

**BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS** met in the Henry County Courthouse Circuit Courtroom, on Wednesday May 26, 2021 at 6:00 p.m. with the following members present: Bobbi Plummer, Steve Dellinger, Ed Tarantino, Debra Walker, Henry County Auditor and Martin Shields, County Attorney.

The meeting was opened with the Pledge and a Prayer led by Ed Tarantino.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to recess.

The meeting was called back to order after a Board of Finance Meeting.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to approve the minutes of the May 6, 2021 and May 12, 2021 meetings. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to approve payroll as presented. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to approve claims as presented. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the proposal from Automated Logic to repair the Fire Alarm Panel at the Justice Center that was damaged by lightning street. This has been turned into insurance. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the quote from Peine Engineering to repair the heating and cooling units at the Justice Center that failed due to power surge. These have been turned into insurance. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the quote from Peine Engineering to replace temperature controls damaged by a power surge. These have been turned into insurance. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the estimate from Triple J Plumbing to repair the Backflow system at the Courthouse. Motion carried unanimously.

Reports were received from IDEM and the Coroners Office.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the Change Orders for the new jail for Bruns-Gutzwiller Inc, James Babcock Inc.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the Title Sheet for signs so it can be passed onto the INDOT for signage. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the revised contract with Clear Span as modified by Martin Shields County Attorney. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to accept the Highway Annual Report. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Steve Dellinger to approve the letter to DOC supporting the FY2022 DOC JRAC Grant for Community Corrections, Jail and Henry County Probation Department. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to accept the A.R.I.E.S. Comprehensive Community Plan. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to approve Resolution 2021-05-26-009, A Resolution Establishing the Policy by Which Members of the Board of Commissioners of Henry County, Indiana May Participate by Electronic Means of Communication

**HENRY COUNTY  
BOARD OF COMMISSIONERS  
RESOLUTION 2021-05-26-009**

A RESOLUTION ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE BOARD OF  
COMMISSIONERS OF  
HENRY COUNTY, INDIANA MAY PARTICIPATE BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, P.L. 88-2021 (HEA 1437), SEC. 5, amended IC 5-14-1.5-1 et seq. (Act), effective April 20, 2021 by amending IC 5-14-1.5-3.5 to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, a member of the governing body may participate by any means of communication  
that:

- \* Allows all participating members of the governing body to simultaneously communicate with each other; and
- \* Except for a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the County's Board of Commissioners (Board) is a governing body of Henry County, Indiana:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HENRY COUNTY,  
INDIANA:

**Section 1.** (a) The provisions of the Act, including definitions, apply to this Resolution.

(b) This Resolution shall be known as the "Electronic Meetings Policy" of the Board and applies to the Board and any committee appointed directly by this Board or its presiding officer.

**Section 2.** (a) Subject to Sections 3 and 5, any member may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the governing body to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.

(b) A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

(c) All votes taken during a meeting at which at least one member participates by an electronic means of communication must be taken by roll call vote.

**Section 3.** (a) At least fifty percent (50%) of the members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.

(b) A member may not attend more than a fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

(c) A member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A member must attend in person at least one (1) meeting between sets of meetings that the member attends by electronic communication, unless the member's absence is due to

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

**Section 4.** The minutes of a meeting at which any member participates by electronic means of communication must:

- (1) identify each member who:
  - (A) was physically present at the meeting;
  - (B) participated in the meeting by electronic means of communication; and
  - (C) was absent; and
- (2) identify the electronic means of communication by which:
  - (A) members participated in the meeting; and
  - (B) members of the public attended and observed the meeting if the meeting was not an executive session.

**Section 5.** No member of the Board may participate by means of electronic communication in a meeting at which the Board may take final action to:

- (1) adopt a budget;
- (2) make a reduction in personnel;
- (3) initiate a referendum;
- (4) impose or increase a fee;
- (5) impose or increase a penalty;
- (6) exercise the Board's power of eminent domain; or
- (7) establish, impose, raise or renew a tax.

**Section 6.** This Resolution shall be effective from and after adoption by this Board and compliance with IC 36-2-4-8.

Adopted this 26<sup>TH</sup> day of May 2021.

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Ed Tarantino, President

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Bobbi Plummer, Vice President

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Steve Dellinger, Member

**ATTEST:**

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**Debra G Walker**

**Henry County Auditor**

Jessie Russett of Indiana Landmarks presented to the Commissioners grants that were available for Historic Preservation.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to allow for the IT to move forward to purchase for security to be paid out of the 2019 GO Bond and ask the Council for an additional appropriation if needed. The cost of the purchase will be approximately \$250,000.00. Motion carried unanimously.

A motion was made by Bobbi Plummer and seconded by Ed Tarantino to authorize Henry County Hospital at its sole cost and expense and with Council excusing to initiate eminent domain proceedings in the name of Henry County and the Board of Commissioners to acquire real estate known as 6543 S State Road 109 for Hospital purposes. Motion carried unanimously.

A motion was made by Steve Dellinger and seconded by Bobbi Plummer to adjourn. Motion carried unanimously.

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Ed Tarantino, President

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Bobbi Plummer, Vice President

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Steve Dellinger, Member

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Attested by: Debra G. Walker, Auditor