

## **COMMISSIONERS MEETING**

Jefferson County Courthouse, Room 103, 300 E. Main St. Madison, IN 47250

DATE 02-20-2020

Commissioner Dave Bramer called the meeting to order, and led The Pledge of Allegiance along with Ron Lee and Robert Little. Commissioner Robert Little made a motion to approve the previous meetings minutes, all accounts payable, and payroll claim dockets. Commissioner Ron Lee seconded the motion. Motion passed 3/0.

**Jail Feasibility Study-** Commissioner Bramer opened Public Hearing for Jail Feasibility Study. The Commissioners addressed questions from the public. Bed count for the new jail will be 300 beds. Approximate cost of the new jail will be \$38 Million. The Jail Tax and Public Safety Tax has already been put into effect for Jefferson County. The plan is to break ground in November 2020 and be in the new jail sometime in 2022. With the situation we are in with the overcrowding and lack of room to expand at the current jail, a new jail is really the only option. There was no interest from other counties to do a regional jail. Possibility for using the old jail for a mental health or drug treatment. Commissioners also stated a possibility to use the old jail for juveniles. Commissioner Bramer closed meeting and read resolution. Commissioner Little made a motion to accept resolution. Commissioner Lee seconded the motion. Motion passed 3/0.

**Tawana Thomas-**Tawana updated the Commissioners on the USDA Tourism Grant that she has been working on for the Indiana Wine Trail. Grant could be upwards for \$250,000. Grant had been put on hold until the last couple months. Connecting counties has submitted letters of approval and participation. Looking for possibility to get historic dollars to help with getting grant. If nothing else, they would at least like a letter of support from the Commissioners.

**Bobby Phillips-**Bids were opened for three community crossing paving projects. Five bidder participated in all three projects: Dave O'Mara Contracting, Mac Construction, Paul H. Rohe Company, Wingham Paving, and All-star Paving. The following bids were awarded:  
W 800 S (Jackson Rd) – Wingham Paving \$423,566.44  
E 675 N (Lower Dry Fork)- Wingham Paving \$343,324.91  
N 500 W/Boyd Rd- Dave O'Mara \$369,283 (Second lowest bidder, but was selected due to missing document from lowest bidder.)

Commissioner Lee made a motion to accept awarded bids. Commissioner Little seconded. Motion passed 3/0.

Commissioners have reviewed Bridge 109 Design bid from previous meeting.

Commissioner Little made a motion to approve bid. Commissioner Lee seconded. Motion passed 3/0.

Issue with new Airport fence at Borcharding Rd and Chicken Run Rd was brought up. There was a complaint that you have to pull up past stop sign to see around fence. Bobby to reach out to INDOT to see if this should become a 4-way stop.

Lower Dry Fork will be closed February 24-28<sup>th</sup> 8am-3pm for road work.

**Troy Morgan**- Memorandum of Understanding presented to the Commissioners. This is for Amateur Radio Equipment Club to maintain and operate equipment at time of an emergency. Also to keep a repeater that will be placed on top of KDH in Jefferson County's ownership.

Reminder of Cyber Security Meeting on February 24<sup>th</sup>.

EMA side of the building is coming along, still working on Camera system and electronic key entry.

In other business, multiple people from the public expressed concerns with the county becoming a 2<sup>nd</sup> Amendment Sanctuary. Commissioners are working on having a public meeting about the 2<sup>nd</sup> Amendment Sanctuary (no date set at this time). Possibility for April 2<sup>nd</sup> meeting to be moved to a different date, date to be announced at a later date. Comprehensive Plan Public Workshop will be on March 2<sup>nd</sup> 6-8pm at the Ivy Tech Lecture Hall.

Commissioner Little made a motion to adjourn. Commissioner Lee seconded the motion. Motion passed 3/0.

ATTEST: \_\_\_\_\_  
Sherry Eblen, Auditor

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David Bramer, President

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Robert Little, Member

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Ron Lee, Member

### **IC 36-1-12-3 Public work projects**

Sec. 3. (a) The board may purchase or lease materials in the manner provided in IC 5-22 and perform any public work, by means of its own workforce, without awarding a contract whenever the cost of that public work project is estimated to be less than two hundred fifty thousand dollars (\$250,000). Before a board may perform any work under this section by means of its own workforce, the political subdivision or agency must have a group of employees on its staff who are capable of performing the construction, maintenance, and repair applicable to that work. For purposes of this subsection, the cost of a public work project includes:

(1) the actual cost of materials, labor, equipment, and rental; (2) a reasonable rate for use of trucks and heavy equipment owned; and (3) all other expenses incidental to the performance of the project. (b) This subsection applies only to a municipality or a county. The workforce of a municipality or county may perform a public work described in subsection (a) only if:

(1) the workforce, through demonstrated skills, training, or expertise, is capable of performing the public work; and (2) for a public work project under subsection (a) whose cost is estimated to be more than one hundred thousand dollars (\$100,000), the board:

(A) publishes a notice under IC 5-3-1 that:

(i) describes the public work that the board intends to perform with its own workforce; and (ii) sets forth the projected cost of each component of the public work as described in subsection (a); and (B) determines at a public meeting that it is in the public interest to perform the public work with the board's own workforce. A public work project performed by a board's own workforce must be inspected and accepted as complete in the same manner as a public work project performed under a contract awarded after receiving bids.

(c) When the project involves the rental of equipment with an operator furnished by the owner, or the installation or application of materials by the supplier of the materials, the project is considered to be a public work project and subject to this chapter. However, an annual contract may be awarded for equipment rental and materials to be installed or applied during a calendar or fiscal year if the proposed project or projects are described in the bid specifications.

(d) A board of aviation commissioners or an airport authority board may purchase or lease materials in the manner provided in IC 5- 22 and perform any public work by means of its own workforce and owned or leased equipment, in the construction, maintenance, and repair of any airport roadway, runway, taxiway, or aircraft parking apron whenever the cost of that public work project is estimated to be less than one hundred fifty thousand dollars (\$150,000).

(e) Municipal and county hospitals must comply with this chapter for all contracts for public work that are financed in whole or in part with cumulative building fund revenue, as provided in section 1(c) of this chapter. However, if the cost of the public work is estimated to be less than fifty thousand dollars (\$50,000), as reflected in the board minutes, the hospital board may have the public work done without receiving bids, by purchasing the materials and performing the work by means of its own workforce and owned or leased equipment.

(f) If a public works project involves a structure, an improvement, or a facility under the control of a department (as defined in IC 4- 3-19-2(2)), the department may not artificially divide the project to bring any part of the project under this section.

[Pre-Local Government Recodification Citations: 5-16-1 part; Part new.] *As added by Acts 1981, P.L.57, SEC.38. Amended by Acts 1981, P.L.56, SEC.3; P.L.329-1985, SEC.16; P.L.337-1987, SEC.2; P.L.66- 1987, SEC.29; P.L.12-1991, SEC.6; P.L.21-1995, SEC.146; P.L.82-1995, SEC.14; P.L.49-1997, SEC.75; P.L.172-2011, SEC.138; P.L.252-2015, SEC.42; P.L.213-2015, SEC.263; P.L.43-2019, SEC.1.*

### **IC 36-1-12-3.5 Contracts for engineering, architectural, or accounting services; applicability of restrictions of**

**general statutes** Sec. 3.5. When any public work is proposed to be performed and the board determines by a two-thirds (2/3) vote that it is expedient and in the best public interest to employ professional engineering, architectural, or accounting services for the planning and financing of the public work and the preparation of plans and specifications, then the limitations and restrictions in the general statutes with respect to invalidity of contracts without an appropriation therefor, payment of fees solely from the proceeds of bonds or assessments when and if issued, and payment of fees solely from a special fund or funds to be provided in the future, do not apply to contracts for those professional services to the extent that such limitations and restrictions might otherwise prevent the payment of fees for services actually rendered in connection with those contracts or affect the obligation to pay those fees. *As added by Acts 1982, P.L.33, SEC.16.* **IC 36-1-12-4 Bidding procedures for projects costing more than certain amounts**

Sec. 4. (a) This section applies whenever the cost of a public work project will be at least one hundred fifty thousand dollars (\$150,000).

(b) The board must comply with the following procedure:

(1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a

road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified. (2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

iga.in.gov/legislative/laws/2019/ic/titles/036#36-1-12-4 1/2  
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(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed. If the board receives electronic bids as set forth in subsection (d), the board shall also provide electronic access to the notice of the bid solicitation through the computer gateway administered under IC 4-13.1-2-2(a) (5) by the office of technology. (4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids. (5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board. The period of time between the date of the first publication and receiving bids may not be more than:

(A) six (6) weeks if the estimated cost of the public works project is less than twenty-five million dollars (\$25,000,000); and (B) ten (10) weeks if the estimated cost of the public works project is at least twenty-five million dollars (\$25,000,000). (6) The board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts. (7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before. Notwithstanding any other law, bids may be opened after the time designated if both of the following apply:

(A) The board makes a written determination that it is in the best interest of the board to delay the opening. (B) The day, time, and place of the rescheduled opening are announced at the day, time, and place of the originally scheduled opening. (8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or (B) reject all bids submitted. (9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection. (10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications. (B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders. (C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

(A) The ability and capacity of the bidder to perform the work. (B) The integrity, character, and reputation of the bidder. (C) The competence and experience of the bidder. (12) The board shall require the bidder to submit an affidavit: (A) that the bidder has not entered into a combination or agreement: (i) relative to the price to be bid by a person;

(ii) to prevent a person from bidding; or (iii) to induce a person to refrain from bidding; and (B) that the bidder's bid is made without reference to any other bid. (c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

(d) Notwithstanding subsection (b), a board may receive electronic bids for the public work if:

(1) the solicitation for bids indicates the procedure for transmitting the electronic bid to the board; and (2) the board receives the bid on a facsimile machine or system with a security feature that protects the content of an electronic bid with the same degree of protection as the content of a bid that is not transmitted by a facsimile machine. (e) A board may select a vendor to provide an electronic platform to accommodate the electronic bidding process. [Pre-Local Government Recodification Citations: 5-16-1 part; Part new.] *As added*

*by Acts 1981, P.L.57, SEC.38. Amended by Acts 1981, P.L.56, SEC.4; P.L.329-1985, SEC.17; P.L.213-1986, SEC.4; P.L.252-1993, SEC.3; P.L.82-1995, SEC.15; P.L.22-2001, SEC.1; P.L.169-2006, SEC.48; P.L.113-2010, SEC.108; P.L.139-2011, SEC.6; P.L.172-2011, SEC.139; P.L.6-2012, SEC.241; P.L.17-2012, SEC.2; P.L.67-2012, SEC.2; P.L.43-2019, SEC.2; P.L.164-2019, SEC.5.*