

Warrick County Solid Waste Management District Board Meeting Minutes
Warrick County Commissioner Meeting Room
101 North Main Street, Boonville, IN 47601
Thursday, June 17, 2021

Call to Order

The Warrick County Solid Waste Management District meeting was called to order at 12:12 PM by Commissioner Dan Saylor. The meeting was delayed because there was not initially a quorum.

Roll Call

Roll Call showed the following voting members present: President Terry Phillippe, present via conference call; Vice President Bob Johnson, present via conference call; Dan Saylor, Greg Richmond, and Jim Miller, present in person. Also present were: Attorney Adam Long, Reagan Opperman, Michele Wallace, and Kristine Georges. Not present was Charlie Wyatt, Ron Whitledge, and Freddie Rowland. Attorney Long stated that there was a quorum, but that the members present via conference call would not be allowed to vote.

Public Comment

There was no public comment.

Minutes

The minutes from the May 20, 2021 meeting were presented. Several members had not had an opportunity to go over them. Jim Miller made the motion to table to the next meeting. Dan Saylor seconded the motion. The motion carried 3-0. They will be presented again in the July meeting.

Controller's Report

The District ended the month of May with a balance of one million seven hundred fifty-one thousand eighty-seven dollars and sixty-four cents (\$1,751,087.64). Mrs. Opperman stated that the budget worksheets should be ready for the July meeting for review.

Approval of Claims

Claims in the amount of one hundred fifty-five thousand seventy-one dollars and fifty-three cents (\$155,071.53) were presented. Jim Miller made the motion to pay the claims. Greg Richmond seconded the motion. The motion carried 3-0.

Operations Foreman's Report

Ms. Wallace presented the Operations Foreman's Report.

- Drug Testing – The drug testing is now being done at the clinic and it is saving the District \$25.00 a person.
- Front End Loader – The current front end loader has several hours on it. The loader that Freddie Rowland has for his operations is in better condition, so they will be trading loaders. However, Mr. Rowland's loader will need counterweights. Ms. Wallace would like to purchase the

counterweights. It was stated that the purchase would be under the threshold, so no bids will have to be taken. Greg Richmond made a motion to allow the purchase of the counterweights. Jim Miller seconded the motion. The motion carried 3-0.

- Casey Road Gate – The gate is damaged and can no longer be repaired. She has spoken with Joe Grassman on helping to get quotes. A budgetary quote of \$27,228.00 for two gates and fencing was given. There is also an erosion issue that needs to be resolved before fencing is put up. Attorney Long suggested that they hold off on this project as they are still negotiating the lease for the property and they should wait until it is settled. However, they can still work on getting the necessary quotes in order to be ready when the negotiations are complete. Ms. Wallace will get quotes on both a privacy fence and open fence. She also brought up possibly moving the site. There was a brief discussion and consensus was given to start getting quotes.

Processing Center Foreman's Report

Mr. Rowland was not present to give a report.

Attorney's Report

Attorney Long presented two items under his business.

- Casey Road Lease – There was a brief discussion on the tax exemption status for the property. The exemption had been approved for 100% exemption from taxes. This should help with the issue of the raise in rent to cover taxes. The owner has not yet responded.
- Establishing Electronic Participation Policy for Solid Waste Management District Meetings – Resolution 2021-05 – The District must adopt policy in order to participate electronically in meetings per the new Indiana State Statute. The following Resolution was presented for adoption:

(Resolution 2021-05 is on the following two pages).

RESOLUTION 2021-05

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE WARRICK COUNTY SOLID WASTE MANAGEMENT DISTRICT OF WARRICK COUNTY, INDIANA, ESTABLISHING THE POLICY BY WHICH MEMBERS OF THE BOARD MAY PARTICIPATE IN MEETINGS BY ELECTRONIC MEANS OF COMMUNICATION

WHEREAS, effective April 20, 2021, P.L. 88-2021 (HEA 1437), hereinafter referred to as the "Act", amended IC 5-14-1.5-1 *et seq.* to prescribe new requirements by which members of the governing body of a public agency of a political subdivision may participate in a meeting by any electronic means of communication;

WHEREAS, pursuant to I.C. § 5-14-1.5-3.5(b), a member of the governing body may participate by any means of communication that (1) Allows all participating members of the governing body to simultaneously communicate with each other; and (2), excluding executive sessions, allows the public to simultaneously attend and observe the meeting;

WHEREAS, the Act requires the governing body to adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication and may adopt procedures that are more restrictive than the procedures established by IC 5-14-1.5-3.5(d); and

WHEREAS, the Board of Directors is the governing body of the Warrick County Solid Waste Management District, a public agency of a political subdivision of Warrick County, Indiana.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana:

Section 1. This resolution shall be known as the "Electronic Meetings Policy" of the Board of Directors of the Warrick Solid Waste Management District and applies to the Board and any of its committees.

Section 2. The Electronic Meetings Policy is as follows:

Electronic Meetings Policy of the Board of Directors of the Warrick Solid Waste Management District

I. General Electronic Participation Provisions.

A. A Board member may participate electronically in a Board of Directors Meeting, subject to this Policy and the requirements of Indiana Code § 5-14-1.5, only if:

1. All participating Board members can simultaneously communicate,
2. The public can simultaneously attend and observe the meeting, except for executive sessions, and

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3. At least 50% of the Board members are physically present at a meeting.
4. A Board member who participates electronically is considered present for purposes of establishing a quorum.
5. A Board Member participating electronically may participate in final action only if the Board member can be seen and heard.
6. All votes during a meeting in which a Board member participates electronically shall be taken by roll call.
7. Meeting minutes for meetings at which a Board member participates electronically must include the following:
 - i. The name of each Board member physically present,
 - ii. The name of each Board member participating electronically,
 - iii. The name of each absent Board member,
 - iv. The electronic means of communication used by Board members, and
 - v. The electronic means of communication used by the public to attend.
8. Technological failures that disrupt or prevent simultaneous communication between a Board member or a member of the public who are not physically present do not prevent the Board from conducting the meeting or taking final action as long as the Board members physically present satisfy the quorum and voting requirements.
9. A Board member cannot attend more than 50% of the meetings in a year electronically, unless the electronic participation is due to:
 - i. Military service,
 - ii. Illness or other medical condition,
 - iii. Death of a relative, or
 - iv. An emergency involving actual or threatened injury to persons or property.
10. A Board member cannot attend more than two consecutive meetings by electronic participation, unless the Board member's absence is due to one of the above exceptions. Otherwise, two consecutive meetings of electronic participation shall be followed by the Board member's physical presence at the next meeting.
11. Electronic participation is prohibited, and all Board members must be physically present at a meeting, for the Board to take the following final actions:
 - i. Adopting a budget;
 - ii. Making a reduction in personnel;
 - iii. Initiating a referendum;
 - iv. Establishing or increasing a fee;
 - v. Establishing or increasing a penalty;
 - vi. Using eminent domain authority; and
 - vii. Establishing, raising, or renewing a tax.

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II. Electronic Participation During Disaster Emergency.


- A. These provisions apply if:
 - 1. The Governor declares a disaster emergency under I.C. § 10-14-3-12, or
 - 2. The County Commissioners declare a local disaster emergency under I.C. § 10-14-3-29.
- B. Notwithstanding the General Electronic Participation Provisions of this Policy, the Board members are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated.
- C. Board members may meet by electronic means if:
 - 1. At least a quorum participates electronically or in person,
 - 2. The public can simultaneously attend and observe the meeting, except for executive sessions, and
 - 3. The meeting memoranda includes:
 - a. The name of each Board member participating electronically,
 - b. The name of each absent Board member,
 - c. The electronic means of communication used by Board members, and
 - d. The electronic means of communication used by the public to attend.
 - 4. All votes during a meeting under this section shall be taken by roll call.


Section 3. The Board has the authority to amend or revoke this Policy at any time.

Section 4. This resolution shall be effective upon its adoption by the Board.

PASSED and ADOPTED by the Board of Directors of the Warrick County Solid Waste Management District of Warrick County, Indiana this ___ day of _____, 2021.

BOARD OF DIRECTORS OF THE
WARRICK COUNTY SOLID WASTE
MANAGEMENT DISTRICT

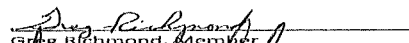

Terry Phillippe, President


Robert Johnson, Jr., Member

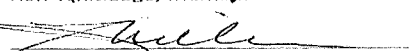
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Dan Saylor, Member

Charles R. Wyatt, Member


Greg Richmond, Member


Ron Whitledge, Member


Jim Miller, Member

ATTEST:


Reagan Opperman, Controller

APPROVED AS TO LEGAL FORM:

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

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A login request will also be added to the meeting notices for the public. Jim Miller made the motion to adopt the Resolution. Greg Richmond seconded the motion. The motion carried 3-0.

Any Other Business that Properly Comes Before the Board

There was no other business to come before the Board.

Adjournment


The next meeting is scheduled for Thursday, July 15th at 12:00 PM in the Commissioner Meeting Room. Greg Richmond made the motion to adjourn. Jim Miller seconded the motion. The motion carried 3-0. The meeting adjourned at 12:35 PM.

Respectfully Submitted by Kristine Georges



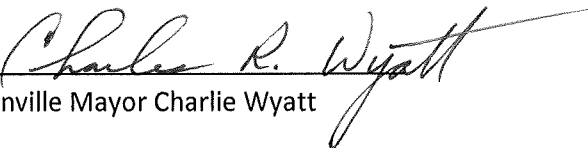
Commissioner Terry Phillippe, President

Commissioner Bob Johnson, Vice-President




Commission Dan Saylor, Secretary

Chandler Town Councilman Ron Whitledge



Boonville Mayor Charlie Wyatt

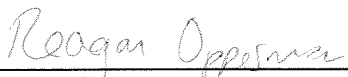


County Councilman Greg Richmond

ATTEST:



Boonville City Councilman Jim Miller



Reagan Opperman, Controller