

SPECIAL MEETING – MONDAY AT 5:00 P.M.

The Switzerland County Board of Commissioners met in special session pursuant to law and by being duly advertised.

Those present: commissioners: Mark Lohide, Steve Lyons, and Josh South, the sheriff, Nathan Hughes, the county attorney, Wil Goering, the auditor, Gayle Rayles, and the commissioners' assistant, Bruce Williams.

The meeting was opened by Nathan who also led the pledge of allegiance.

The claims were approved as presented on a motion by Josh, seconded by Mark and all agreed.

#1 Martha Bladen – Historical Society – Use of the Courtroom

The Historical Society has applied for an Indiana Masterpiece Program Grant. Martha spoke about the bicentennial celebration. There is a play being planned for this event. They would like to start in the courtroom and then move to the theater. She requested the use of the courtroom and said the play would be in the evening so there would be no interruptions. Josh made a motion to approve the use of the courtroom if the play does not interfere with the judge's schedule, seconded by Mark and all agreed.

#2 Highway Department

Darrell Keith, highway supervisor, stated that the spreaders have been delivered. The highway employees spent the weekend cleaning up after the heavy rain.

#3 Other Business

Courthouse roof: Hershel Brichto gave the commissioners a written assessment concerning the cupola and the roof. He explained that the cupola's glazing and flashing are failing and need to be repaired and is the cause of most of the water issues. (See the attached assessment.)

The commissioners agreed to have emergency repair work done to fix the leaks in the cupola. The cost is \$6,415.00. The assessment describes the work to be done. Hershel said that Jody Comer, of SIRPC, is checking to see what grants might be available because the courthouse is listed as a historic building.

Jami Perry, of Exterior Pro, gave a short report in reference to the courthouse roof. She also stated that Exterior Pro had replaced the roofs on the local IGA and CVS stores. The estimated cost to replace the courthouse roof would be in the mid \$30,000.00's. Hershel stated that the product that Exterior Pro uses is superior to EPDM membrane. No action was taken at this time.

VSO salary: Josh had researched what various counties pay their veteran service officers. He recommended a salary of \$14,000.00 per year and Mark seconded the recommendation. The county council will need to approve the salary increase.

Property transfer fee ordinance: This ordinance was approved at a previous meeting and just needed signatures from the commissioners; it was signed.

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#4 2016 EMS Contract

This was discussed at the last meeting. There are 2 points of contention: the 90-day termination clause would change to a 60-day termination clause and the other is the Advisory Board voting right. They did give the commissioners and council one voting member each previously.

The newest version of the contract is unacceptable to Josh because he feels there has to be an Advisory Board with a vote and Mark agrees. He said it bothers him to have to put \$425,000.00 into a contracted company to provide services to the county and they cannot come to an agreement on the wording of the contract. Lisa said her only reply is that it is not only the contract it is a completely new structure of the EMS board and a 6-man board does not work and a 7-man board has been tried in the past and has not worked. She is not sure how an Advisory Board can be an advisory board and have a voting right; seems like an oxymoron.

Josh said he respectfully disagrees with Lisa and the EMS board and he really wishes this could have worked out. Josh asked if the Advisory Board issue is off the table; then the commissioners would have to move on.

Lisa asked what plan B is. Steve said back when all of this started with the investigation and other things and the commissioners not knowing what direction it would go he made contact with Kings Daughters Hospital to see if they would provide temporary emergency services until something was decided. They would if the county needed them but they also said they hoped things could be worked out between the county and the EMS. This is just a short-term fix. Then the contract would be put out to bid. Lisa asked if the same contract requests would be made of the new company, as it was the EMS. Josh said no because it would be a true contractor relationship and they are not going to be an integrated service like it is with the EMS. They will be required to maintain themselves like normal.

Josh said he has reached out to American Medical Responders (AMR) and they are to provide three different proposals as to coverage for Switzerland County.

Lisa said back in the November 24<sup>th</sup> minutes Steve said that he had talked to someone at the state level who told him to have a backup plan; she asked who that was – Steve said Randy Frye. Because at that time there were no definitive answers as to what may be wrong but to have a backup plan. At that time, he told Randy that the commissioners already had a plan. Steve said he would personally like to have the contract with EMS and Josh agreed. He is happy with the concessions that have been made so far. Lisa said that when she came in November the commissioners told her they wanted “skin in the game” and she feels this has happened. She feels the commissioners are asking for control of the corporation.

Lisa feels they have been negotiating in good faith but Josh disagreed because it was 2 months ago that the proposals were first given to EMS and just within the last 2 weeks has anyone come to discuss them. He thought it looked like EMS was trying to push them to the deadline in order to come to an agreement. Lisa said this was after they had sent a proposal to the commissioners.

Mark said what helped him make his decision was; he asked someone after the last meeting how much money the EMS had saved for equipment or repairs and the answer was zero. He also asked what their plan was if an ambulance went down or they needed a new one, go to county council for the funding. Mary Lee Tolbert, EMS board member, said that their revenue has to do with their billing income. If you do not get the money back then it is hard to save any. She said she thought that they might get back about 30% of what they send out for billing.

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2016 EMS Contract cont'd

Steve said it is an annual contract and he did not know if the EMS would be willing to give any to keep it going. Mary Lee said it is an annual contract but it could be cancelled at any time. Steve said that is for cause and they are not looking for any cause. He also said one of the big things that has caused the problems is the investigations and the 2-year probation, which they are appealing. Mary Lee said that anything that is in the findings has nothing to do with patient care. Steve said they have no complaints on patient care and Mark agreed they are very professional and do a great job.

Josh said that a year ago he was comfortable with the commissioner and council representatives. He brought it up multiple times throughout the meetings but given what happened since then this past year is why he thinks the Advisory Board or Trustee Board or whatever you want to call it is an important part of the puzzle because that adds ownership throughout the county which is something he feels is needed. Mary Lee asked if he did not think that could be accomplished with the current board structure and Josh said no he does not.

Lisa asked if the probation is the main problem and Josh said no that it is the 116-page report that is the main problem as far as he is concerned. There are things in the actual report that are not in the findings that raises questions on other things.

Rosemary Bovard asked if a temporary company would hire any of the 34 local people who would be without a job come January 1 or would they bring their own staff? Steve said when the commissioners did not know what may or may not happen with the investigation and he contacted KDH to see if they were available, they expressed no interest in taking this service over permanently. They agreed to help if needed. As far as employment, the question was asked if anyone from here would work with them if needed and Steve said he guessed they would. However, there has been no long drawn out conversation about this. Mary Lee asked if KDH could handle all of the calls; Steve said he did not know. Steve said that by statute the commissioners are to contract with a company to provide emergency medical service, it does not dictate how small or large that service is and probably if you did not have a riverboat to fund things, it would be even different. It is not a plan to drive a wedge between entities, just a plan to fill in.

Josh wanted to know what Switzerland County EMS's backup plan is if they do not contract with the county. Lisa said they are having a board meeting tomorrow to discuss this issue. They may plan to scale back and just be a non-emergency transport company.

Steve said he does not want anyone think he has not considered the impact on the people living and he hopes it has been on the minds of the EMS board members. Mary Lee asked if there was any other agreement that could be reached on the Advisory Board. She asked if the commissioners and the EMS could not come together to form their own Advisory Board. Couldn't the EMS board, with the commissioner and council voting members, come up with an advisory board? Josh said the real reason none of the Advisory Board members have not shown up in the past is that they have no real say in matters concerning the EMS. There is one active member on the current Advisory Board, Jill Hutcherson. Josh asked why the Trustee/Advisory Board is a sticking point with the EMS. Mary Lee said it is the voting issue; an advisory board advises not votes. Therefore, Josh suggested calling it something else, and then what would be the sticking point. Mary Lee said that the Advisory Board could have a voice in the conversation but when the EMS has made concessions, it seems like the commissioners want more. Josh said no the last draft of the contract looks quite a bit different from the first one each side has given concessions. However, she said they are a private entity that the commissioners want control over. Discussion followed about the number of board members, which is currently five. Lisa said that if there was too much changing to the board structure that it could affect their not-for-profit status. Their

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2016 EMS Contract cont'd

current articles of incorporation already provide for up to six members on the board. Lisa said but six members does not really work and they had seven members in the past that did not work either.

Josh said he is willing to try the three members for six month and Mary Lee said they are willing to try the two members for six months.

Steve said concerning the termination clause, he understood that an agreement had been reached for a 60-day termination period. Josh said he would go back to the 90-day termination clause if the Advisory Board could have one vote and Mary Lee and Lisa said 60-days without the one vote. Lisa said why not for this year, if they put in the Advisory Board made up of the trustees or their representative; see what type of attendance there is with no vote. If that does not work out then address it again next year. Josh said he disagrees with that idea because he feels they need to have a vote as an incentive to attend. He wants Switzerland County EMS to provide the service for the county but the contract needs to be different. The commissioners will contract with someone. If a true contractor relationship is kept then there will be no need for the same contract terms.

Josh made a motion to execute the KDH plan to start emergency services for the county on January 1, 2016 and Mark seconded the motion. Josh withdrew his motion to let Steve say what he wanted to say.

Steve made the motion to adopt the EMS contract with a 60-day termination clause and the Advisory Board without the vote. He said he is the one who started the advisory board issue because of the credibility factor stemming from all of the accusations. The intent was solely to get information disseminated to the county for the ones who felt like they were not getting fair representation. He had the idea of the one vote to make the community feel better. For the firemen and first responders to be asked if they are qualified is not a good thing to have happen but it has. The service provided is good. Steve said the state has done the county and the EMS an injustice by dragging their feet; it has gone on way too long. There was no intention to take over the EMS board.

Lisa does not disagree that an advisory board could work if it is done correctly and there is the needed participation.

Steve called for a second to his motion. Josh seconded the motion but only for discussion. Josh understood that EMS's worry is that the Advisory Board members would not show up so put a term in the contract that within 6 months if there is not 50% participation within that board during that 6 month period then that Advisory Board would lose that voting right. Lisa said that addresses part of the concern. Josh asked if Mary Lee or Dennis Cole had anything to add. Dennis asked what the Advisory Board would be concerned about, the money end of it or what. Josh said it is for the understanding of how the system is working, the money aspect, etc. Lisa asked that if there is not 50% participation how is it decided who gets the vote. If you have six people on the board and they get one vote how do you decide who gets to vote. Josh said it has to be a majority; at least three to make a quorum. If there were only three present then 2 of them would have to agree for a vote.

Josh asked Mary Lee what they were going to do. EMS had a quorum present. Lisa asked if the board could wait a few minutes for them to discuss this proposal. The commissioners agreed and Lisa, Mary Lee and Denise left the room. After a few minutes, they returned with a counter proposal of having an Advisory Board as the commissioners wanted but without a vote for 6 months and then if, it looks as if they will participate then the Advisory Board can have the one vote.

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2016 EMS Contract cont'd

Steve called for a vote on his motion of the contract with the 60-day termination clause and the Advisory Board having no voting rights. The vote did not pass with Steve being the only yes vote. Josh said he is finished negotiating at this point the 6-month proposal for the Advisory Board that he presented was the last move to work things out. He asked if the EMS had any more to add, no one said anything. Josh made a motion to use KDH beginning January 1, 2016 to provide emergency medical services for Switzerland County, Mark seconded the motion and the motion carried. This is just a temporary solution.

Wil asked about specs for advertising the emergency services contract. He wanted to know if the commissioners wanted to specify what the necessary services would be and they said yes.

With no further business to come before the board, Josh made the motion to adjourn, seconded by Mark and all agreed. The meeting adjourned at 6:03 p.m.

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Attest: \_\_\_\_\_  
Gayle A. Rayles, Auditor  
Switzerland County, Indiana