

REGULAR MEETING – MONDAY AT 5:00 P.M.

The Switzerland County Board of Commissioners met in regular 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 minutes of the previous meeting of December 7th and the addition concerning EMS were approved as presented on a motion by Josh, seconded by Mark and all agreed.

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#1 Duane Covington – Veteran Service Officer Working Hours

The state requires that a veteran service officer (VSO) work at least 1000 hours per year to be accredited. Duane stated that, on average, a VSO that works 40 hours per week makes \$28,000.00.

Steve stated he would contact the county council and ask that the salary ordinance for the VSO be changed. Gayle said she would look into what the hourly rate for county deputies will be in 2016.

#2 Steve Fritter – American Legion

Mr. Fritter requested that the flag poles in the memorial in the courtyard be repaired as they are tilting. The highway department has inspected the poles and determined the poles need to be placed in concrete. The present poles are set in sleeves. (Darrell Keith, highway supervisor, is to follow up on this issue.)

Steve also requested that the VSO office be moved to the first floor of the tech building. A discussion followed regarding available space.

#3 Highway Department

Darrell Keith said 9 new spreader boxes were purchased and should be delivered Tuesday.

Josh made a motion to hire Travis Reed to the highway department, seconded by Mark and all agreed.

#4 Other Business

- A. Nepotism forms: The commissioners signed the required nepotism forms. Steve had a question about his brother-in-law, Glenn Bovard. Glenn does maintenance for the Moorefield/Bennington Sewer District. Wil is to advise whether a disclosure form is needed.
- B. Sheriff 2016 contract: The commissioners had previous approved the contract but had not signed the form which they did at this time.

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Other Business cont'd

- C. **COBRA rates:** The rates are set by the insurance company. Josh made a motion to approve the 2016 COBRA rates, seconded by Mark and all agreed.
- D. **Board appointments:** Josh had a list of all of the board appointments and they were as follows:
- School Endowment:** Mark Lohide, Tom Scott, and Mike Bush. Mark would like to stay on there. Josh made a motion to reappoint Mark and Tom, seconded by Steve and Mark abstained.
- Cemetery Commission:** Cyndi Barnes, Carolyn Miller, Darrell Brown, Lewis Fritter, and Nancy Barker. Steve made a motion to re-appoint the above members, seconded by Mark and all agreed.
- EMA Board:** Josh is the current commissioner representative and would like to continue to serve. Steve made a motion to reappoint Josh, seconded by Mark and Josh abstained.
- Community Correction Board:** Josh is the current commissioner representative and will continue. Mark made a motion to reappoint Josh, seconded by Steve and Josh abstained.
- SIEOC Board:** Steve Jones-Ellard is the current representative for the commissioners. There was a question about term length. These are 2-year terms and he was just appointed in 2015.
- Redevelopment Commission:** Karen Miller, Gene Crabtree, and Bruce Williams. Gene and Bruce have sent in letters of interest to be able to stay on the board but not from Karen. Mark made a motion to reappoint Karen Miller and Gene Crabtree to this board, seconded by Josh and all agreed. Josh asked Wil if this is something a commissioner can set on; Wil will check into this.
- Economic Development Commission:** Bruce Williams is the commissioners' representative and would like to remain on the commission. Josh made a motion to reappoint Bruce to this board, seconded by Mark and all agreed.
- SIRPC:** The 4 current members would all like to stay on this board, Sarah Brichto, Steve Jones-Ellard, Joe Bennett, and Mark Lohide. Steve made a motion to reappoint the 4 current members to this board, seconded by Josh and mark abstained.
- Planning and Zoning:** Mike Bear is the council representative, Brian McAllister as surveyor, Jack Leonard and James Thompson as republican, Roberta Scudder as democrat, (there is 1 open set to be filled by a democrat), and a commissioner representative needs to be appointed. Mark agreed to be the commissioners' representative. Josh made a motion to appoint Mark, seconded by Steve and Mark abstained.
- Tourism Board:** There are 4 seats that need appointing; Larry Tolbert, Don Talbert, Cathy Williams, and Anita Danner. Larry Tolbert is the only one who has not reapplied. Sarah Thompson, Mike Bush, and Stacy Street have also applied. Steve said there is supposed to be representation from the hotel industry. Josh said there are 2; Michelle Thompson is one of these and he would recommend Stacey Street for the other position as she is an innkeeper. Mark made a motion to appoint Stacey Street to the tourism board, seconded by Josh and all agreed; she is replacing Larry Tolbert. Josh made a motion to reappoint Don Talbert, Cathy Williams, and Anita Danner, seconded by Mark and all agreed.
- SISWD:** Steve agreed to keep serving on this board. Josh made a motion to reappoint Steve to this board, seconded by Mark and Steve abstained.
- E. **New fund ordinance:** Josh made a motion to approve new fund #1181 Plat Book Fund, seconded by Mark and all agreed.

REGULAR MEETING – PAGE 3Board appointments cont'd

- F. Animal shelter cage bid: Tara Hite had submitted a bid of \$10.00 for the old surplus cages at the animal shelter. Her bid was approved on a motion by Josh, seconded by Mark and all agreed.

#5 EMS 2016 Contract

Wil stated there are different versions of the EMS contract submitted by the interested parties. Wil said his last revision had 1 voting council member and 1 voting commissioner member which limited the board to 5 members so that the EMS does not have to increase their board seats.

Steve gave a little background as to what is going on with the contract. The commissioners had wanted a Citizens Advisory Board person on the board, a township trustee or someone appointed by the trustee.

Wil said the latest version of the contract, that he prepared, would begin on January 1, 2016 until midnight on December 31, 2016 for \$42,500.00 for the year. This amount would be paid quarterly. ALS (Advanced Life Support) services are to be provided. The detailed financial reporting is required within 2 weeks at the end of each quarter. No board member is to be paid for being on the board. There would be a 90-day termination clause. There is a provision concerning the ALS services not being used outside of the county for non-emergency runs without there being a backup unit available. EMS attorney, Lisa Rosenberger, said this is a topic for discussion. She that basically what happens on the non-emergency type of runs, they would not be sending the paramedics anyway. But you don't always know ahead of time what type of run it will be, if the paramedic does go out, the EMS will not always be able to provide a backup. She had put in her version that there would be a paramedic on duty 24/7 and the paramedic would not be put on non-emergency runs whenever possible. There was some discussion about who would be sent on what type of call. Randy See, EMS Director, said they do not have the finances to have 2 paramedics on duty 24/7.

Lisa thought the financial reporting was being handled correctly. Josh said that the 1st or 2nd quarter they did provide a detailed financial report. He was ok with an additional item in the report about auditing that was not in there before and the P & L was fine. But the one thing with the audit, could the audit firm be chosen by the commissioners. Someone from the audience asked if the commissioners were going to pay for the audit; Josh said he wouldn't mind. The State Board of Accounts does not actually perform the audit, because the EMS is a private company, but they check the audit that is done and send EMS a letter of their findings.

Gayle asked about a clarification on payment; usually after a couple of days after the contract is signed in January she would release the payment but now the contract is quarterly payments. There may not be enough money, since the payment will be more, to immediately release the payment so she wanted to know if the 2nd or 3rd of the month following the quarter is ok; yes.

Josh still has the concern over the Citizen Advisory Board having a voting member. He understands their concerns. He still feels it is necessary to have this since there is such a tight relationship between the community and the EMS. If there is concern over the number of people on the board, then increase the number to 7 instead of 5. The EMS would have to change the

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by-laws to add the commissioner and council voting members so change the number at the same time. Lisa said their hanging point is they have an advisory board and it is just that; advising only not voting.

He also has a concern over the 90-day termination clause because that could also roll over into 2 quarters of payments to correct an issue that is why he is in favor of 30 days.

Steve said he had explained to Randy at one time as to why the commissioners want the Advisory Board through the trustees to have 1 vote. To get a buy-in by the community. When he saw that it had been removed from the contract the Lisa had sent then he came back with the 5-member board then that way the EMS would have 3 voting members and the commissioners/council would have 2 voting members. Lisa said the EMS did not have an issue with suggesting people for the Advisor Board but they just do not want the board to be that big. Five members would be perfect if agreement can be reached as to who is on the Advisory Board and there not being a vote from them then that could be agreed to tonight. Lisa said Wil suggested to Lisa in a conversation with her outside of the meeting, that the commissioners could have their own Advisory Board to work with the EMS Advisory Board to get more information from the public about EMS services. Since one of the commissioners' obligations is to provide those services; you would just need to be sure to have a geographic balance of the county.

Mark agrees with Josh about the Citizen Advisory Board having a vote but he said his offer is only going to be \$42,500.00 annually if the commissioners/council does not have any voting representation on the EMS board. Randy said they could not operate on just the \$42,500.00.

Steve said he wondered about the how much participation you would actually have from the board members. There are still the investigation issues going on and the commissioners have not ever gotten any report from the state concerning this. Steve said he felt more comfortable with the EMS conceding to have a voting commissioner representative and a voting council representative.

Lisa suggested, for this year, to have a non-voting advisory board. If it doesn't work out and after a year then visit it again. Josh said it had been done already and it did not work in the past. Randy said they did away with it but brought it back at the commissioners' request. Josh asked with the Citizen Advisory Board was started; Randy said years ago. Steve asked if there was participation in the past and Randy said no.

Josh said he fully understood what the EMS was saying but this isn't a true relationship between a contracted service and someone who contracts them. He said he felt the commissioners were always on the back end of it; such as the recent complaint where that person was told to go talk to the commissioners. EMS brought up a few years ago about a getting on the county benefits; that's not something that normally happens between a contractor and someone who contracts them and the equipment purchase assistance. This is why he feels it is a different relationship. Mark said he felt the same as Josh. He said someone had asked him about the EMS getting rid of a lot of their employees; Randy and Mary Lee Tolbert said that was not going to happen – they couldn't do that.

Randy said he could explain about the equipment. When the casino money first came the number were just kind of generated no one really knew what to expect. After a few years they saw they weren't getting enough money to replace their equipment so they came back to council

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EMS 2016 Contract cont'd

to ask for more funding so they could save up to buy a new ambulance every few years. The council said no, we do not want you to have a savings account we want you to come back and ask us if you need something; so that is what they have done. Josh said this just further proves his point.

Mark said the commissioners received a report from Homeland Security concerning the investigation of EMS and it said they are on a 2-year probation, which EMS has appealed. Josh said he heard the appeal process could go all the way through April. Lisa said they are having an informal discussion tomorrow morning with Homeland Security and there has been an administrative law judge assigned to the case and the pre-trial is to be early in January. Josh said and if that appeal doesn't go proper then they can appeal to the EMS Commission which would be handled in their March meeting. Lisa said she had a conversation with the attorney and she felt maybe it could be worked out even before they go to an administrative law judge.

Steve said the hang up appears to be with the Advisory Board having a vote and the 90-day termination clause. Josh said he would even concede on that to a 60-day termination clause. Lisa said they could probably agree to the 60-days. Lisa said she needs to talk to the EMS board concerning these issues. She said she knew that in the past they had trouble with people even coming to the Advisory Board meetings that's the reason she said let's do a non-voting Advisory Board just to see how much participation there is. If they show up then revisit the voting issue. Mark thought if they had a vote there would be better participation.

Steve called for a motion to accept the contract as is. The motion died for the lack of a motion. Josh said he still had 1 sticking point. Steve said he is good with the 60-day termination clause but Mark would like to have the 30-day termination clause. Steve said he was comfortable with the current board structure; with the commissioners and council each having 1 vote and appreciated the concession. But obviously there needs to be more discussion on the termination clause and Advisory Board issue. Steve said the time frame is getting very short and there are people to take care of; employees and county residents to protect.

Randy said he would take things back to his board; there were 2 board members present. Josh said it is getting down to the end of the year and they need to make a decision and asked when the EMS board would have an answer. Steve said the commissioners have a clean-up meeting scheduled for December 28th. **Josh said just in preparation he is making a motion that the commissioners take a look at their back-up plan which is to have another service provide temporary ambulance service until they can find a longer term solution.** Mary Lee Tolbert stated that if the commissioners and EMS could not come to an agreement then the county would be down-grading the services. Josh said this is not what he said; he said another provider would be hired. Someone in the audience asked if that would be an open bid process. Josh said he had been doing research to find other providers in case they would have to move forward. He said he truly truly prefers not to have to go with another provider. Mark said, having had to use their service this year, he said they have great service and is willing to negotiate but if they think they have to have their number of board members then his price goes down. Lisa reiterated the fact that EMS is a private company. Josh said they are talking like Economic Development; it's a private corporation but the county contracts with them to provide economic development here in the county and they have very visible and open communication with. Lisa asked if the commissioners have members on that board; Josh said they are all appointed by the commissioners.

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EMS 2016 Contract cont'd

Steve said 2 of them agree on the 60-day termination clause and Mark does not. Mark said he also disagreed with it being a yearly contract to be paid quarterly; he would rather have a 90-day contract. Randy said they couldn't really operate on a 90-day contract because of grants and etc. It was brought up that they have full-time employees who rely on the EMS jobs and a 90-day contract would not guarantee the full-time positions. Steve said he was comfortable with the annual contract there isn't really a choice in the matter. The one real sticking point is the Advisory Board issue and asks that the EMS would consider revisiting this matter. He thanked everyone for coming.

Mark seconded Josh's motion to execute the back-up plan in case an agreement with EMS cannot be reached motion carried.

Other Business cont'd

- G. Courthouse repairs: The issue of the front porch of the courthouse needing repair. No action was taken at this time. This will be a future project.
- H. Conduit bid: A bid was received from John McAlister for \$300.00 for the conduit that is for sale at the Markland Business Park. The commissioners rejected the bid.
- I. Edith Adams Road: Rosemary Bovard had a comment about **Edith Adams Road** concerning the GIS. Mark again explained his position, as he did at the last meeting, that a section of the road is unimproved; the road **is not closed**.
- J. Board appointments: James Thompson requested there be a formal notification for those appointed to boards; such as the contact person for the individual board and how many meetings the appointee is expected to attend.

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 6:08 p.m.

Attest: _____

Gayle A, Rayles, Auditor
Switzerland County, Indiana