

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS  
JANUARY 9, 2018**

The Vanderburgh County Board of Commissioners met in session this 9<sup>th</sup> day of January, 2018 at 3:06 p.m. in Room 301 of the Civic Center Complex with President Bruce Ungethiem Presiding.

**Call to Order**

President Ungethiem: Good afternoon. I would like to welcome you to the Vanderburgh County Board of Commissioners January 9, 2018 meeting.

**Attendance Roll Call**

President Ungethiem: Madelyn, if you would call attendance please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Here.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Here.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Here. Having three members present, we do have a quorum.

**Pledge of Allegiance**

President Ungethiem: Please stand and join me in the Pledge of Allegiance.

(The Pledge of Allegiance was given.)

President Ungethiem: Thank you.

**Commission President Comments**

President Ungethiem: Any students that we have in the audience today? Seeing none. Any Alabama Crimson Tide? Any Georgia Bulldogs?

Unidentified: Roll Tide.

Commissioner Shoulders: They are still in mourning.

President Ungethiem: Alright, congratulations to Alabama on their win last night.

**Bicentennial Proclamation**

President Ungethiem: Moving on, action items, the first item is a Bicentennial Proclamation. For those of you who were not able to attend, we had a birthday party for Vanderburgh County last Friday. The actual birthday was Sunday, in which Vanderburgh County turned 200 years old on Sunday, July, or excuse me, January the 7<sup>th</sup>. What we have, what we're going to do throughout the entire year, is have a series of events to help celebrate that 200<sup>th</sup> birthday. So, today we are introducing a proclamation regarding the 200<sup>th</sup> birthday of Vanderburgh County. Let me read that to you, "Proclamation of Vanderburgh County Bicentennial. Whereas, Sunday, January 7, 2018 marks the 200<sup>th</sup> Anniversary of the founding of Vanderburgh County, Indiana; Whereas, it was named for Captain Henry Vanderburgh, Revolutionary War Veteran and Judge of the Indiana Territory; and, Whereas, on the occasion of Vanderburgh County's 200<sup>th</sup> Birthday we

honor the commencement of the Bicentennial Year in Vanderburgh County; and, Whereas, a yearlong celebration is planned to engage citizens across the county in appreciating Vanderburgh County's past, present and its future; and, Whereas, the kickoff event for the yearlong celebration was held Friday, January 5, 2018 at the Old National Events Plaza; and, Whereas, we invite all citizens of Vanderburgh County to celebrate and take pride in our community, its leaders and its bright future. Now, Therefore, we, the Vanderburgh County Board of Commissioners, do hereby proclaim January 7, 2018 as Vanderburgh County Day and Bicentennial." Then it says Board of Directors, yada, yada, yada. So, I would entertain a motion to approve the proclamation.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second the motion.

President Ungethiem: We have a motion and a second. Does anybody have any questions about the birthday and what's going to happen? Alright—

Commissioner Musgrave: You didn't mention the balloon fights or the little glasses of beer. You didn't mention any of that.

President Ungethiem: Oh, we've got all kinds of ideas. If anybody has any ideas of how we can celebrate the 200<sup>th</sup> Birthday of Vanderburgh County, please send those in. Kristin is taking some of these suggestions now, and we're going to put together several different events throughout the year, including a day with the Evansville Otters, a balloon fight, I believe.

Commissioner Musgrave: Water balloons.

President Ungethiem: A water balloon fight. There may be a dunking contest. You never know.

Commissioner Shoulders: Dunk a Commissioner.

President Ungethiem: If you have any ideas.

Commissioner Shoulders: Dunk a Commissioner.

President Ungethiem: If you have any ideas of how we can celebrate the birthday, just let us know. Okay, we have a motion and a second. All of those in favor signify by saying aye?

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The motion carries.

**(Motion approved 3-0)**

<p style="text-align: center;"><b>First Reading of Ordinance CO.01-18-005: Amending Ch. 2.90: Establishing a Parental Leave Policy</b></p>
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President Ungethiem: The next item is the first reading of ordinance CO.01-18-005, amending chapter 2.90 of the Vanderburgh County Code, establishing a parental leave policy. I would entertain a motion to approve the first reading of this ordinance.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second. At this point in time, do the Commissioners have any questions before we have public comment, or any statement?

Commissioner Musgrave: Perhaps after the public speaks.

Commissioner Shoulders: I will actually add that this is very similar to, if not identical to, I believe, Governor Holcomb's. So, just an FYI, I had some questions about it, and realized that it's a carbon copy of the State of Indiana's, just in case anyone was wondering.

President Ungethiem: Let me give you just a brief summary of what this change does. It basically allows a full time employee—

Commissioner Musgrave: It's a full time county employee.

President Ungethiem: A full time county employee up to four weeks of paid leave, if they meet some of the criteria. This is something that will be in concert with the Family and Medical Leave Act, meaning that if they four weeks of pay from the county, then they get eight weeks left on their Family and Medical Leave Act, which I think is a total of 12. So, it's not additive, it's at the same time. It's basically for an employee that has a birth of a child or an adoption of a child.

Commissioner Musgrave: Well, I'll go ahead and make just a couple of remarks.

President Ungethiem: Okay.

Commissioner Musgrave: The Parental Leave Policy for Vanderburgh County employees mirrors the policy of the State of Indiana, just announced for all State employees, which Commissioner Shoulders referenced. It makes sense as a benefit that can also support Vanderburgh County's employees. These types of policies, not only help us retain our best and brightest in county government, but they also help us attract the best and brightest, and Vanderburgh County residents deserve that type of competency from local government. So, I've been asked, what is the current Parental Leave Policy? It's a simple answer, there is no current policy, other than expectant parents working as county employees must use sick time or vacation time to cover time off to be with a newborn or adopted child. I can tell you as a mother of two, that having a child is neither an illness, nor a vacation. Many employers today give expectant parents some form of paid leave. This new ordinance proposes a new paid Parental Leave Policy, as Commissioner Ungethiem said, of up to four weeks. Existing budgeted salary per employee would cover the paid time, so it's not an increase of pay, but a continuation of pay. I'm very proud to introduce and support this ordinance.

President Ungethiem: Okay, any other statement from the Commissioners before we open it to the public? Alright, public comment? Would anyone like to talk about this?

Pam Locker: I would.

President Ungethiem: Come forward, state your name.

Pam Locker: Okay, my name is Pam Locker. I was a librarian in the City of Evansville-Vanderburgh County for many, many years. So, I've kind of done my homework here, I used Google. Okay, first off, both of our Presidential candidates included paid parental leave in their platforms. In fact, President Trump has, I think, there is a, there's an idea that he would require State governments, and city governments, I think, to pay parental leave. So, but that hasn't taken effect yet, of course, it hasn't gone through Congress. But, at any rate, we're so far behind, and I think it was laudatory that our Governor went ahead and passed that policy, by Executive Order, and, I think that we should also do something. Here's an article from Governing Magazine<sup>1</sup>, it says that only 13 percent of public sector workers have access to paid parental leave in the U.S. It's the only, the United States is one of only, one of the only industrialized nations that doesn't offer paid leave on a national level. At the State level, ten states, including Arkansas, have some form of paid family leave protections for State employees. The policy is becoming more prevalent at the city level; Austin, Texas; Boston; Hannity<sup>1</sup>, Minnesota; Hennepin County, Washington; Minneapolis; Washington, D.C.; San Francisco have all started to offer it. As Cheryl said, it is a benefit to employees. If you can't give them a lot more money, give them something else. When San Francisco went to the paid leave, they highlighted the fact that women represent only ten percent of Twitter employees, and 15 percent of

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<sup>1</sup> Should be Hennepin County, Minnesota.

Facebook employees in Silicon Valley, but in San Francisco, which offers paid parental leave for public workers, women hold 28 percent of the city's tech jobs. An interesting figure. So, anyway, you know, I had two children and it was hard. You know, I think that we have a chance to be on the forefront here. As far as I know, South Bend is the only—

Commissioner Musgrave: I was just going to mention that.

Pam Locker: --city or county entity, and when they instituted it, they said that it would cost \$156,000 out of a city budget of \$300 million for personnel. So, it's kind of a drop in the bucket. I applaud Cheryl for proposing it. Any questions?

President Ungethiem: No, thanks, Pam. Other comments? Come to the microphone.

Les Shively: My name is Les Shively, Chief Judge of Vanderburgh Superior Court. I really just have questions, and maybe these are directed to the Commission as well as to the County Attorney. I just was sent an email of this proposed ordinance not too long ago. And, certainly the concept makes, I appreciate the concept and the intent, I guess the question I have is, number one, how was the six months arrived at? As I read the ordinance, if employees are employed for six months, then that particular benefit—

Joe Harrison, Jr.: For six consecutive months, then they would be entitled to Parental Leave.

Les Shively: Right.

Joe Harrison, Jr.: So, you've got to be employed with the county for six months.

Les Shively: Yeah. I'm just curious--

Commissioner Musgrave: I understand that that was identical to the State's.

Joe Harrison, Jr.: Yeah.

Les Shively: Which comes down to this, the Governor's Executive Order, was that applicable to the State Court personnel as well?

Joe Harrison, Jr.: I have no idea.

Commissioner Musgrave: Are you employee's of the Governor?

Les Shively: No, they're, well—

Commissioner Musgrave: Then you'll have to ask them.

Les Shively: The Judiciary and the Executive and Legislative are three separate, independent branches—

Joe Harrison, Jr.: Yeah.

Les Shively: -- of government.

Commissioner Musgrave: So, you work for the Supreme Court, right?

Les Shively: Well, we work for the State of Indiana. It's not the most clear cut situation, but, again, we had a judges meeting back last week and sort of kicked this around. I mean, obviously, we certainly see what could be the benefits, but also we would really like to have, before this is enacted, we would like to have a dialogue with the Commissioners, just to get some details to what extent this applies to each independent judges staff. Because here's the reality, by law each judge has three employees, okay? If you have one employee who's out for a month, and you can't replace that person, you're losing a third of your staff. As it is right now, given the volume, unfortunately, of court cases, especially criminal cases that are being filed, that puts the burden on the employees that have to stay there that carry the load. Again, we can't replace, under Federal Law we couldn't replace those people, notwithstanding what the county ordinances were. Again, I just would, this was sort of something that came to us that we were not aware of that the county was contemplating doing, to the extent that it's meant to be applicable to the court staff. That's not clear either, because the courts do have a separate policy for its employees. These are some things that we want to have cleared

up. You know, I think that certainly the intentions behind this are all honorable and are proper and, as Commissioner Musgrave said, hey, you know to basically have a situation, a personnel policy if you will, that is encouraging to the best and the brightest, we're all for that, but also we need to look at the big picture. And, again, certainly not opposed, just want to work out some of these details and get some more information if we could.

Commissioner Musgrave: Well, since they're essentially legal questions, Joe, perhaps you could communicate with him?

Joe Harrison, Jr.: Sure, that's fine. This is a first reading tonight.

Les Shively: Yeah, I know it is. I came here not to oppose it, but to raise the questions, and to make sure that we're all on the same page. I don't want, I just want to make sure everybody is clear, and so my colleagues understand that if this goes in effect, what it means to their operations, pure and simple.

President Ungethiem: Let me make sure I'm clear. The judges actually work for the State of Indiana, but your workforce works for the county. So, they would, this would apply to—

Les Shively: Yes...that's where it gets murky.

President Ungethiem: Well, that's why I'm wanting to understand. Would this apply to the three people that you're talking about in your office?

Les Shively: That's what we need to sit down and talk about.

Commissioner Shoulders: Yeah, we don't know.

Les Shively: Yeah, and, again, I'm sure there's a way that we can work through this, but, again, you can ask every judge, and their staff are taxed.

Joe Harrison, Jr.: You all do have your own personnel policy.

Les Shively: Yeah.

Joe Harrison, Jr.: I mean, I do know that.

Les Shively: And our staff is taxed.

Joe Harrison, Jr.: You all do have, I mean, obviously, FMLA is part of your policy.

Les Shively: Right, although the other confusing part is, our employees are classified pursuant to the county classification system.

Joe Harrison, Jr.: Right.

Les Shively: It's, I guess what I'm saying, this ordinance probably provides an opportunity for us to look at the whole big picture. What does our policy pick up and where does the county's kick in? I mean, I just think we need some discussion so that we're clear, if this does go into effect, how it does impact our court so we can adjust ourselves.

Joe Harrison, Jr.: That's fine. I'll get in touch with you.

Commissioner Musgrave: Joe? There is one change that I think we should make just to make administering this easier. I think it should be effective on January 1<sup>st</sup>, so that we're not trying to calculate six months from some middle of the month date. That's the only change that I would suggest.

Commissioner Shoulders: What date do we have now?

Joe Harrison, Jr.: Well—

Commissioner Musgrave: Upon passage.

Commissioner Shoulders: Oh, upon passage?

Commissioner Musgrave: Can we do that?

Joe Harrison, Jr.: Technically we can't. I mean, legally you have to advertise the ordinance first before it would ever go into effect.

Commissioner Musgrave: Well, let the record show that I tried.

Joe Harrison, Jr.: I understand.

President Ungethiem: The first of the month of whatever—

Commissioner Shoulders: Following.

Joe Harrison, Jr.: I mean, hopefully it would be February 1<sup>st</sup>, you know.

Commissioner Musgrave: Okay.

Joe Harrison, Jr.: Is what I'm hoping.

President Ungethiem: One thing that you brought up about the six months and where did that come from—

Les Shively: Yes, sir?

President Ungethiem: ---I looked at the FMLA Act, and their requirement was 12 months. Now, I understand that the State—

Commissioner Shoulders: Well, but that's why, I asked the same question, but the State one is six.

President Ungethiem: The State one is six months, and, I guess, my question is, why did the State, and we probably don't know, but why did the State choose six months? Twelve months makes more sense to me, because if a person hires in two months pregnant, six months and they qualify for this, whereas if it's a 12 month retainer, you obviously can't hire in—

Les Shively: And here's where —

President Ungethiem: --the last time I checked with my wife, nine months is what it takes.

Les Shively: Yeah, well, here's the other reality is, it really takes, and I've had some turnover in my office and I can attest to this from personal experience, especially now that we've gone to e-filing. It takes a good three or four months until you're, especially someone that is not already in the system, if someone comes from the outside to work for the county, working with one of the judges, it takes a good two to three months until they really get the hang of it. So, you've about got them trained at the six month mark, I don't know—

Commissioner Musgrave: Are you guys making the case for not hiring women? You're getting kind of close there, and it's starting to bother me.

Les Shively: No, no, no.

President Ungethiem: We're just trying to decide whether it's six or 12.

Les Shively: Commissioner Musgrave, let me bring to your attention your own ordinance, this ordinance, if in effect, applies to men and women.

Commissioner Musgrave: I know that very well.

Les Shively: We hire men and women as our support staff people.

Commissioner Musgrave: Right, and we can't ask questions like, are you pregnant? How many children do you plan to have?

Les Shively: Commissioner Musgrave, I think you misunderstand what I was—

Commissioner Musgrave: I was uncomfortable.

Les Shively: Well, I'm sorry you're uncomfortable. If you're uncomfortable, it's not from what I said, because I didn't say that. Let me clarify what I did say, so there's no confusion, alright? Can I do that?

Commissioner Musgrave: Please.

Les Shively: I'm simply saying the six month in the application to people that come to work for the judges directly, it takes three or four months until they are adequately trained. Then they're going to be on leave, and after that 30 day, excuse me, the four weeks they're out, they may or may not come back. Again, this applies, as I read the ordinance, if a gentleman's wife is pregnant, and they've been with the county for six months, or working for a judge for six months, they have the right to exercise this benefit. The only thing I'm saying is, the concept certainly makes sense. We want to encourage families to work together and not to suffer any hardships just because you are having children. We want to encourage both parents to be involved. I'm all, half of what I do is Family Court, I'm all about that. I'm simply saying that this sort of hit me, you know, I got the email a week or so ago, and what we're trying to do is making sure that we're looking at the impact across the board on all aspects of operations, including the operation of our courts. Does that make sense?

President Ungethiem: Understood.

Les Shively: Okay, and if you could answer those legal questions and get back with us I would appreciate it, okay?

Joe Harrison, Jr.: I'll call you.

Les Shively: Again, we're not opposed, we just want to make sure we understand the impact, and we'll work through some of these details, okay?

President Ungethiem: Okay.

Les Shively: Thank you.

President Ungethiem: Any other public comment? You get a one minute rebuttal.

Pam Locker: Okay, a one minute rebuttal. It seems like you're making the assumption that every woman that, you know, applies for a job with the county is doing so so that she can get into the job, get trained, and then within six months leave and have a baby, and be gone for four weeks. And, you know, I think that that's not going to happen. I think that, you know, there might be one or two instances of that, but, you know, the vast majority might, won't happen within six months of the time that they come.

Les Shively: That's not what I said.

Pam Locker: What?

Les Shively: That's not what I'm saying.

Pam Locker: Say what again?

Les Shively: That is not what I'm saying.

Pam Locker: It seems like you almost are, because you're saying that it takes three or four months to hire, to train somebody, and then they're gone after two more months. It seems like you're almost saying they're all going to come pregnant. But, anyway, that's neither here nor there, thank you for listening.

President Ungethiem: Thank you.

Les Shively: My, just—

President Ungethiem: One minute.

Les Shively: This ordinance, as it's written, applies to men and women. The concept is a great concept, and, again, as a Family Court judge I want parents to be involved. I want them, from the very moment the child comes to that family, no question about it. I'm simply

saying is, such things as six months versus 12 months, we would like to have a discussion about that. Maybe about that, quite frankly, and take this as an opportunity to determine which policies are going to apply to the courts, which policies apply to non-court personnel. The concept is great, just want to have some of these details worked out. Okay?

Commissioner Musgrave: Is it flipped though really in your mind? If we determine that it doesn't apply to court personnel, the details of the policy are neither here nor there to the judges?

Les Shively: Right.

Commissioner Musgrave: Okay, that's what I thought.

Les Shively: Yeah, I mean, if you're saying, well, this is only for non-court personnel, then, I guess, the courts are going to have to make the decision.

Commissioner Shoulders: Yeah.

Les Shively: But, it's really murky right now, in terms of what policies apply and what policies don't.

Commissioner Musgrave: I just would ask that upon all of your deliberations and investigations, I sure hope that those personnel are under your jurisdiction and not ours. That's just all I'm saying here.

Les Shively: I'm not sure what was meant by that, but simply is this, we have not, the Courts and the Legislative Body and the Executive Body of county government always worked well together, and we want to continue to work well together. Where you have problems and break down in communications is where there is ambiguities and where there's questions about what policies apply. Again, this policy is a very proactive, progressive, positive policy. We just want to make sure we understand how it's going to be applied, and some of the concerns that we have that can certainly be dealt with.

President Ungethiem: Okay.

Les Shively: Alright?

President Ungethiem: Thank you. Anyone else? Okay, we have a motion and a second. I had one other question regarding this, as I looked at this policy, and that is, in the event, and I don't know that it's clear here, but in the event that the husband and the wife, or both parents, work for the county government, do they both get four weeks off? Or, do they get four weeks off combined? It is my understanding that FMLA looks at that as a combined situation, where the "family", both parents, get 12 weeks. So, if they both wanted to take six weeks off, that would conclude their 12 weeks, instead of each of them having 12 weeks. So, I just need that clarified here.

Joe Harrison, Jr.: Oh, I would say they each could take off, and they each get 12 weeks.

President Ungethiem: Well, that's not my—

Commissioner Musgrave: In saying that, are we talking about one or two people here, and they're very rare cases where we have—

Joe Harrison, Jr.: Yeah, I guess it could—

President Ungethiem: It's very rare, but I want it defined.

Commissioner Musgrave: We might have, I can think of some.

President Ungethiem: So, that we know, if we have both parents working for the county, does this say that they both get four weeks off?

Joe Harrison, Jr.: I think they would.

President Ungethiem: Okay.

Commissioner Shoulders: I guess we can confirm, right?

President Ungethiem: Can you confirm, or can you—

Joe Harrison, Jr.: Well, I'm just telling you that's what it is.

President Ungethiem: Well, I know what it says now. The question is, I believe FMLA says it's 12 weeks total, and that it's six weeks, if each of them want to take six weeks off, that's the 12 weeks.

Joe Harrison, Jr.: No, they each get their own.

Commissioner Musgrave: Yeah, (Inaudible, Microphone not on.)

Joe Harrison, Jr.: They each get their own 12.

President Ungethiem: They each get 12?

Commissioner Musgrave: The Auditor is saying that as well.

Joe Harrison, Jr.: Yeah.

President Ungethiem: Okay.

Commissioner Shoulders: So, it's individual?

Joe Harrison, Jr.: Yeah, it's individual.

Commissioner Shoulders: You take them as one at a time.

President Ungethiem: Okay, I just wanted to be clear on what that said.

Brian Gerth: I don't know if this helps, but there's a question and answer on the State's website, following their policy. I can forward that to you, maybe that might answer some of those questions.

Joe Harrison, Jr.: Was that a question?

Brian Gerth: Do you want me to?

Joe Harrison, Jr.: No, that's a good idea.

President Ungethiem: Okay, we have a motion and a second. Any further comments? Roll call vote please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: I will vote yes, but I still want to explore, before the final vote, this concept of six months versus 12 months. I need to understand in more detail what that is. So, it is approved on first reading, and it will move forward to second reading, I assume, at the next meeting.

**(Motion approved 3-0)**

<p style="text-align: center;"><b>First Reading of Ordinance CO.01-18-006: Amending Section 2.90.270: Group Health Insurance for Retired Employees</b></p>
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President Ungethiem: Okay, moving on, this is the first reading of ordinance CO.01-18-006, amending Section two dash, or, excuse me, 2.90.270 of the group health insurance for retired county employees. I would entertain a motion to approve first reading of this ordinance.

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Joe, can you give us a brief—

Commissioner Musgrave: Let me jump in.

President Ungethiem: Oh.

Commissioner Musgrave: I worked closely with the Auditor on revising this ordinance.

President Ungethiem: Uh-huh.

Commissioner Musgrave: If you'll recall we have had petitions from employees close to retirement, or close to fulfilling the requirement that they would receive paid health insurance upon retirement. They've asked for waivers of one or more qualifications. From what I understand from the Auditor, that when they first, the Commissioners first passed this ordinance many moons ago, there were a flurry of approvals at that time, and since then no other petition for a waiver had ever been granted. So, it seems to me that if petitions for waiver were never going to be granted, then that we ought to do away for the petitions for waiver. So, we made a couple of other changes that seemed to streamline it and make it make more sense, according to our attorney's advice. So, that's what this ordinance does.

President Ungethiem: Okay. Can you make a quick synopsis of what the changes are?

Joe Harrison, Jr.: Yes, obviously the statute provides that the conditions that are there now for retiree insurance can be less stringent. That a county or a city could adopt some sort of ordinance or policy to have those conditions lessened some. So, that's what was done with the waiver situation, where you didn't have to comply with all four conditions. The four conditions are, you've got to be at least 55 years of age, on or before your retirement date. So, that's one of the conditions. The second condition, this is by statute, is that you've completed 20 years of creditable service with a public employer on or before the retirement date. It doesn't necessarily mean you've got to work for the county, but you've got to be a State, either the city or county or township or State or whatever. So, you've got to have 20 years in. Another requirement was you had to have ten years completed immediately prior to the retirement date. So, you had ten years with that employer, I guess, ten years before your retirement date. And, the last requirement was you had to be 15 years on the county's plan. At some point you had to be 15 years on the plan. So, this has been changed to say, hey, you've got to be 55, you've got to have 20 years in, and you've got to have 15 years on the county's plan, and once you attain Medicare status age, you're off. Your spouse would be entitled, under the statute, under the ordinance as well, if they need, if they're under 55, etcetera. I think that's the way it is. Is that right, Brian? So, there would be no waiver required anymore. You either make, you either comply or you don't comply with the conditions. So, it makes it a little easier. There won't have to be any, it's pretty much black and white. It's not, there's no discretion, like there is now.

President Ungethiem: Okay. Alright, any comments/statements from the Commissioners? Any public comment? Seeing none, it sounds like we need a roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes. I think this clears up the waiver situation that caused some of the issues in the past. So, it is approved by a 3-0 vote.

**(Motion approved 3-0)**

**Board Appointments**

President Ungethiem: Moving on to board appointments. We have several. The first one is the Blue Ribbon Jail Committee. This is a new committee, a new board that's being set up to study the jail issue in Vanderburgh County and make recommendations as to how we proceed forward. Let me read the names of those folks who are going to be on this committee. It would be Commissioner Bruce Ungethiem, Commissioner Cheryl Musgrave, Commissioner Ben Shoulders, Sheriff Dave Wedding, Councilmember Stephanie Terry, Councilmember James Raben, Councilmember Mike Goebel, Prosecutor Nick Hermann, Judge Kiely, Judge Trockman, Judge Pigman, Public Defender Steve Owens, Police Chief Billy Bolin, Building Authority Director Dave Rector, and Attorney Joe Harrison, who would be a non-voting member, but advising us from a legal standpoint. I would like to entertain a motion to establish this new board, and get answers to what we're going to do about our jail.

Commissioner Shoulders: So moved.

Commissioner Musgrave: Second.

President Ungethiem: We have a motion and a second. Any further discussion? Any questions from the public? Seeing none, let's have a roll call vote.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and this committee will hopefully meet here in the next couple of weeks, and we'll start the process of determining exactly what needs to be done with the overcrowding issue at the jail.

**(Motion approved 3-0)**

President Ungethiem: Okay, the other board appointments, and can we do these all at once, I assume?

Joe Harrison, Jr.: Yes, that's fine.

President Ungethiem: Okay, the other board appointments are; Burdette Advisory Board, Steve Provost and Jan Davies; Community Corrections, Stephanie Croc; MPO, Michael Lockard; MBE/WBE Utilization, Kwan Watters; Vanderburgh County Board of Health, Sandee Strader-McMillen. Did I get that right?

Commissioner Musgrave: Uh-huh.

President Ungethiem: Good. Board of Examiners of Construction and Roofing, John Bassemeier. I would like to entertain a motion to approve all of these board appointments.

Commissioner Musgrave: So moved.

Commissioner Shoulders: Second.

President Ungethiem: We have a motion and a second. Any further discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: Alright, congratulations to those board members.

**(Motion approved 3-0)**

President Ungethiem: Kristin, you're going to make notification, or give notification to them so they can come in and be sworn in and take care of that? Okay.

**Department Head Reports**

President Ungethiem: Department head reports. We're a little thin today.

**New Business**

President Ungethiem: So, we'll move on to new business. We have some exciting news from the Old National Events Plaza, and Alexis is going to tell us about it.

Alexis Berggren: Good afternoon. My name is Alexis Berggren. I'm the General Manager at the Old National Events Plaza. I am pleased to be here this afternoon to announce that the Old National Events Plaza has placed 155<sup>th</sup> in the Top 200 Theaters, as ranked by Pollstar Magazine. They do a year end worldwide ticket sales report, and that is the report that we did appear on. This is particularly exciting, because as I said, it is an international ranking. So, that means we are 155<sup>th</sup> in the world, above other very reputable theaters, such as the fabulous Fox in St. Louis and even the Dobie Theater in Hollywood, my old stomping grounds. So, obviously, a very big accomplishment for the theater, but also I think a tremendous nod to Vanderburgh County and Evansville, as really a very significant and emerging entertainment destination. So, excited to report that today, and aiming even higher in 2018.

Commissioner Musgrave: Congratulations!

Commissioner Shoulders: Congrats, Alexis!

(Applause)

Alexis Berggren: Thank you.

Commissioner Shoulders: Great job for you and your team.

President Ungethiem: Great job.

Alexis Berggren: Thank you.

Commissioner Shoulders: A testament to your leadership, thanks.

President Ungethiem: Thank you. You have new business? Okay, we have another new business from Commissioner Musgrave.

Commissioner Musgrave: Yes, recently the County Council adopted a county hiring freeze ordinance, and another ordinance abolishing the County Personnel Job, Personnel Administration Committee, which we refer to as Job Study. Both ordinances passed by the Council appear to exceed their authority, and I would ask that our County Attorney, or the law firm of Fine & Hatfield be authorized to file an action, in court, to challenge the legality of such ordinances passed by the County Council, should it appear that such a course of action is warranted. That is a motion that I am making.

President Ungethiem: Okay, we have a motion on the floor. Do we have a second?

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second. Any further discussion? This is a legal matter, anything that you need to advise us on here?

Joe Harrison, Jr.: Uh-uh.

President Ungethiem: Okay. Any questions from the public? Seeing none, let's do a roll call on this.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes, and I'm voting yes because we need to define this more closely as to what the actual requirements are for this. So, I would love to be able to understand this from legal terms. So, it is approved by a 3-0 vote.

**(Motion approved 3-0)**

President Ungethiem: One more? Okay.

Commissioner Musgrave: Also, recent action by the Vanderburgh County Council zeroed out \$1.6 million of the Commissioners budget. I regretfully make a motion to authorize a potential, should it be needed, short term loan to cover County Commissioner obligations, and I suggest that we pursue discussions with relevant financial institutions, whoever those may be, and determine what we would need to do, and then come back at a later date to actually authorize such an action. So, today's request is exploratory. Again, the Council zeroed out our budget, and the process of replacing those funds can be weeks, or maybe a couple months or more into the future, and meanwhile we will be receiving invoices and having to live up to contractual obligations. So, this is an exploratory action that I'm requesting that we take.

President Ungethiem: Is that something that requires a motion and a second? Or can we just—

Joe Harrison, Jr.: I think it's a good idea.

President Ungethiem: Okay. So, you make a motion to—

Commissioner Musgrave: Investigate.

President Ungethiem: --investigate establishing a short term payment—

Commissioner Musgrave: Loan.

President Ungethiem: --loan for—

Commissioner Shoulders: If needed.

President Ungethiem: --county...as needed?

Commissioner Musgrave: Right.

Commissioner Shoulders: If needed.

President Ungethiem: Okay.

Commissioner Shoulders: So, I will second the exploratory.

President Ungethiem: We have a motion and a second. Any further discussion? Seeing none, roll call please.

Madelyn Grayson: Commissioner Shoulders?

Commissioner Shoulders: Yes.

Madelyn Grayson: Commissioner Musgrave?

Commissioner Musgrave: Yes.

Madelyn Grayson: President Ungethiem?

President Ungethiem: Yes. We do definitely need to pay our bills in a timely fashion. So, until we can get this issue resolved, this will give us an option for doing that. It is approved 3-0.

**(Motion approved 3-0)**

President Ungethiem: Any other new business?

Commissioner Musgrave: I just want to point out that Martin Luther King Day will be celebrated on Monday. It's a worthy day to reflect on the values that were embodied by Martin Luther King, Jr. The non-violence and the working together, I think that those are tremendously important matters to reflect upon, and I wish everybody a very happy Martin Luther King Day, Martin Luther King, Jr. Day.

President Ungethiem: And, a side note to that, I believe that is a county holiday. So, there won't be any business conducted on Monday, the 15<sup>th</sup> I believe is the date. Okay? Anything else on new business?

**Old Business**

President Ungethiem: Old business? Seeing none. Public comment?

Commissioner Shoulders: I was going to add, Commissioner Ungethiem, just thanks again to all who attended the Bicentennial Kick-Off Celebration on Friday. Again, I thought it was a wonderful birthday party, and kudos to the committee, to Kristin, Erika and others who made it happen. So, happy birthday again to Vanderburgh County.

Commissioner Musgrave: And, thanks to Piece of Cake—

Commissioner Shoulders: And Piece of Cake.

Commissioner Musgrave: --a Main Street bakery who made that really scrumptious cake.

Commissioner Shoulders: And Old National Events Plaza as well.

President Ungethiem: If you didn't attend, you missed an opportunity to break your New Year's resolution of those sweets that you consumed. It was very good.

**Public Comment**

President Ungethiem: Okay, any public comment? Seeing none.

**Consent Items**

President Ungethiem: I would entertain a motion to approve the consent items as listed on the agenda.

Commissioner Musgrave: So moved.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second to approve the consent items. Any further discussion? All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: Opposed?

(None opposed)

President Ungethiem: The consent items are approved unanimously.

**(Motion approved 3-0)**

**Adjournment**

President Ungethiem: Anything else to come before this committee today?

Commissioner Musgrave: Motion to adjourn.

Commissioner Shoulders: I will second.

President Ungethiem: We have a motion and a second. All of those in favor signify by saying aye.

All Commissioners: Aye.

President Ungethiem: We are adjourned.

**(Motion approved 3-0)**

(The meeting was adjourned at 3:47 p.m.)

**CONSENT ITEMS:**

**Contracts-Agreements & Leases:**

Commissioners: METS Elderly & Disabled Transportation Services Agreement.  
Commissioners: METS/USI West Connection Transportation Contract with COE.  
Supt. of Co. Bldgs.: OCH Lease Renewal: David Miller & Toby Ellis.  
Recorder: Fidler Technologies Life Cycle Service Agreement Renewal.  
DADS: Service Contract with Edgar Guzman.  
AURORA Grant Agreement.  
Commissioners: 2018 ARC of Evansville Grant Agreement.

**Commissioners:**

Approval of the January 2, 2018 Commission Meeting Minutes.  
ARC of Evansville: Aug-Oct. 2017 Minutes & Aug-Nov 2017 Reports.  
Appropriation Requests. (Riverboat, CCD & General Fund)

**Employment Changes:** No Employment Changes Submitted for the 1/9/18 Meeting.

**County Engineer:**

Department Report.  
Pay Request No. 32: U.S. 41 Expansion TIF: \$150.  
Claims.

**Sheriff:** Vehicle Surplus Requests.

**Those in Attendance:**

Bruce Ungethiem	Cheryl Musgrave	Ben Shoulders
Brian Gerth	Joe Harrison, Jr.	Kristin Comer
Madelyn Grayson	Pam Locker	Les Shively
Alexis Berggren	Others Unidentified	Members of Media

**VANDERBURGH COUNTY  
BOARD OF COMMISSIONERS**

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**Bruce Ungethiem, President**

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**Cheryl A.W. Musgrave, Vice President**

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**Ben Shoulders, Member**

(Recorded and transcribed by Madelyn Grayson.)