

## MINUTES OF THE CLINTON COUNTY COMMISSIONERS

January 3, 2022

9:00 A.M.

The Clinton County Commissioners met for a regular meeting on January 3, 2022 at 9:00 a.m. at the Clinton County Courthouse, 125 Courthouse Square, Frankfort, IN 46041.

Auditor Britt Ostler called the meeting to order with the following members shown to be present or absent:

### PRESENT

Josh Uitts

Jordan Brewer

Mark Timmons

### ABSENT

Others in attendance were Commissioner Assistant Jerri Sexton, Rick Campbell, Renee Crick, Rich Kelly, Ashley Kelly, Mike Hensley, Rodney Wann, Liz Stitzel, Britt Ostler and others shown to be present in the minutes. Commissioner's Assistant Jerri Sexton recorded the minutes.

### **IN THE MATTER OF THE PLEDGE OF ALLEGIANCE**

Auditor, Britt Ostler led the pledge of allegiance.

### **IN THE MATTER OF REORGANIZATION**

Auditor, Britt Ostler asked for a nomination for President. Commissioner Uitts motioned to nominate Commissioner Brewer for President of the Clinton County Board of Commissioners, all three Commissioners were in favor. Motion carried 3-0. Commissioner Brewer asked for a nomination for vice president. Commissioner Timmons motioned to nominate Commissioner Uitts for vice president, all three Commissioners were in favor. Motion carried 3-0.

### **IN THE MATTER OF PUBLIC COMMENT**

Ashley Kelly stated she had a few questions about the document the commissioners presented to the Clinton County Sheriff's attorneys. Ashley wanted to know the purpose of the document. Commissioner Brewer stated the purpose of the document was to address the nepotism issue that was highlighted by the State Board of Accounts. Ashley asked if this was a labor contract. Tom Little stated that it was an employment contract. Ashley stated in the findings by SBOA on page 4 indicates that labor contracts should be authorized by County Council and that the County Council is not on the document. Ashley asked if she was a contractor in the agreement. Commissioner Brewer stated yes. Ashley asked if the county had any other contractors that were on the time clock and offered benefits. Commissioner Brewer stated that the county currently does not have anyone with this type of contract, and that this is a unique contract that they are offering her to address the nepotism issues that was highlighted by the SBOA. Ashley stated that she disagreed and asked if the commissioners had consulted with an ISA attorney regarding the special exemptions of the Sheriff's office. Commissioner Brewer stated they have consulted with the county's legal and other legal counsel. She asked if that was an employment attorney. Commissioner Brewer stated they have reached out to appropriate parties and the first step they took was to offer the Sheriff's office to come up with a proposal to address the issue. She stated that they did that with Section 13 of title 36 under Indiana State Statute. Commissioner Brewer stated that this was the same section that the SBOA highlighted that is not in compliance. She stated section 9 of the same title is where you would revoke the exemption. Her argument is that the commissioners in 2012 adopted an ordinance with the minimum statutory requirement; it does not have any further restrictions to remove the exemption of the Sheriff to employ his spouse. Commissioner Uitts stated that was her opinion.

Ashley asked why the commissioners were taking drastic measures to remove her as a political appointee of the sheriff. Commissioner Uitts stated the SBOA told them that they needed to. Ashley is requesting a meeting with the commissioners to discuss the issues. Commissioner Brewer stated they have something scheduled to meet with her attorney and that she and the sheriff have had since November 2nd to address this issue. Ashley asked if they needed a judicial review to remove her. Commissioner Uitts stated that they don't have the authority to remove her, but have the authority to not to pay her. She wanted to know when their attorneys will be paid. Commissioners stated that was up to them since they hired them.

Sheriff Kelly stated the commissioners needed to properly remove the exemption and they'll move forward. He asked that the policy needed to reflect the exemption that is in section 9 and they will adhere to the policy.



Ashley listed her job duties as matron and the programs she has worked tirelessly to bring to the county. She asked that they would continue her pay until the judicial determination was made. Commissioner Timmons stated they have made an offer to continue her pay. Ashley stated she has been told by multiple attorneys not to sign the contract, because she cannot relinquish the constitutional authority of the Sheriff to the commissioners. She is politically appointed and serves at the will of the Sheriff. Commissioner Uitts asked if she was going to sign the contract, she stated no.

Sheriff Kelly stated he could not allow that to happen and they have to have more conversations in regards to the writing in the contract and maybe that is something they can do through Tom Little. Commissioner Brewer asked for an official acceptance or decline of the offer. Ashley stated per her attorneys she declines the offer.

#### **IN THE MATTER OF HIGHWAY UPDATE**

Rick Campbell stated they were still hauling stone. The department went out Sunday and put material down on the roads. Commissioner Uitts stated that Michigantown wanted to know if they could buy salt/sand mix if we had enough. Commissioner Uitts motioned to sell the salt/sand mix at cost to Michigantown. Commissioner Timmons seconded the motion. Motion carried 3-0.

#### **IN THE MATTER OF AREA PLAN**

Liz Stitzel stated she would have the year end reports and goals for the next year by the next meeting or the following meeting.

#### **IN THE MATTER OF OLD BUSINESS**

There was discussion on the new COVID policy. Commissioner Uitts recommended they work on the policy and have it ready for the next meeting. Commissioner Timmons motioned to continue the current COVID policy until the next meeting on January 18th. Commissioner Uitts seconded. Motion carried 3-0.

Commissioner Brewer stated in the Montgomery County court case regarding the e-cigarettes, they have filed a motion to correct the errors and it was denied. They had two options, they could appeal and send it through the appellate court or drop it. Commissioner Timmons motioned to file the appeal, Commissioner Uitts seconded. Motion carried 3-0.

#### **IN THE MATTER OF NEW BUSINESS**

Commissioner Uitts motioned to approve the yearly bonds for Sheriff Kelly, Ed Cripe, Britt Ostler, Beth Keeney, Gina Brettnacher, and Rhea Harris. Commissioner Timmons seconded. Motion carried 3-0.

Rich Taylor from Envoy stated the next step in order to proceed in the Build, Operate, Transfer is to issue an RFPQ to make a selection of a team to begin in the scoping process to plan, design, and to come up with a budget for any and all projects that are listed in the RFPQ. Commissioner Timmons asked what kind of time frame they are looking at. Rich stated it could take 4-6 months for a design of a new facility. Commissioner Uitts motioned to approve issuing the RFPQ to design, build, operate, finance and/or maintain the county annex, courthouse and jail renovations project. Commissioner Timmons seconded. Motion carried 3-0.

#### **IN THE MATTER OF DEPARTMENT HEAD REPORTS**

Renee Crick reported two new people will start the following Monday. She stated that she had forgotten about the tornado drill the previous Saturday and will conduct that drill on this upcoming Saturday on the 8th. Renee would like to be a part of the discussions on the renovations at the jail that may affect Central Dispatch.

Rodney Wann reported that they are at capacity for COVID testing and have been for the last two weeks. They are testing 6 hours a day Monday through Friday. He continues to work with the Auditors office to make sure the money is available to pay the staff. He estimates that the Health Department has spent \$130,000-140,000 in testing since September of 2020. They have continued the vaccine campaign, and spent \$70,000. They have been doing vaccinations on Wednesday. As of last week Clinton County is in the category red of the COVID metrics, which means our positivity rate is up 15%.

#### **IN THE MATTER OF COMMISSIONER REPORTS**

Commissioner Timmons would like to have money released from the American Rescue Plan Fund for the boilers and chillers. Commissioner Brewer stated they will have to have a committee meeting.

Commissioner Uitts stated that he heard from Anita Stewart from United Way this week, and she reported that as a result of the United Way Day off program the participation is up 46%. She asked if we would be willing to be a pace setter for next year.

**IN THE MATTER OF CLAIMS**

Commissioner Timmons motioned to approve the following claims as submitted, Commissioner Uitts seconded. Motion carried 3-0.

Bi-weekly claims dated January 3, 2022 in the amount of \$337,839.40  
Utility claims dated January 3, 2022 in the amount of \$31,916.03  
Highway claims dated January 3, 2022 in the amount of \$7,800.00

**IN THE MATTER OF PAYROLL**

Commissioner Timmons motioned to approve the payroll as submitted, Commissioner Uitts seconded. Motion carried 3-0.

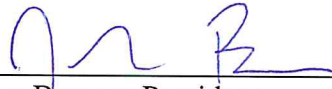
Payroll dated December 17, 2021 in the amount of \$415,991.51  
Payroll dated December 17, 2021 in the amount of \$3,851.60

**IN THE MATTER OF COMMISSIONER MINUTES**


Commissioner Uitts motioned to approve regular meeting minutes dated December 27, 2021, seconded by Commissioner Timmons. Motion carried 3-0.

Without any further business to come before the Board of Commissioners, Commissioner Uitts motioned to adjourn the meeting, seconded by Commissioner Timmons at 9:47a.m. . Motion carried 3-0.

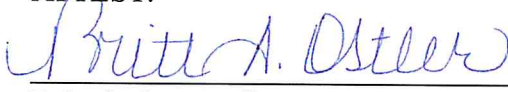
THE BOARD OF COMMISSIONERS OF CLINTON COUNTY

  
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Jordan Brewer, President

  
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Josh Uitts

  
\_\_\_\_\_  
Mark Timmons

ATTEST:

  
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Britt Ostler, Auditor

