

November 5, 2012

Commissioners met on this day with the following members present: John Richwine and Steffanie Owens. Commissioner Jeff Hardin was absent. Also present were County Attorney Jim Wilson, County Auditor Kathy Stoops-Wright and Commissioners Office Manager, Linda Smith.

IN THE MATTER OF APPROVAL OF CLAIMS

Commissioners approved the claims for November 1, 2012 upon motions made by Steffanie Owens and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF UPDATING THE SECURITY VIDEO RECORDING SYSTEM IN THE COURTHOUSE AND ANNEX BUILDING

Shawn Swindell, Risk Management, came to the Commissioners with a contract with Corson Security Technologies to replace the old security video recording system at the Courthouse and the Annex Building. Some equipment can be reused and some will need to be replaced. Cost for the Courthouse will be \$32,746.41 and for the Annex Building will be \$18,717.28. Courthouse should be done by the end of 2012 and they will start on the Annex Building in January 2013. Motion to proceed with phase one with the Government Center made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF 2013 HOLIDAY SCHEDULE

Motion made by John Richwine to continue the approval of the 2013 Holiday Schedule. Motion seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF 2012 TAX SALE REPORT FROM SRI, INC

John Richwine made a motion to enter the SRI, Inc., 2012 Tax Sale Report into the minutes and will discuss it at a later time. Motion seconded by Steffanie Owens. Motion carried unanimously.

IN THE MATTER OF APPROVAL OF ORDINANCE NO. 2012-BC-O-11, AN ORDINANCE ESTABLISHING AMERICANS WITH DISABILITIES ACT TITLE II GRIEVANCE PROCEDURES

Allen Henderson, COG, came to the Commissioners with Ordinance No. 2012-BC-O-11. Motion was made by Steffanie Owens and seconded by John Richwine to approve said Ordinance. Motion carried unanimously.

ORDINANCE NO. 2012-BC-11

**AN ORDINANCE ESTABLISHING AMERICANS WITH
DISABILITIES ACT TITLE II GRIEVANCE PROCEDURES**

WHEREAS, in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 ("ADA"), Madison County will not discriminate against qualified individuals with disabilities on the basis of disability in its access to services, programs, or activities; and

WHEREAS, the Madison County Board of Commissioners has determined that it is in the best interests of the citizens of Madison County and those persons seeking to participate in Madison County programs, services, and activities, to adopt such requirements; and

NOW, THEREFORE, BE IT ORDAINED BY Madison County, Indiana, as follows:

Employment

Madison County does not discriminate on the basis of disability in its hiring or employment practices and complies with all regulations as outlined by the U S Equal Employment Opportunity Commission under Title I of the ADA.

Effective Communication

Madison County will, upon request, provide appropriate aids and services leading to effective participation for people with disabilities to participate equally in all of its programs, services, and activities. Anyone who requires an auxiliary aid or service for effective participation or modification of policies or procedures to participate in a service, program, or activity, should contact the office of the Human Resources for Madison County, Indiana, as soon as possible, but no later than forty-eight (48) hours before the scheduled event.

Modification to Policies and Procedures

The Madison County Human Resources Director will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all of its programs, services, and activities. The ADA does not require the Madison County Human Resources Director to take any action that would fundamentally alter the nature of its services or programs or impose an undue financial or administrative burden to the Madison County Human Resources Director. Grievances regarding a service, program, or activity of the Madison County Human Resources Director, that is not accessible to persons with disabilities should be directed to the office of Human Resources for Madison County, Indiana and use the appropriate grievance procedure form.

Madison County will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public, but are not accessible to persons who use wheelchairs.

Procedures

Madison County has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U S Department of Justice regulations implementing Title II of the Americans with Disabilities Act ("ADA"). title II states, in part, that "no otherwise qualified disabled individual shall, solely by reason of such disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination in programs, services, or activities sponsored by a public entity".

Step One: File the Grievance

Complete the Madison County Grievance Form. Grievance Form can be found on the Madison County, Indiana website (**www.madisoncty.com**) or in the ADA Coordinator's office. A grievance may be communicated in writing, by e-mail, by fax or by telephone, but must follow the format of the Madison County Grievance Form.

A grievance concerning the accessibility of Madison County services, programs or activities should be addressed to:

Human Resources/Risk Manager. The position is currently held by Shawn Swindell, ADA Coordinator, 16 E. 9th Street, Anderson, Indiana 46016, Telephone: (765) 641-9478, Facsimile: (765) 641-9578, email: sswindell@MadisonCounty.In.Gov.

Step Two: Acknowledgment

A grievance should be filed within 90 days after the grievant party becomes aware of the alleged violation. The ADA Coordinator will send an Acknowledgment of receipt of the grievance within 12 working days.

Step Three: Informal Resolution

Following the filing of a grievance, the ADA Coordinator shall determine whether, and to what extent, an investigation of the grievance is warranted. Any resulting investigation shall be conducted by the ADA Coordinator or his/her designee. A thorough investigation affords all interested persons and their representatives an opportunity to submit evidence relevant to a grievance. The ADA Coordinator will complete the investigation within 60 calendar days of receipt of the grievance. If appropriate, the ADA Coordinator will arrange to meet with the grievant to discuss the matter and attempt to reach an informal resolution of the grievance. Any informal resolution of the grievance shall be documented in the ADA Coordinator file and the case will be closed.

Step Four: Written determination

If an informal resolution of the grievance is not reached in Step 3, within 60 calendar days of receipt of the grievance, a written determination as to the validity of the complaint, and description of the resolution, if appropriate, shall be forwarded by the ADA Coordinator to the Executive Officer for approval.

Step Five: Final determination and resolution

The ADA Coordinator shall communicate the determination and resolution to the grievant within 90 calendar days of receipt of the grievance, unless the Executive Officer authorizes additional time for further consideration of the grievance. Any authorized extension of time will be communicated to the grievant. Any request for reconsideration of the response to the grievance shall be at the discretion of the Executive Officer.

If the grievant is not satisfied with the Human Resource Director's handling of the grievance at any stage of the process, or does not wish to file a grievance through Madison County ADA Title II Grievance Procedures, the grievant may file a complaint directly with the U. S. Department of Justice or other appropriate state or federal agency. Use of the Madison County grievance procedure is not a prerequisite to the pursuit of other remedies.

The resolution of any specific grievance will require consideration of varying circumstances, such as the specific nature of the disability; the nature of the access to services, programs, or facilities at issue, the essential eligibility requirements for participation; the health and safety of others; and the degree to which an accommodation would constitute a fundamental alteration to the service, program or facility, or cause an undue hardship to Madison County. Accordingly, the resolution by Madison County of any one grievance does not constitute a precedent upon which Madison County is bound or upon which other complaining parties may rely.

File Maintenance

The Madison County ADA Coordinator shall maintain ADA Grievance files for three years.

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF MADISON

S/John Richwine
John Richwine, President

S/Steffanie Owens
Steffanie Owens, Commissioner

S/Jeff Hardin
Jeff Hardin, Commissioner

ATTEST:

S/Kathy Stoops-Wright
Auditor of Madison County, Indiana

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Madison County\ordinances\Ordinance ADA 10-29-12

**IN THE MATTER OF PURCHASE AGREEMENT WITH IMAGE DATA, SOFTWARE,
HARWARE FOR AUDITOR'S OFFICE**

County Auditor, Kathy Stoops-Wright came before the Commissioners with a Purchase Agreement with Image Data, Software, Hardware for the purchase of a new viewer for her office to view and rescan the microfilm. Total amount of Agreement is \$9,422.00 with 1 year maintenance agreement.

**IN THE MATTER OF QUITCLAIM DEED AND WAIVER OF RIGHT OF REVERSION
FOR HEADSTART PROGRAM CENTER**

County Attorney, Jim Wilson, reported to the Commissioners on the Reversion of property for Headstart Program Center.

November 5, 2012

IN THE MATTER OF HIGHWAY MAPS ARE AVAILABLE

Commissioner Richwine stated that there are Highway maps available for road work throughout the County that is completed this year and for the last 8 years.

**IN THE MATTER OF THE PASSING OF CR BROWN, EMERGENCY
MANAGEMENT DIRECTOR**

Commissioner John Richwine spoke in high regards to the work and person CR Brown is and the service to Madison County. He was highly respected by other agencies throughout the county and State. It is a great loss to this county.

IN THE MATTER OF COMMISSIONERS APPOINTMENT

Commissioners appointed Tom Echert as the Interim Director of the Emergency Management Department, with a high recommendation of Sheriff Ron Richardson. Motion to approve appointment made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

**IN THE MATTER OF APPROVAL OF RESOLUTION NO. 2012-BC-R-09, DISPOSAL
OF REAL ESTATE**

County Attorney, Jim Wilson presented to the Commissioners, Resolution No. 2012-BC-R-09, Disposal of Real Estate of two properties the County owns that is in the middle of another's property. Said locations are located in Park Addition Lot 141 and the West 36' of Lot 139 in Park Addition and being disposed in the amount of \$750.00 each. Motion to approve disposal of Real Estate made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

RESOLUTION NO. 2012-BC-R-09

RESOLUTION REGARDING DISPOSAL OF REAL ESTATE

Key Nos. 36-86-09 and 36-86-10

WHEREAS, The County is the owner of the following described parcel of real estate:

Lot 141 and the West 36' of Lot 139 in Park Addition, the plat of which is recorded in the Office of the Recorder of Madison County, Indiana,

Parcel Nos. 48-01-20-400-496.000-037 and 48-01-20-400-495.000-037; and,

WHEREAS, said tract of real estate has not been assessed; and,

WHEREAS, pursuant to I.C. 36-1-11-5, the County deems the assessed value of said real estate to be less than One Thousand Five Hundred Dollars (\$1,500.00) in the private sector;

and,

WHEREAS, Pursuant to I.C. 36-1-11-5, the County disposing agent hereby determines that the above identified code section is the proper section under which to proceed for purposes of disposing of the subject real estate.

NOW THEREFORE, BE IT RESOLVED, the County disposing agent hereby determines as follows:

1. The highest and best use of the above identified real estate is sale to abutting land owners and that it is economically unjustifiable to sell the subject tract under I.C. 36-1-11-14.
2. That the County shall proceed with the sale of said real estate pursuant to I.C. 36-1-11-5.

DULY ADOPTED BY THE FOLLOWING VOTE OF THE MEMBERS OF SAID BOARD OF COMMISSIONERS OF MADISON COUNTY, INDIANA, THIS ____ day of _____, 2012

MADISON COUNTY BOARD OF COMMISSIONERS

S/John Richwine

John M. Richwine, President

ATTEST:

S/Kathy Stoops-Wright
Kathy Stoops-Wright
Madison County Auditor

S/Steffanie Owens
Steffanie Owens, Member

Jeff Hardin, Member

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resolution\disposal.real.estate.hiatt.\sb

IN THE MATTER OF TRAM CONTRACT

Jerry Bridges, COG, came before the Commissioners with the TRAM Contract for 2013. Said contract is approximately \$1,700.00 less than last year. Federal and State dollars and Life Stream dollars and County dollars all go into this contract. Motion to approve made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

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IN THE MATTER OF REQUEST FOR 911 FUNDS FROM THE SHERIFF DISPATCH CENTER

Major Brian Bell, came before the Commissioners with a request for funds out of the E911 Fund for some upgrade that need done at the Dispatch Center. To make them FCC compliant and take them off the towers currently owned by the City of Anderson. That bid amount is for \$1,854.00. Also they need a back-up system for the Fire Departments with bid amount is for \$996.00. Motion to approve request made by John Richwine and seconded by Steffanie Owens. Motion carried unanimously.

The next regular Commissioners meeting are set for November 20, 2012 at 10:00 a.m.

There being no further business the meeting was adjourned.

BOARD OF COMMISSIONERS

