 6-1.1-17-20.5 requires that before an appointed library board may issue bonds it must obtain the approval of the applicable fiscal body; and

WHEREAS, pursuant to IC 6-1.1-17-20.5, it has been determined that the County Council is the applicable fiscal body to approve the issuance of the bonds; and

WHEREAS, the Council has held a hearing on the Library's additional appropriation of the Bond proceeds for the Project;

NOW, THEREFORE, BE IT RESOLVED BY THE HENRY COUNTY COUNCIL, THAT:

1. The issuance of one or more series of bonds by the Library to be repaid solely by the Library for the purpose of obtaining funds to be applied on the cost of the Project, in an aggregate principal amount not to exceed \$10,600,000 is hereby approved and authorized.
2. By the approval contained in this resolution, the County in no way becomes obligated to repay the bonds of the Library nor do such bonds count against the County's Constitutional debt limit.
3. The Council approves the additional appropriation by the Library of the proceeds of the Bonds, issued in one or more series, in an aggregate principal amount not to exceed \$10,600,000, plus investment earnings thereon, to be applied on the cost of the Project and that this appropriation is to include the incidental expenses necessary to be incurred in connection with the

Project and the issuance of the Bonds on account thereof and that said appropriations shall be in addition to all appropriations provided for in the existing Library budget and shall continue in effect until the completion of the Project.

4. This Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED AND PASSED THIS 24th DAY OF FEBRUARY, 2022, BY THE COUNTY COUNCIL OF THE COUNTY OF HENRY, INDIANA.

HENRY COUNTY COUNCIL

VOTING FOR

VOTING AGAINST

ATTEST:

Auditor

Corey Murphy gave an EDC update. He has a project he would like for the council to start thinking about it is call County and Community Destinations it is to identify county and community destinations to identify vehicular and bicycle destinations. He feels this would be helpful to both residents and visitors to the county.

Corey Murphy explained that the council needs to appoint a member to the Economic Development Commission. This is a body of three individuals and is recognized in statute as a body that review specific financing arrangements and in the case they would be looking at the Boars Head expansion project. The City of New Castle recommended Mike Broyles and County Commissioners appointed Josh Estelle and the previous County Council appointment was Cara Huffman. This board only meets when there is an issue such as this, they have only met three times in the last five years. The City, County Council makes a recommendation for this board and the County Commissioners appoints the board. Kenon Gray stated that after getting Corey’s recommendation he received another name that would like to serve on the board. Kenon Gray also stated that the council must make a recommendation today. Susan Huhn said that she spoke with Rosalyn Ritchie and she lives in the northern part of the county and she would be happy to serve on this board.

Susan Huhn made a motion and seconded by Peggy Stefandel to appoint Roselyn Ritchie to the Economic Development Commission. Chad Malicoat stated that he cannot vote for Roselyn because he does not know anything about her. Betsy Mills is uncomfortable voting on this today, she is not familiar with Ms. Ritchie. Susan stated that if they do not take a motion today they will lose their opportunity to appoint someone to this board, as Cara will continue on the commission until she is replaced. The EDC will meet on March 17, 2022 at noon. Roll call vote: Kyle Allen – NO; Peggy Stefandel – Yes; Harold Griffin abstained; Betsy Mills – NO; Susan Huhn – Yes; Chad Malicoat – NO. Motion failed. Betsy Mills asked that they invite both to the next meeting to hear from both of them. Joel Harvey stated that Cara Huffman will continue on the commission until she is replace.

Ordinance 2022-2 An Ordinance Establishing a Non-Reverting Cumulative eights & Measurers Fund. Susan Huhn asked since we have not had this in the past has the Commissioners set guidelines for the use of this fund. Joel Harvey stated there has been an ordinance in the past but it has not been enforced. Chad Malicoat asked if it going to be like other funds that have been established such as the Park fund that the council has oversight over during budget sessions or is it completely independent. Kenon stated that he has police authority and can charge the fees. Bobbi Plummer stated that it is a non-reverting fund that he will only be able to fund his department with such as a new vehicle. Susan Huhn asked if this is ok by the state. Kenon Gray

ORDINANCE NO.: 2022-2

AN ORDINANCE ESTABLISHING A NON-REVERTING CUMULATIVE WEIGHTS AND MEASURES FUND

WHEREAS, Henry County has enacted Chapter 111 *Weights and Measures* of the Henry County Code under which it establishes regulations on the operation of commercial scales, weights, measures, and other devices utilized in trade within Henry County, provides for a County Inspector to enforce its provisions and other applicable provisions of state law, establishes fines and penalties for non-compliance with its provisions, and provides for other fees for services of the inspector; and,

WHEREAS, a cumulative non-reverting fund should be established for the allocation of revenue received as a result of fines assessed and services performed by the County Inspector under Chapter 111.

NOW THEREFORE BE IT ORDAINED by the County Council of Henry County, Indiana:

1. A new cumulative non-reverting fund entitled *Weights and Measures Fund* ("Fund") is hereby created.
2. All revenue received as a result of fines imposed or assessed for violations of Chapter 111 of the Henry County Code, and all revenue received as a result of services performed by the County Inspector pursuant to Chapter 111 of the Henry County Code, shall be allocated to the Fund.
3. Revenue in the Fund shall be utilized solely to support the Henry County Weights and Measures Department, including without limitation, for the acquisition and repair of equipment and supplies.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law is rendered invalid, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Henry County Council.

stated that he actually has the authority to arrest. Bobbi Plummer stated that he has no teeth right now as if he red tags a gas pump they just pull it off because he has no authority to do anything and with this ordinance he will be able to. Susan Huhn asked if state statue allowed this and he has the authority to use however he wants. Bobbi Plummer stated that yes they do approve this but has to be spent as stated in the ordinance. Chad Malicoat asked who was over the fund, Bobbi Plummer stated that since the Weights and Measurers was under the commissioners so they will be over the fund.

A motion was made by Susan Huhn and seconded by Betsy Mills to approve Ordinance 2022-2 an Ordinance Establishing a Non-Reverting Cumulative Weights & Measurers Fund. Motion carried unanimously.

ALL OF WHICH IS ORDAINED this 24th day of February, 2022.

HENRY COUNTY COUNCIL

Karon Gray
[Signature]
Susan Huhn
[Signature]
[Signature]
Peggy Stephens
Harold R. Aruff

ATTEST:

Debra G. Walker, Henry County Auditor

Ordinance for the Boars Head project was introduced. Corey Murphy gave each council member a time table of the project. The incentive recommendation is the same as the 2014 project. February 8, 2022 an information session was held. The county is not at any risk for the issuance of these bonds. If the taxpayer doesn't pay their taxes then the bond payment is not made and the county is not liable. No action is being asked of the council at this time. A vote will be done at the March 24, 2022 council meeting. The Economic Development Commission will meet on March 17, 2022 at noon to come up with their recommendation and the RDC will meet on March 24, 2022 to pledge the TIF to project bonds. Lisa Lee explained how the process will work and that this is an expansion of the 2014 Boars Head project. She also explained the ordinance.

Lisa Lee explained the bill going thought the senate that has language to change the bonding timeline for Food & Beverage monies.

A motion was made by Chad Malicoat and seconded by Betsy Mills to allow Baker Tilly to update the county borrowing power on the Food & Beverage monies. Motion carried unanimously.

Ordinance 2022-4 An Ordinance Authorizing the Expenditure of Coronavirus Local Fiscal Recovery Funds for Essential Pay was presented. Susan Huhn stated that she did not see the changes that came out of the last meeting. It is showing that the essential pay is still a maximum of \$600,000.00 she thought that it had been raised to \$750,000.00. Bobbi Plummer explained that the pay stayed at \$600,000.00 and the \$750,000.00 was for digitizing. Susan asked if the only changes to the pay was 911 employees received the higher amount and all other were increased to the \$1,750 and would the \$600,000.00 cover this. Bobbi Plummer explained that once department heads looked into the guidelines they did not have as many employees receiving the

pay as originally thought. Betsy Mills is concerned that there are employees who had to deal with the public who are not going to benefit from this, Bobbi Plummer explained that all employees except for part time were receiving. Betsy Mills feels there are employees who had to deal with the public on a daily basis who are not receiving the higher pay but it not fair to those employees. She is not blaming anyone who sits on the ARPA committee. Kenon Gray asked what changes have been made to this ordinance. Bobbi Plummer stated that \$170,000.00 for the HVAC System at the Justice Center, and that the 911 employees were increased to the POLE pay. Chad Malicoat feels that part time employees should receive this as well. Bobbi Plummer explained that according to the guide lines part time does not fall under it. Chad Malicoat explained that we can absorb the entire amount under loss revenue and then be able then give to part time. Bobbi Plummer explained that has not yet been done. Susan Huhn asked if we could cut all full time employees essential pay by 15% and earmark that money for part time. Bobbi Plummer explained that it would have to go back to the commissioners for the change.

A motion was made by Chad Malicoat and seconded by Betsy Mills to adopt Ordinance 2022-4 An Ordinance Authorizing the Expenditure of Coronavirus Local Fiscal Recovery Funds for Premium Pay. Motion carried 6/1, Susan Huhn voting NO.

ORDINANCE: 2022-4

AN ORDINANCE AUTHORIZING THE EXPENDITURE OF CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS FOR PREMIUM PAY

WHEREAS, the American Rescue Plan Act of 2021 (“ARP”), was enacted on March 11, 2021; and

WHEREAS, ARP, among other things, established a Coronavirus Local Fiscal Recovery Fund, which provides for the disbursement of revenue from the United States Treasury to local governmental units to assist local governmental units in remedying the negative fiscal impacts stemming from the COVID 19 Public Health Emergency; and

WHEREAS, the Coronavirus Local Fiscal Recovery Fund, established under 42 U.S.C. § 803, provides for distribution of revenue to counties; and

WHEREAS, revenue received from the Coronavirus Local Fiscal Recovery Fund may only be utilized for the specified purposes set forth in 42 U.S.C. § 803 (c); and

WHEREAS, one of the permitted uses of funds received is to “respond to workers performing essential work during the COVID 19 Public Health Emergency by providing premium pay to eligible workers of the ... county”; and

WHEREAS, Henry County, Indiana wishes to provide "premium pay" to a number of its employees who are “eligible workers," who performed "essential work" as those terms are defined in 42 U.S.C § 803; and

NOW THEREFORE, BE IT ORDAINED, by the Henry County Council, as follows:

1. Ordinance 2022-4 is repealed and superseded by this Ordinance.
2. Any current full- time employee of the County working in the Emergency Medical Service Department, Health Department, Sheriff's Department (categorized as Protective Occupations and Law Enforcement), E911 Department (categorized as Protective Occupations and Law Enforcement), Community Corrections (categorized as Protective Occupations and Law Enforcement) or in the Henry County Jail (categorized as Protective Occupations and Law Enforcement or Special Occupations), who worked at least one thousand two hundred fifty hours (1,250) hours between March 22, 2020, and December 31, 2020, shall receive a one- time payment of three hundred eighty- five (385) hours of premium pay at the rate of thirteen dollars (\$ 13.00) per hour, commencing with hours worked on March 22, 2020, and continuing thereafter until the employee is compensated, as described in this Ordinance, for the first three hundred eight five (385) hours worked after March 22, 2020.
3. Any other current employee of the County, who worked at least one thousand two hundred fifty (1,250) hours between March 22, 2020, and December 31, 2020, shall receive a one- time payment of one hundred and thirty four and six tenths (134.6) hours of premium pay at the rate of thirteen dollars (\$13.00) per hour commencing with hours worked on March 22, 2020, and continuing thereafter until the employee is compensated, as described in this Ordinance, for the first one hundred thirty four and six tenths (134.6) hours worked after March 22, 2020.
4. The payment made to any employee of the Emergency Medical Service Department shall be reduced by the sum of seven hundred dollars (\$700) to account for additional compensation previously provided to such employees as a result of the Emergency Medical Service Department's receipt of an ARP Rural Payment.
5. The payment made to any employee who took a voluntary furlough during 2020 shall be prorated based upon the number of weeks the employee was furloughed during 2020.
6. For purposes of calculating the number of hours worked, pre-arranged, paid vacation days and time away from work due to illness caused from COVID-19 or being required to quarantine as a result of exposure to COVID-19

shall be considered as hours worked, provided however, that time credited as hours worked under this paragraph shall not exceed a total of four (4) weeks of the employee's normal work schedule.

7. Elected officials, volunteers, part-time employees, and any employee who primarily worked remotely during the period of March 22, 2020 to December 31, 2020, shall not be eligible to receive premium pay.

8. The total amount of premium pay paid pursuant to this Ordinance shall not exceed the sum of six hundred thousand dollars (\$600,000.00). In the event the County Auditor determines that more than six hundred thousand dollars (\$600,000.00) is necessary to make the payments described in this Ordinance, premium pay shall not be made to any employee until such time as the Board of County Commissioners and County Council modify this Ordinance and the County's written plan for the expenditure of revenue received under 42 U.S.C. § 803.

9. The employees that are receiving premium pay pursuant to this Ordinance are determined to be "eligible workers" as that term is defined by 42 U.S. C. § 803 (g) (2).

10. The County Auditor and County Treasurer are hereby authorized to make payment to the "eligible workers" in the amounts described in this Ordinance in a lump sum (less any applicable withholdings).

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law shall be inapplicable, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon passage.

ALL OF WHICH IS ORDAINED this ____ day of _____, 2022.

PASSED this _____ day _____, 2022, by a vote of _____ (ayes) to _____ (nays).

COUNTY COUNCIL OF HENRY COUNTY, INDIANA

President

ATTEST:

Debra G. Walker, County Auditor

A motion was made by Susan Huhn and seconded by Kyle Allen to approve Exhibit a Written Plan for Expenditure of Funds Received Through the Coronavirus Local Recovery Fund. Motion carried unanimously.

Exhibit A

The sums received by Henry County, Indiana from the Coronavirus Local Fiscal Recovery Fund, shall be utilized for the following purposes:

1. \$ 1,000,000.00 to contribute to the cost of a new sanitary sewer line that will service the Henry County jail (42 U.S.C. § 803 (c) (1) (D)) (authorized in Resolution 2021-11-17-013);
2. Up to \$600,000.00 to provide premium pay to certain eligible employees of Henry County, subject to the terms of a salary ordinance adopted by the Henry County Council (
3. \$ 10,000.00 as a hiring bonus for new employees accepting employment as jail officers at the Henry County Jail and Rehabilitation Center after such facility is opened (42 U.S.C. § 803 (c) (1) (A));
4. \$ 50,000.00 to retain an employee whose job duties will consist of selecting and writing grant applications on behalf of Henry County in part, to obtain additional funds for the purpose of addressing the negative effects of COVID-19 (42 U.S.C. § 803 (c) (1) (A));
5. \$ 400,000.00 to obtain one or more ambulances for use by the Henry County Emergency Medical Service (42 U.S.C. § 803 (c) (1) (A));
6. \$ 8,700.00 to obtain an assessment of the physical condition of certain buildings owned by Henry County for the purpose of determining any necessary modifications or repairs to the buildings, including repairs or modifications necessary to respond to the public health emergency with respect to COVID-19 (42 U.S.C. § 803 (c) (1) (A)).
7. Up to \$170,000.00 for repairs and improvements to the HVAC and ventilation systems at the Henry County Justice Center (42 U.S.C. § 803 (c) (1) (A));
8. Up to \$720,000.00 for digitizing records of the Board of Commissioners, County Council, County Auditor, and County Surveyor (42 U.S.C. § 803 (c) (1) (A); (c) (1) (C))

A motion was made by Betsy Mills and seconded by Chad Malicoat to approve Ordinance 2022-5 An Ordinance Authorizing Transfer of Funds within the budget of the Henry County Recorder. Motion carried unanimously.

ORDINANCE NO.: 2022- 005

AN ORDINANCE AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE BUDGET OF THE HENRY COUNTY RECORDER

WHEREAS, the Henry County Recorder has requested that a sum be transferred from one budget classification to another budget classification within the 2022 budget of the Henry County Recorder's office; and

WHEREAS, in order to approve a transfer from one budget classification, the fiscal body must approve such transfer by ordinance.

NOW THEREFORE BE IT ORDAINED by the Common Council of Henry County, Indiana as follows:

1. The sum of \$2,756.88 is transferred from fund number 068100005 to fund number 1189.
2. The transfer set forth above is necessary.
3. The transfer does not require the expenditure of more money than the total amount set out in the 2022 budget for the office of the Henry County Recorder.

REPEALER: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: Any provision herein contained which is found by a court of competent jurisdiction to be unlawful or which by operation of law is rendered invalid, shall be deemed omitted but the rest and remainder of this ordinance, to the extent feasible, shall remain in full force and effect.

EFFECTIVE DATE: This ordinance shall become effective upon adoption by the Henry County Council.

ALL OF WHICH IS ORDAINED this 24th day of February, 2022.

HENRY COUNTY COUNCIL

ATTEST:

Debra G. Walker, Henry County Auditor

A motion was made by Susan Huhn and seconded by Betsy Mills to approve the payout of sick pay of \$4,359.53 to Rachel Hightower who is retiring from the Probation Department after 20+ years. Motion carried unanimously.

A motion was made by Harold Griffin and seconded by Chad Malicoat to appoint Mary Jo Purtee to the Knightstown Library Board. Motion carried unanimously.

A motion was made by Betsy Mills and seconded by Susan Huhn to approve the additional appropriation for the Henry County Health Department in the amount of \$136,226.00. Motion carried 6/1, Chad Malicoat abstained.

The additional appropriation for the LIT Public Safety Fund \$205,000.00 for the Housing of Inmates was discussed. Chad Malicoat asked if they would be enough or two much. Auditor Walker explained that there was only approximately \$250,000 in that fund at the current time. She explained that we could run that account in the red until most all bills were paid before we do an additional appropriation and would only have to one for the amount the account is in the red.

A motion was made by Chad Malicoat and seconded by Susan Huhn to table the additional appropriation for the LIT Public Safety fund. Motion carried unanimously.

A motion was made by Harold Griffin and seconded by Chad Malicoat to approve the transfer of \$38,000.00 from Jail Officers to Jail Uniforms. Motion carried unanimously.

Joel Copeland gave an update on the Highway Department.

Auditor Walker informed the council she is working with DLGF and LSA to change the statute regarding the way the Solid Waste budget process affects the County's budget process.

A motion was made by Chad Malicoat and seconded by Betsy Mills to adjourn. Motion carried unanimously.

Kenon Gray, President

Harold Griffin

Susan Huhn

Chad Malicoat

Peggy Stefandel

Kyle Allen

Betsy Mills

Attested by: Debra G. Walker, Auditor

