

Warrick County Solid Waste Management District Board Meeting Minutes
Emergency Session
Zoom Meeting Format
Thursday, April 9, 2020

Call to Order

The Warrick County Solid Waste Management District emergency meeting was called to order at 12:02 PM by President Terry Phillippe via Zoom format due to COVID-19 Pandemic.

Roll Call

Roll Call showed the following voting members present: President Terry Phillippe, Vice President Bob Johnson, Dan Saylor, Charlie Wyatt, Greg Richmond, Ron Whitledge, and Jim Miller. Also present were: Attorney Adam Long, Reagan Fuquay, Freddie Roland, Michele Wallace, Trayce Wilson, and Kristine Georges.

Attorney's Report

- Resolution 2020-02

Attorney Long read the following into the minutes:

RESOLUTION 2020-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE WARRICK COUNTY SOLID WASTE MANAGEMENT DISTRICT OF
WARRICK COUNTY, INDIANA, WAIVING CERTAIN PROCEDURES
DURING EMERGENCY PURSUANT TO IND. CODE 10-14-3-17 & 13-21-3-10**

WHEREAS, the Warrick County Solid Waste Management District (District) is a political subdivision under Indiana law;

WHEREAS, Ind. Code 10-14-3-17 gives political subdivisions, including the Warrick County Solid Waste Management District, the authority to waive procedure and formalities otherwise required by law as a result of the disaster emergency declaration;

WHEREAS, Ind. Code 10-14-3-17(j)(5) states, in part, that in the event a disaster emergency is declared by the Governor of the State of Indiana, a political subdivision may waive certain procedures and formalities otherwise required by law pertaining to:

- (A) The performance of public work;
- (B) The entering into of contracts;
- (C) The incurring of obligations;
- (D) The employment of permanent and temporary workers;
- (E) The use of volunteer workers;
- (F) The rental of equipment;
- (G) The purchase and distribution of supplies, materials, and facilities; and
- (H) The appropriation and expenditure of public funds.

WHEREAS, the Board of Directors is the purchasing agency for the District, Indiana;

WHEREAS, the Board of Directors approves payroll for employees of the District;

WHEREAS, on March 6, 2020, the Governor of the State of Indiana issued Executive Order 20-02, which declared a public health emergency in the State of Indiana as a result of the novel Coronavirus Disease 2019 ("COVID-19") outbreak in Indiana;

WHEREAS, Ind. Code 13-21-3-10(e) states, in part, that the Board of Directors of the District may, by resolution, authorize the District Controller to make claim payments for:

- (1) payroll;
 - (2) the state solid waste management fee imposed by IC 13-20-22-1; and
 - (3) certain specific vendors identified in the resolution;
- without the claims being first approved by the board if before payment the claims are approved in writing by the chairperson of the board or in the absence of the chairperson another member of the board designated by the chairperson. The claims shall be reviewed and allowed by the board at the board's next regular or special meeting.

WHEREAS, the Board of Directors desires to avoid the disruption of District Operations and essential District services that COVID-19 may create;

WHEREAS, the Board of Directors recognizes concern for public health due to COVID-19 may prevent the Board from meeting to conduct its business and affairs, including, without limitation, the approval of payroll, claims, and other duties otherwise required by law;

WHEREAS, on March 16, 2020, the Governor of the State of Indiana issued Executive Order 20-04, concerning further orders and directives in response to the COVID-19 outbreak, in which the Governor advised that public meetings conducted pursuant to Ind. Code 5-14-1.5, *et seq.*, should be limited only to essential matters and further suspended all specific statutory deadlines requiring governmental bodies to meet during the declared public health emergency;

WHEREAS, the District desires to follow the Statement and General Guidance of the Indiana Public Access Counselor regarding practical guidance to prevent or slow the rate of transmission of COVID-19 as it relates to public meetings;

WHEREAS, the Indiana State Examiner has issued Directive 2020-01, which provides instructions as to the preferred procedure for the approval and processing of claims to be used and implemented by the District; and

WHEREAS, certain steps need to be taken under these extraordinary circumstances to protect the health and safety of employees of the District during the emergency while at the same time avoiding disruption of essential District services to which the citizens of Warrick County are entitled to continue receiving during the COVID-19 public health emergency.

NOW THEREFORE, BE IT RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, that those procedures required by law pertaining to those functions set forth in Ind. Code 10-14-3-17(j)(5) shall be waived in the event the President of the Board of Directors of the District determines that the Board of Directors is unable to hold a meeting due to the public health concerns arising out of COVID-19, at which time the President shall have the authority to approve the same in writing and the Controller is authorized to process and pay said approved claims pursuant to Ind. Code 13-21-3-10(e) and which would otherwise have been presented at a regular or special meeting. At the first public meeting of the Board of Directors of the District held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, all action taken by the President of the Board of Directors during said public health emergency and all payroll, fees, and claims paid by the controller shall be presented to the Board of Directors of the District for the ratification of such action.

BE IT FURTHER RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, that, beyond the payment of solid waste management fees and payroll, the Controller, pursuant to Ind. Code 13-21-3-10(e)(3) and with the required written approval of the District President, shall be allowed to process and pay approved claims from the vendors listed on the attached Exhibit "A" and which would otherwise have been presented at a regular or special meeting. At the first

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public meeting of the Board of Directors of the District held following the rescission and termination of the public health emergency by the Governor of the State of Indiana, all action taken by the President of the Board of Directors during said public health emergency and all payroll, fees, and claims paid by the controller shall be presented to the Board of Directors of the District for the ratification of such action.

BE IT FURTHER RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, that this Resolution shall remain in effect until the expiration of the declared or any subsequent declared Statewide or National emergency related to COVID-19, or as otherwise may be determined by the Board of Directors, in its sole discretion, whichever occurs first.

The above Resolution is passed and adopted by the Board of Directors of the Warrick County Solid Waste Management District, Warrick County, Indiana, this ____ day of April, 2020.

**BOARD OF DIRECTORS OF THE
WARRICK COUNTY SOLID WASTE
MANAGEMENT DISTRICT**

Terry Phillippe, President

Robert Johnson, Jr., Member

Dan Saylor, Member

Charlie Wyatt, Member

Greg Richmond, Member

Ron Whitledge, Member

C & J ELECTRONICS
 CAMPS AUTO SERVICE
 CASTER CONNECTION
 CED SUPERIOR ELECTRIC
 CENTREC TECHNOLOGIES
 CHANDLER STARTER &
 ALTERNATOR
 CHANDLER UTILITIES
 CINTAS/FIRST AID & SAFETY
 CITY OF BOONVILLE
 CLARKE POWER SERVICES
 CLEAR STREAM RECYCLING
 CLERK OF COURT
 CLERK OF WARRICK COUNTY
 CAN SURETY
 COMMERCE INSURANCE GROUP
 CORNBELT EXCAVATING, INC
 CROSS BODY SHOP
 D PATRICK FORD
 D PATRICK FORD DOWNTOWN
 DARYL VANWINKLE CONSTRUCTION
 DAVIESS CO METAL SALES, INC
 DAVIESS COUNTY SOLID WASTE
 DEBI NEAL
 DELL MARKETING
 DELTA PRODUCTS
 DERR HEATING & AIR
 DUKE ENERGY
 ELBERFIELD UTILITIES
 EMSL ANALYTICAL, INC
 ERS WIRELESS COMMUNICATIONS
 EVANSVILLE COURIER & PRESS
 EVANSVILLE GARAGE DOOR
 EXPRESS EMPLOYMENT SERVICES
 EXPRESSWAY DODGE
 FILLER TOWING
 FIBERTECH
 FIFTH THIRD BANK
 FIRST ADVANTAGE
 FIRST BANKCARD
 FIRST FEDERAL SAVINGS BANK
 FLEETPRIDE
 FREDDIE ROWLAND
 G NEIL

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GABE MERINGER PLUMBING
 GARY ROUSH
 GENERAL RUBBER & PLASTIC
 GLOBAL EQUIPMENT COMPANY
 GOURLEY CONSTRUCTION, LLC
 GRAINGER
 GREAT WEST
 HABITAT FOR HUMANITY
 HAMRICKS TOWING & RECOVERY
 HARLAND CLARKE CHECKS
 HELMS PLUMBING
 HI-TECH SHEET METAL
 HOME DEPOT CREDIT SERVICES
 HOOSIER BUSINESS MACHINES
 HR DIRECT
 HR SOLUTIONS, INC
 HEBNER TRUCKING
 HYDROMAX SERVICES, INC
 I.T.I.
 IFF
 IN AMERICAN WATER
 IN DEPT OF REVENUE
 IN DEPT OF WORKFORCE
 DEVELOPMENT
 IN THE HAZARDOUS WASTE TASK
 FORCE
 INDIANA RECYCLING COALITION
 INFRAPERF
 INSCCU
 INSCCU-ASFE
 ENVIRONMENTAL TECHNOLOGIES
 J & J SUPPLY
 K.L. SECURITY ENTERPRISES
 KEYSTONE SOFTWARE SYSTEMS
 KIGHT HOME CENTER
 KIGHTLINGER & GRAY, LLC
 KM SPECIALTY SYSTEMS
 KNOX COMPANY
 KOORSEN FIRE & SECURITY
 KRISTINE GEORGES
 LAMBS ELECTRIC, LLC
 LAW CHEVROLET-BUICK
 LAWSON PRODUCTS
 LENSING BUILDING SPECIALTIES

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LIN-GAS
 LONG LAW OFFICE
 LYNNVILLE NATIONAL BANK
 MARK COLLE'S AUTO GLASS
 MARTIN, INC.
 MASON HEAVY DIESEL
 MCNEELY INSURANCE AGENCY
 METZGER CONSTRUCTION CO.
 MEYER TRUCK EQUIPMENT
 MIT EQUIPMENT
 MIDWEST CANVAS PRODUCTS
 MIDWEST COMMUNICATIONS
 MIDWEST PORTABLE MACHINE, INC
 MIDWEST/SOUTH CENTRAL MEDIA
 MINING MACHINE PARTS
 MISCELLANEOUS (BLANKET)
 MULLER WELDING CO.
 MULZER CRUSED STONE, INC
 MUNICIPAL EQUIPMENT
 NFLOW
 NICHOLS FIRE & FLEET
 NIX SANITARY SERVICE
 NORTH SIDE AUTO
 OFFICE DEPOT/MAX
 ORIBLITY AUTO PARTS
 PATRIOT CHEVY
 PAYGOV
 PAYROLL
 PERFECTION DRIVELINE, INC
 PERFECTION HYDRAULICS, INC
 PGC MUFFIN
 PHYSICIANS SALES & SERVICE
 PIRANALLA MOBILE SITE REDDING
 PM MOBILE
 POSEY'S SUPERMARKET
 PREMIER SCALES & SYSTEMS
 PROLETT INDUSTRIAL EQUIPMENT
 QUINCY RECYCLE
 RABBIT TIRE
 RAINBOW PRINTING
 RECYCLE FORCE
 REDBARN MECHANICAL, LLC
 REDLINE WIRELESS
 RENEW HYDRAULICS

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ROBIN'S NEST, INC
 RUDD EQUIPMENT COMPANY
 RUDOLPH BROS TOWN & CONTRY
 RUXIER TRUCK CENTER
 RYAN'S ACE HARDWARE
 S & S MACHINE SHOP
 SCOTTRE MECHANICAL
 SCHALCO CONSTRUCTION
 SISCO'S AMERICAN HOSE
 SPECTRUM/TIME WARNER CABLE
 SPENCER COUNTY SWMD
 SPRINT/NEXTEL
 ST. MARY'S OCCUPATIONAL & CONV.
 ST. MARY'S WARRICK EMS
 ST. VINCENT EVANSVILLE
 STAN UNDERHILL
 STAPLES
 STRAFER PUMP & SUPPLY
 SUPERIOR AG CO-OP
 SWANA
 SYNERGY PARTNERS
 TELE/DATA COMMUNICATIONS
 TGAJ RECYCLING, INC
 THE VERNON CORP.
 TIRE RECYCLING
 TOWN OF CHANDLER
 TOWN OF LYNNVILLE
 TOWN OF NEWBURGH
 TRAYCE WILSON
 TREASURER OF STATE
 TRI STATE CYLINDER HEAD
 TRI STATE REPAIR SERVICE
 U S POSTMASTER
 ULINE
 UNITED FIDELITY BANK
 UNITED STATES TREASURY
 US BANK
 VAN AUSDALL & FARRAR
 VECTREN
 VEOLIA ENVIRONMENTAL
 VEOLIA TECHNICAL SOLUTIONS
 VERIZON
 VISA
 VOMAC TRUCK SALES

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WADASH VALLEY SERVICE CO.
 WALMART COMMUNITY
 WARRICK AUTO SUPPLY
 WARRICK CO. CHAMBER OF
 COMMERCE
 WARRICK CO. COMMISSIONERS
 WARRICK CO. DELEGATE DEPARTMENT
 WARRICK CO. HIGHWAY DEPT.
 WARRICK CO. SOLID WASTE MGMT DIS
 WARRICK CO. TREASURER
 WARRICK PUBLISHING
 WARRICK TUBING, INC
 WASTTEQUIP
 WILAYNE SUPPLY
 WINDLER TECHNOLOGIES
 WINDLER OIL COMPANY
 WILLIS FINCH COMPANY
 WRIGHT STEEL & SERVICE
 XEROGRAPHIC BUSINESS SYSTEMS
 XEROX
 XEROX CAPITAL SERVICES

This was presented for passage in order to process claims, contracts, and conduct business during the current state of emergency in Indiana issued by Governor Holcomb in Executive Order 20-02 due to the COVID-19 Pandemic. Greg Richmond stated there was a spelling error that needed to be corrected. Dan Saylor made a motion to approve Resolution 2020-02 with the correction. Bob Johnson seconded the motion. The motion carried 7-0.

- Resolution 2020-03

The following was presented to the Board by Attorney Long:

RESOLUTION 2020-03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
 THE WARRICK COUNTY SOLID WASTE MANAGEMENT DISTRICT OF
 WARRICK COUNTY, INDIANA, ESTABLISHING
 CERTAIN EMPLOYMENT POLICIES DURING EMERGENCY**

WHEREAS, on March 18, 2020, the 116th Congress of the United States of America enacted the Families First Coronavirus Response Act ("FFCRA"), which provides for expanded family and medical leave and emergency paid sick leave to employees for specified reasons related to the novel Coronavirus Disease 2019 ("COVID-19", or, generally, "Emergency");

WHEREAS, certain steps need to be taken under these extraordinary circumstances to protect the health and safety of employees of the Warrick County Solid Waste Management District ("District") during the Emergency while at the same time avoiding disruption of essential District services to which the citizens of Warrick County are entitled to continue receiving during the COVID-19 public health emergency; and

WHEREAS, the Board of Directors of the District desires to incorporate those provisions of the FFCRA relating to the provision of expanded family and medical leave to employees of the District for specified reasons related to COVID-19.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, that the following constitutes the policy of Emergency Leave benefits available to eligible employees of the Warrick County Solid Waste Management District, and that if any policies and procedures of the Warrick County Solid Waste Management District Employee Handbook conflict with this Emergency Leave policy, then this policy shall control until such time as this policy is amended, rescinded, or until the expiration of the declared or any subsequent declared Statewide or National emergency related to COVID-19, or as otherwise may be determined by the Board of Directors, in its sole discretion, whichever occurs first:

Warrick County Solid Waste Management District shall provide to each employee of the District paid sick time to the extent that the employee is unable to work (or telework) due to a need for leave because:

- (1) The employee is subject to a Federal, State, or local quarantine or isolation order related to COVID-19;
- (2) The employee has been advised by a health care provider to self-quarantine due to concerns related to COVID-19;
- (3) The employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis;

- (4) The employee is caring for an individual who is subject to an order as described in subparagraph (1) or has been advised as described in subparagraph (2);
- (5) The employee is caring for a son or daughter of such employee if the school or place of care of the son or daughter has been closed, or the childcare provider of such son or daughter is unavailable due to COVID-19 precautions;
- (6) The employee is experiencing any other substantially similar condition specified by the Secretary of Health and Human Services in consultation with the Secretary of the Treasury and the Secretary of Labor.

A full-time employee of the District who meets any of the criteria provided in subsections (1), (2), (3), (4), or (6) above, is eligible for up to eighty (80) hours of leave, and a part-time employee of the District who meets any of said exceptions is eligible for the number of hours of leave that the employee works on average over a two (2) week period.

A full-time employee of the District who meets the criterion provided in subsection (5) is eligible for up to twelve (12) weeks of leave at forty (40) hours per week, and a part-time employee of the District who meets said exception is eligible for leave for the number of hours that the employee is normally scheduled to work over a twelve (12) week period.

An employee of the District who takes leave due to meeting any of the criteria provided in subsections (1), (2), or (3), above, shall be paid at either the employee's regular rate of pay or the applicable minimum wage, whichever is higher, up to Five Hundred Eleven and 00/100 Dollars (\$511.00) per day and Five Thousand One Hundred Ten and 00/100 Dollars (\$5,110.00) in the aggregate over the two (2) week period.

An employee of the District who takes leave due to meeting either of the criteria provided in subsections (4) or (6), above, shall be paid at two-thirds (2/3) of the employee's regular rate of pay or two-thirds (2/3) of the applicable minimum wage, whichever is higher, up to Two Hundred and 00/100 Dollars (\$200.00) per day and Two Thousand and 00/100 Dollars (\$2,000.00) in the aggregate over the two (2) week period.

An employee of the District who takes leave due to meeting the criterion provided in subsection (5), above, shall be paid at two-thirds (2/3) of the employee's regular rate of pay or two-thirds (2/3) of the applicable minimum wage, whichever is higher, up to Two Hundred and 00/100 Dollars (\$200.00) per day and Twelve Thousand and 00/100 Dollars (\$12,000.00) in the aggregate over the twelve (12) week period. Notwithstanding the foregoing, the compensation of an employee who takes twelve (12) weeks of paid leave pursuant to this paragraph shall be

structured such that the first two (2) weeks of such leave shall constitute paid sick leave and the remaining ten (10) weeks shall be comprised of paid expanded family and medical leave.

Prior to an employee of the District who meets any of the criteria provided in subsections (1) through (6), above, receiving any leave under this Resolution, said employee is required to email such request for leave to their direct supervisor and copy to the District Controller and provide any supporting information and/or documentation that may be requested.

BE IT FURTHER RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, a workforce reduction plan for all District employees shall be implemented effective April 1, 2020. For those employees scheduled off work pursuant to workforce reduction plan, and are unable to work remotely while at home, then in that event the employee shall be paid at two-thirds (2/3) of the employee's regular hourly rate of pay or two-thirds (2/3) of the applicable minimum wage, whichever is higher, equal to the number of hours they would have otherwise worked for the period of time between April 1, 2020, and April 6, 2020. If an employee requests time off work during this period in addition to the work plans implemented by Operations or the Processing Center, they may apply accrued paid time off benefits (PTO) or use unpaid leave all as approved by their supervisor. If any policies and procedures of the Warrick County Solid Waste Management District Employee Handbook conflict with this emergency leave policy, then this policy shall control until such time as this policy is amended, rescinded, or until the expiration of the declared or any subsequent declared Statewide or National emergency related to COVID-19, or as otherwise may be determined by the Board of Directors, in its sole discretion, whichever occurs first. This pay resolution may be extended, or a back to work notice may be issued, effective after April 6, 2020, by the President of the Board of Directors pursuant to Indiana law.

The above Resolution is passed and adopted by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana, this 9th day April, 2020.

BOARD OF DIRECTORS OF THE
WARRICK COUNTY SOLID WASTE
MANAGEMENT DISTRICT

Terry Philippe, President

Robert Johnson, Jr., Member

Dan Saylor, Member

Charlie Wyatt, Member

Greg Richmond, Member

Ron Whitedge, Member

Jim Miller, Member

ATTEST:

Trayce Wilson, Controller

APPROVED AS TO LEGAL FORM:

S. Adam Long, Esq. #26460-87
LONG LAW OFFICE, P C
415 East Main Street – Post Office Box 250
Boonville, Indiana 47601
Telephone: (812) 897-6868
Attorney

This Resolution provides for sick leave during the COVID-19 Pandemic and other employment policies. There was a correction made to the date and clarification made so there were no conflicts with the handbook. **Charlie Wyatt made the motion to approve the Resolution. Jim Miller seconded the motion. The motion carried 7-0.**

Any Other Business that Properly Comes Before the Board

No other business was brought before the Board.

Adjournment

Dan Saylor made the motion to adjourn. Greg Richmond seconded the motion. The motion carried 7-0. The meeting adjourned at 12:27 PM.



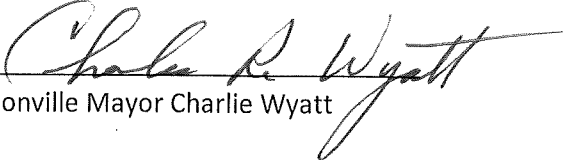
Commissioner Terry Phillippe, President

Respectfully Submitted by Kristine Georges

Commissioner Bob Johnson, Vice-President

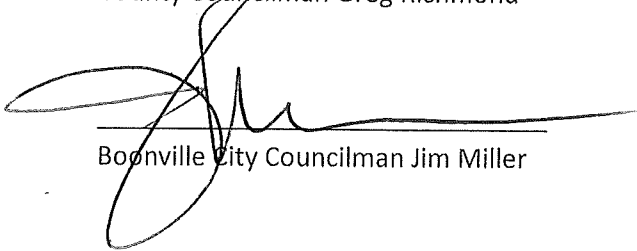

Commission Dan Saylor, Secretary

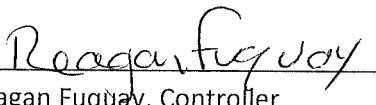

Chandler Town Councilman Ron Whitledge


Boonville Mayor Charlie Wyatt

County Councilman Greg Richmond

ATTEST:


Boonville City Councilman Jim Miller


Reagan Fuqua, Controller