

\*\*\*\*\*

Gibson County Board of Commissioners  
Regular Session  
June 5, 2012

\*\*\*\*\*

The Gibson County Board of Commissioners met on June 5, 2012, at 8:00 AM at the North Annex Meeting Room.

Members Present: Gerald Bledsoe, President, Alan Douglas, VP, Bob Townsend, Commissioner, Kay Vore, Administrative Assistant, Jim McDonald, County Attorney and C.T. Montgomery, County Auditor.

The Pledge of Allegiance to the Flag was recited and led by Gerald Bledsoe.

Minutes: The minutes from May 16, 2012 were read and approved through a motion by Alan Douglas and seconded by Bob Townsend. Motion passed 3-0.

Claims:

County General	\$207,673.43
Courts	\$ 11,517.98
Highway	\$310,652.11
Sheriff	\$ 55,104.24
Payroll (6-1-2012)	\$282,053.97.

Bob Townsend made a motion to approve the claims and was seconded by Alan Douglas. Motion passed 3-0.

Department Reports:

Weights and Measures Gary Dawson gave his monthly report.

County Engineer John Umpleby reported that the county has four bridges being worked on at the present time. Bridge #402 will open bids at the next commissioners meeting. The Brumfield overpass will get a walk through this Thursday. Bridge #17, by Lyle Station, should be opening very soon. Bridge #380 located on CR 450 S near Somerville is closed and needing the deck and pier cap replaced.

Old Business:

Surveyor Michael Stevenson asked commissioners for an extension on the Subdivision Control Ordinance review committee revisions. Alan Douglas made a motion to extend the extension until the first meeting in December, 2012. Bob Townsend seconded the motion and the motion passed 3-0.

New Business:

Old National Bank representative John Dyer presented two quotes on Property and Casualty Insurance. One quote was from Burnhart & Flower in the amount of \$175, 434.00 with no earthquake coverage. The other quote was from the county's existing plan holder One Beacon in the amount of \$188,495, plus commission, with earthquake coverage. The One Beacon quote went up \$25,000.00 and John indicated that there were quite a bit of losses in 2010-2011. No one else has submitted a bid. Coverage begins July 1, 2012. Commissioners will table the quotes until the next meeting.

County Attorney Jim McDonald presented and read Commissioners' Ordinance No. 2012-5, an ordinance amending the County of Gibson, Indiana personnel policies handbook. Bob Townsend made a motion to approve the ordinance without any further readings. Alan Douglas seconded the motion and the motion passed 3-0.

**GIBSON COUNTY COMMISSIONERS ORDINANCE NO. 2012-5**

**AN ORDINANCE AMENDING THE COUNTY OF GIBSON, INDIANA PERSONNEL POLICIES HANDBOOK**

WHEREAS the County of Gibson, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Gibson County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations,

WHEREAS the County of Gibson, Indiana provides Gibson County employees with information about established terms and conditions of employment and employee benefits, and

WHEREAS it is necessary to amend the County Personnel Policy from time-to-time.

NOW, THEREFORE BE IT ORDAINED AND ESTABLISHED BY THE COUNTY OF GIBSON, INDIANA BOARD OF COMMISSIONERS THAT:

The County of Gibson, Indiana Personnel Policies Handbook adopted on December 17, 2010 is amended this 5<sup>th</sup> day of June, 2012 as specified in the attached section regarding Nepotism, Elective Officers and County Employment Restricted, and Contracting with the County. The attached section and replacement page(s) are hereby adopted and shall be in full force and effect on and after adoption; and shall supersede existing oral or written personnel policies and procedures.

**BOARD OF COMMISSIONERS  
GIBSON COUNTY, INDIANA**

  
\_\_\_\_\_  
Gerald Bledsoe, President

**ATTEST:**

  
\_\_\_\_\_  
Alan Douglas, VP

\_\_\_\_\_  
C.T. Montgomery, Auditor

  
\_\_\_\_\_  
Bob Townsend, Commissioner

**NEPOTISM**

Effective July 1, 2012 Indiana Code 36-1-20.2 specifies that relatives may not be employed by the County in positions that result in one relative being in the direct line of supervision of the other relative. An employee who is employed by the County as of June 30, 2012, is not subject to the nepotism provision unless the employee has a break in employment with this County in the future.

This nepotism policy does not apply to the County Sheriff's spouse employed as the Jail Matron or to relatives of the County Coroner who have previously served as the County Coroner.

Direct line of supervision is defined as an elected officer or employee who is in a position to affect the terms and conditions of another individual's employment, including making decisions about work assignments, compensation, grievances, advancement, or performance evaluation.

Indiana Code defines relative to include a spouse; a parent or step-parent; a child or step-child; a brother, sister, step-brother, or step-sister; a niece or nephew; an aunt or uncle; a daughter-in-law or son-in-law; an adopted child; and a brother or sister by half blood.

Each elected office holder of the County shall annually certify in writing that the officer is in compliance with the nepotism policy under Indiana Code 36-1-20.2. Such certification must be submitted to the County Commissioners not later than December 31 of each year.

An elected official or department head that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies under Indiana Code 36.1.20.2 (Nepotism) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year until the State Board of Accounts certifies the County is in compliance.

**ELECTIVE OFFICER AND COUNTY EMPLOYMENT RESTRICTED**

Effective January 1, 2013 Indiana Code 3-5-9 specifies that a County employee is considered to have resigned from employment with the County if the employee assumes the elected executive office of the County or becomes an elected member of the County's legislative or fiscal body.

A volunteer firefighter may not assume or hold a position on the executive, legislative, or fiscal body of the County if the County receives fire protection services from the department in which the volunteer firefighter serves. Fire protection services provided under mutual aid agreements are excluded. An employee or volunteer who assumes or holds an elected office on January 1, 2013 may continue to hold the office and be employed by the County or serve as a volunteer firefighter until the expiration of the term of office.

### **CONTRACTING WITH THE COUNTY**

Effective July 1, 2012 Indiana Code 36-1-21 states that the County may enter into a contract or renew a contract for the procurement of goods and services or a contract for public works with: (1) an individual who is a relative of an elected official or; (2) a business entity that is wholly or partially owned by a relative of an elected official only if the elected official files a full disclosure which must:

- Be in writing
- Describe the contract or purchase
- Describe the relationship of the official to the business
- Be affirmed under penalty of perjury
- Be submitted to the legislative body prior to final action
- Be filed (within 15 days of final action) with the State Board of Accounts and the County Clerk.

If a contract is entered into with a relative the appropriate agency of the County shall make a certified statement that the contract amount or purchase price was the lowest amount or price offered or make a certified statement of the reasons why the vendor or contractor was selected. Contracts in existence prior to July 1, 2012 are excepted.

An elected official that is in violation of this policy may be subject to penalties for perjury which is a class D felony with up to three (3) years prison sentence. The County's failure to adopt policies or failure to include a statement in the R-100 Personnel Report under Indiana Code 36-11-21 (Contracting with a Unit) will result in the Department of Local Government Finance not approving the County's budget or any additional appropriations for the ensuing calendar year.

County Auditor C.T. Montgomery presented and read Resolution 2012-4 Gibson County Grant Procedures to the commissioners and council for approval. County attorney Jim McDonald made a recommendation that the resolution be advertised and addressed at the first meeting in July. Commissioners tabled the resolution until July 3, 2012.

Yates Engineering has been hired by the Smithville Telephone Company to bury telephone cable on the right-of-way on all Gibson County roads. The Yates Engineering representative presented the commissioners with all of the permits. County Attorney Jim McDonald will review all of the permits and will give a report when he has completed the review.

EMA Director Terry Hedges presented the commissioners with six plan updates and asked for approval of all six. Bob Townsend made a motion to approve the presented plans and was seconded by Alan Douglas. The motion passed 3-0.

Terry Hedges also gave a report on the last Emge plant fire. A search warrant was obtained to determine the cause of the fire and it was ruled accidental. He also reported that the EPA report on the Air Standards surrounding Emge's was that it was within normal standards after the fire in 2011. He said that government can't do anymore. Civil recourse is all that is left.

Gerald Bledsoe asked the county attorney to write a letter asking that the State of Indiana do another Air Quality Test. Bob Townsend made that a motion and was seconded by Alan Douglas. Motion passed 3-0.

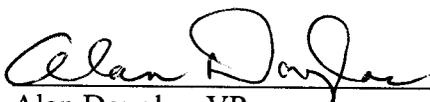
Bob Townsend presented to commissioners the amended Economic Development Income Tax Capital Improvement Plan for Gibson County, Indiana for 2012-13. Bob Townsend made a motion to approve the new amended EDIT plan and forward to the County Council for approval. Alan Douglas seconded the motion and the motion passed 3-0.

County Attorney Jim McDonald presented to the commissioners three certificates of appointment to the Gibson County Economic Development Commission. The three appointees are C.T. Montgomery, Todd Mosby and Kathy Cowling. Alan Douglas made a motion to confirm the appointments. Bob Townsend seconded the motion and the motion passed 3-0.

Sheriff Ballard presented a major medical leave from his department for approval. Alan Douglas made a motion to approve the medical leave and was seconded by Bob Townsend. The motion passed 3-0.

Alan Douglas made a motion to adjourn and was seconded by Bob Townsend. Motion passed 3-0.

  
\_\_\_\_\_  
Gerald Bledsoe, President

  
\_\_\_\_\_  
Alan Douglas, VP

  
\_\_\_\_\_  
Bob Townsend, Commissioner

  
\_\_\_\_\_  
ATTEST: C.F. Montgomery, Auditor