

BE IT REMEMBERED THE BOARD OF COUNTY COMMISSIONERS met in the Henry County Courthouse Circuit Courtroom, on Wednesday, May 10, 2017, at 6:00 P.M., with the following members present: Butch Baker, Kim Cronk, Ed Yanos, Patricia A. French, Auditor, and Joel Harvey and Scott Hayes County Attorney's.

The meeting was opened with the Pledge to the Flag, followed with silent prayer.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the minutes as presented. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the payroll as presented. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve the claims as presented. Motion carried 3-0.

Mr. Baker opened the Public Hearing for the Reestablishment of the Cumulative Capital Fund. Mr. Baker preceded to read the ordinance # 2017-05-10-8, after reading Mr. Baker asked if anyone present wished to speak regarding the ordinance. Ernest Wallen questioned what the current rate was and why the increase in rate was necessary. After discussion a motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Ordinance Reestablishing a Cumulative Capital Development Fund. Motion carried 3-0.

ORDINANCE NO. 2017-05-10-8

**AN ORDINANCE REESTABLISHING A
CUMULATIVE CAPITAL DEVELOPMENT FUND**

WHEREAS, the Board of Commissioners of Henry County ("Board") is desirous of reestablishing a Cumulative Capital Development Fund pursuant to Indiana Code §36-9-14.5 to provide money for the purposes permitted under said statute; and,

WHEREAS, pursuant to Indiana Code §36-9-14.5, the maximum rate for a cumulative capital development fund is three hundred thirty-three one-hundredths cents (.0333) on each \$100.00 of assessed valuation of taxable property within the County; and,

WHEREAS, the Board is desirous of establishing a Cumulative Capital Development Fund for taxes collected in 2018 and thereafter; and,

WHEREAS, notice of a public hearing concerning this ordinance was published pursuant to Indiana Code §5-3-1; and,

WHEREAS, at the conclusion of the public hearing, the Board finds that it is in the best interests of Henry County to reestablish a Cumulative Capital Development Fund pursuant to Indiana Code §36-9-14.5 at the maximum rate .0333 per \$100.00 of assessed valuation.

IT IS THEREBY ORDAINED by the Board of Commissioners of Henry County, Indiana as follows:

1. A special fund known as "The Henry County Cumulative Capital Development Fund" (hereinafter "The Fund") is hereby established.
2. The Henry County Council may provide money for the fund by levying a tax on all taxable property within Henry County.
3. The maximum rate which may be imposed by the Henry County Council shall be .0333 per one hundred dollars (\$100.00) of assessed valuation.
4. The fund shall be used only to provide money for those purposes as set forth in Indiana Code §36-9-14.5-2.

5. The Auditor of Henry County is directed to immediately certify a copy of this Ordinance to the Department of Local Finance and shall publish a Notice of Adoption of this Ordinance as required by law.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to accept the reports as presented: Henry County Sheriff Maintenance Report, IDEM Inspection Summary/Noncompliance Letter on Sanitary Sewer at White Estates Pool New Castle, Intech Service Report for April, State of Indiana Department of Correction Report, and Youth Opportunity Center Report for April. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to start the Monday June 19th Commissioners meeting at 6 p.m. before starting the joint meeting with the County Council and Park Board at 7 p.m. Motion carried 3-0.

Susan Lightfoot, Chief Probation Officer presented updated information concerning their JDAI Grant. Mrs. Lightfoot showed the programs JDAI had paid for since 2012 and explained the grant was decreasing each year, she also showed the amount the county was saving each year on secured detention. Mrs. Lightfoot and the Judges were suggesting the county put aside \$30,000.00 of the saved secured detention money to be deposited into a non-reverting fund to be used for detention alternatives and resources. Mrs. Lightfoot stated she would also present this proposal to council during their July meeting. A motion was made by Mr. Cronk and seconded by Mr. Yanos to proceed with a portion of saved secure detention money to be repurposed for detention alternatives and resources. \$30,000.00 of savings will be dedicated to non-reverting fund. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos for the Commissioners to pay \$75.00 monthly to rent three large containers to clear out files from storage areas in the Clerk's Office and the Probation Office. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the conflict of interest disclosure for Florence Olene Veach. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve of replacing the air conditioning/furnace at the Extension Office in the amount of \$7427.00 made payable to Lynn Perdue Professional Home Services. Quotes were submitted by Lynn Perdue for \$4951.00 and ResolveTech LLC for \$6,900.00 for air conditioning only. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the Police Protection Agreement between Henry County Sheriff's Department and the Spiceland Town Council. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve the maintenance agreement with Weber Office Equipment for the Auditors Office Colored Copier. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve replacing a water meter at the Justice Center in the amount of \$1,800.00 made payable to Knapp Supply. Motion carried 3-0.

Bids were submitted by the following for renovation of the Ivy Tech Building: Fredericks Inc. in the amount of \$1,467,555.00, Pridemark Construction, Inc. in the amount of \$ 1,475,094.00, Verkler, Inc. in the amount of \$1,645,000.00 and Davis and Associates, Inc. in the amount of \$1,713,000.00. A motion was made by Mr. Cronk and seconded by Mr. Yanos to accept the bid from Fredericks Inc. as approved by the State Board of Accounts. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve closing a portion of County Road 850 East from the back entrance of the Chicago Corner Church to the back driveway of Farmer's Pike from 8a.m. - 11:30a.m. on July 1st for a 5K Race. Motion carried 3-0.

A motion was made by Mr. Yanos and seconded by Mr. Cronk to approve bonds for Megan Bell, Treasurer, New Castle Community School Corporation, Leah Melton, Deputy Treasurer/Payroll Secretary, New Castle Community School Corporation, and Total Crime Declaration for the New Castle Community School Corporation. Motion carried 3-0.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to approve an Ordinance Establishing Non-Reverting Law Enforcement Seizures and Forfeiture Funds. Motion carried 3-0.

ORDINANCE NUMBER 2017-05-10-9
AN ORDINANCE ESTABLISHING
NON-REVERTING LAW ENFORCEMENT SEIZURES AND FORFEITURES FUNDS

WHEREAS, Indiana Code § 34-24-1-1 provides for the seizure of property used in connection with, or in furtherance of, criminal activity; and

WHEREAS, in certain instances, federal law permits state and local law enforcement agencies that participate in the seizure of property forfeited under federal law to receive proceeds from the assets that are forfeited; and

WHEREAS, regulations and guidelines promulgated by the United States Department of Justice require that funds received as a result of forfeitures through federal agencies be deposited into separate non-reverting funds with one non-reverting fund used for proceeds received from forfeitures effectuated through agencies or regulations subject to the oversight or administration of the United States Department of Justice and a separate non-reverting fund for proceeds received from forfeitures

effectuated through agencies or programs subject to the oversight of the United States Department of Treasury; and

WHEREAS, funds received as a result of a forfeiture may be expended or transferred only in accordance any applicable federal guidelines and regulations and with the approval of the County Executive, and

WHEREAS, pursuant to I.C. § 36-1-2-5, the Executive of Henry County is the Board of Commissioners, and

WHEREAS, Henry County wishes to establish separate non-reverting funds to receive proceeds from forfeitures of property.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF HENRY that it hereby establishes the following non-reverting funds:

1. US Department of Justice Fund 4929-000-0101.00 (ADTF & PACE federal funds); and
2. US Department of Treasury Fund 4926-000-0101.00 (ADTF& PACE Homeland Security/CPB Funds).

Expenditures from these funds may be made only by law enforcement agencies for law enforcement purposes, in accordance with all applicable state and federal laws, regulations and guidelines and with approval of the Executive. All interest accrued on sums in the above accounts shall be accounted for and remain in the above accounts.

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 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.

There was public input from the following people: Keith Pritchett, Mary Romine, Jim McShurley, Ernest Wallen and Tom Morris.

A motion was made by Mr. Cronk and seconded by Mr. Yanos to adjourn the meeting. Motion carried 3-0.

Butch Baker, President

Kim Cronk, Vice President

Ed Yanos

Attested by: _____

Patricia A. French, Auditor