

FRANKLIN COUNTY COMMISSONERS MEETING
February 27, 2018- 10:00 A.M.
COMMISSIONERS /COUNCIL MEETING ROOM, #203

The Franklin County Commissioners met in regular meeting on February 27, 2018, at 10:00 a.m. in the Commissioners/Council Meeting Room. Those present were Tom Wilson, Tom Linkel, Eric Roberts, Carol Westerman, Secretary, Karla Bauman, Auditor and Derrike Kolb, Chief Deputy Auditor.

The meeting was called to order and the Pledge of Allegiance was led by Tom Wilson.

Joe Copeland, FC Engineer – Updates: Mr. Copeland gave a presentation on the Title VI Assurances as a condition to receiving Federal financial assistance from the DOT and Federal Highway Administration. A copy is attached hereto and made a part hereof. He also presented an ADA & Title VI To-Do-List to be implemented during 2018. A copy of the list is attached hereto and made a part hereof. **Motion to sign Title IV Assurances by Tom Linkel, seconded by Eric Roberts, all in favor, motion carried. Motion to Approve Revisions to Title 6 by Tom Linkel, seconded Eric Roberts, all in favor, motion carried.** Any person requiring special accommodations during any public meeting should contact the Commissioner's office at least 48 hours prior to the meeting. Messages may also be left at the Auditor's office. All special accommodation requests will be forwarded to Joe Copeland. Mr. Copeland also discussed the Title VI Non-Discrimination policy statement; training, the implementation plan and policy that needs to be reviewed annually, public meetings posted on website, the annual published ad and the public involvement survey. Mr. Copeland would also like permission from the Commissioners to seek bids for both heavy equipment and small equipment for jobs. This will be two separate bids and the County would be required to take the lowest. Mr. Copeland also presented the Commissioners with the Bridge Project report with estimates and projects through 2023. A copy is attached hereto.

Change Order No. 1 – Culvert Repair Project – Mitchell Avenue, Batesville: The change order is for extra work for: cut trees, concrete, riprap, hauling of trees and guardrail on the Mitchell Avenue project in Batesville. Mr. Copeland discussed with the Commissioners that all three Commissioners should sign a change order. **Motion to sign Change Order 1, Earth Worx, LLC in the sum of \$2,225 by Tom Linkel, seconded by Eric Roberts, all in favor, motion carried.**

Approve Minutes – February 13, 2018: Correction to be made in the price of pick-up truck. **Motion to approve February 13, 2018 minutes with corrections by Tom Linkel, seconded by Eric Roberts, all in favor, motion carried.**

Approve Claims: **Motion to approve claims by Tom Linkel, seconded by Eric Roberts, all in favor, motion carried.**

Approve Payroll: Motion to approve payroll by Tom Linkel, seconded by Eric Roberts, all in favor, motion carried.

Treasurer's Report – January, 2018: Motion to acknowledge receipt of Treasurer's January, 2018 report by Tom Wilson, seconded by Tom Linkel, all in favor, motion carried.

Redesign of FC Website: This was tabled so more research could be done. Mr. Copeland did ask that a calendar be on whatever website design was selected so that all public meetings and events could be posted.

Oracle Elevator Maintenance Agreement – Jail: Motion to sign maintenance agreement with Oracle Elevator Company for \$2,132.92, by Eric Roberts, seconded by Tom Wilson, all in favor, motion carried.

Security System – Courthouse Annex: Probation Department – No action taken. Eric Roberts will do further research on this.

Consultant Agreement – Wheatley Group, LLC: No action taken. Tabled to March 6, 2018 meeting.

SRI – Tax Sale Certificates: The Commissioners did receive a response letter from Batesville. No action taken.

Small Business Energy Saver – Duke Energy (Highway): Discussion on whether Commissioners should proceed with the Duke Energy program at the highway. Commissioners stated they have found a cheaper contractor.

Tom Linkel – 2nd Garage Mechanic: Mr. Linkel would like to hire a 2nd garage mechanic with the idea that this position be a "floating" position to move back and forth from mechanic to operator. He is proposing that the wage be increased from \$15.66 an hour to \$16.00 an hour to attract a skilled person with the qualification to do both positions.

Tom Wilson – Joe Gillespie has filed a petition to vacate alley (in Andersonville which has been set for March 27th – public hearing at 10:00 a.m.

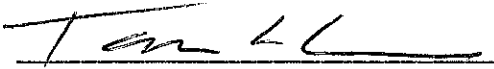
Public Comment: Sara Duffy asked if Franklin County would be seeking any disaster relief with the latest heavy rains and flooding. The Commissioners stated that the County did not sustain the type of damage that would meet the dollar amount requirements for disaster relief. Sara Duffy also asked if the Commissioners have received updates from the Wheatley Group on their accomplishments. The EDC does periodically report their activities.

Others Present: Mildred I. Simmermeyer, Betty C. Lecher, Dick Robertson (SJCA), Sara Duffy and Perry Know (Durham)

Minutes approved March 13, 2018.

Ayes

Nays

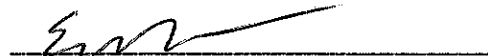


Tom Wilson

Tom Wilson

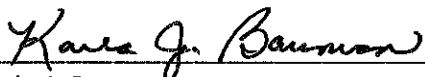
Tom Linkel *Absent*

Tom Linkel



Eric Roberts

Eric Roberts

Attested By: 

Karla J. Bauman
Franklin County Auditor

ADA & Title VI TO DO LIST

2/20/2018

- 1) Update ADA Transition Plan
- 2) Training
 - a. ADA
 - b. Title VI
 - c. Limited English Proficiency
 - d. Existing employees
 - e. New employees
 - f. Training logs
- 3) Breakdown of LPA employees by ethnicity, race, gender and position held
- 4) Conduct self-evaluation
- 5) Goals and accomplishments report
- 6) Public involvement
- 7) Title VI language in written agreements and bid documents
- 8) Begin using Voluntary Title VI Public Involvement Survey at public meetings
- 9) Equal opportunity employee hiring
- 10) All information on website for public review
- 11) Website ADA compliant
- 12) Telephone services for the hearing impaired
- 13) Auxiliary hearing aids at Commissioners' courtroom
- 14) Distribute ISPEAK cards to all offices
- 15) Special accommodations needed statement in all public notices for public meetings
- 16) Publish in local papers where to find information about ADA and Title VI
 - a. Once a year

FILED

ASSURANCES

FEB 27 2018

Title VI Assurances

Karla J. Bauman

FRANKLIN COUNTY AUDITOR

The County of Franklin, Indiana (hereinafter referred to as the "Recipient") HEREBY AGREES THAT as a condition to receiving any Federal financial assistance from the Department of Transportation and the Federal Highway Administration, it will comply with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C. 2000d-42 U.S.C. 2000d-4 (hereinafter referred to as the Act), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations (CFR), Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures (hereinafter referred to as the Regulations) and other pertinent nondiscrimination authorities and directives, to the end that in accordance with the Act, Regulations, and other pertinent nondiscrimination authorities and directives, no person in the United States shall, on the grounds of religion, race color, or national origin, sex (23 USC 324), sexual orientation, gender identity (Executive Order 13672), age (42 USC 6101), disability/handicap (29 USC 790) and low income (Executive Order 12898) be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the Recipient receives Federal financial assistance from the Department of Transportation, including the Federal Highway Administration, and HEREBY GIVES ASSURANCE THAT it will promptly take any measures necessary to effectuate this agreement. This assurance is required by Title 49 Code of Federal Regulations, subsection 21.7(a)(1) and Title 23 Code of Federal Regulations, section 200.9(a) (1) of the Regulations, copies of which are attached.

More specifically and without limiting the above general assurance, the Recipient hereby gives the following specific assurances with respect to its Federal Aid Highway Program.

1. That the Recipient agrees that each "program" and each "facility as defined in 49 CFR subsections 21.23(e) and (b) and 23 CFR 200.5(k) and (g) of the Regulations, will be (with regard to a "program") conducted, or will be (with regard to a "facility") operated in compliance with all requirements imposed by, or pursuant to, the Regulations.
2. That the Recipient shall insert the following notification in all solicitations for bids for work or material subject to the Regulations and made in connection with all Federal-Aid Highway Programs and, in adapted form in all proposals for negotiated agreements:

Franklin County, Indiana, in accordance with Title VI of the Civil Rights Act of 1964, 78 Stat. 252, 42 U.S.C 2000d to 2000d-4 and Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes, issued pursuant to such Acts, hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in consideration for an award.

3. That the Recipient shall insert the clauses of Appendix A of this assurance in every contract subject to the Acts and the Regulations That the Recipient shall insert the clauses of Appendix B of this assurance, 'as a covenant running with the land, in any deed from the United States effecting a transfer of real property, structures, or improvements thereon, or interest therein.

4. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the assurance shall extend to the entire facility and facilities operated in connection therewith.
5. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the assurance shall extend to rights to space on, over or under such property.
6. That the Recipient shall include the appropriate clauses set forth in Appendix C of this assurance, as a covenant running with the land, in any future deeds, leases, permits, licenses, and similar agreements entered into by the Recipient with other parties: (a) for the subsequent transfer of real property acquired or improved under the Federal-Aid Highway Program; and (b) for the construction or use of or access to space on, over or under real property acquired, or improved under the Federal-Aid Highway Program.
7. That this assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the Recipient or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or (b) the period during which the Recipient retains ownership or possession of the property.
8. The Recipient shall provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he delegates specific authority to give reasonable guarantee that it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Act, the Regulations and this assurance.
9. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Act, the Regulations, and this assurance.

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Recipient Department of Transportation under the Federal-Aid Highway Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in interest and other participants in the Federal-Aid Highway Program. The person or persons whose signatures appear below are authorized to sign this assurance on behalf of the Recipient.

Franklin County Board of Commissioners,

Tom Wil
Tom Wil
Tom Wil

Attest: Karla J. Bauman
 Auditor

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

- (1) **Compliance with Regulations:** The contractor shall comply with the Regulation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (hereinafter, "DOT") Title 49, Code of Federal Regulations, Part 21, and the Federal Highway Administration (hereinafter "FHWA") Title 23, Code of Federal Regulations, Part 200 as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- (2) **Nondiscrimination:** The Contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by 49 CFR, section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- (3) **Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income.
- (4) **Information and Reports:** The contractor shall provide all information and reports required by the Regulations or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Indiana Department of Transportation (INDOT) or the FHWA to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to INDOT or the FHWA as appropriate, and shall set forth what efforts it has made to obtain the information.
- (5) **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, INDOT shall impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - (a.) withholding of payments to the contractor under the contract until the contractor complies, and/or
 - (b.) cancellation, termination or suspension of the contract, in whole or in part.
- (6) **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto.

The contractor shall take such action with respect to any subcontract or procurement as INDOT or the FHWA may direct as a means of enforcing such provisions including sanctions for non-compliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Indiana Department of Transportation to enter into such litigation to protect the interests of the Indiana Department of Transportation and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

APPENDIX B

A. The following clauses shall be included in any and all deeds effecting or recording the transfer of real property, structures or improvements thereon, or interest therein from the United States.

(GRANTING CLAUSE)

NOW, THEREFORE, the Department of Transportation, as authorized by law, and upon the condition that Franklin County will accept title to the lands and maintain the project constructed thereon, in accordance with Title 23, United States Code of Federal Regulations, the Regulations for the Administration of Federal-Aid Highway Programs and the policies and procedures prescribed by FHWA, also in accordance with and in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation and Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes (hereinafter referred to as the Regulations) pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto Franklin County all the right, title and interest of the Department of Transportation in and to said lands described in Exhibit "A" attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Franklin County and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and shall be binding on Franklin County its successors and assigns.

Franklin County, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person shall on the grounds of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on over or under such lands hereby conveyed [,] [and]* (2) that Franklin County shall use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes – Implementation and Review Procedures, and as said Regulations may be amended [,] and (3) that in the event of breach of any of the above-mentioned nondiscrimination conditions, the Department shall have a right to re-enter said lands and facilities on said land, and the above described land and facilities shall thereon revert to and vest in and become the absolute property of the Department of Transportation and its assigns as such interest existed prior to this instruction.*

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

APPENDIX C

The following clauses shall be included in all deeds, licenses, leases, permits, or similar instruments entered into by Franklin County pursuant to the provisions of Assurance 7(a).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that in the event facilities are constructed, maintained, or otherwise operated on the said property described in this (deed, license, lease, permit, etc.) for a purpose for which a Department of Transportation program or activity is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes -- Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Franklin County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [licenses, lease, permit, etc.] had never been made or issued.

[Include in deed.]*

That in the event of breach of any of the above nondiscrimination covenants, Franklin County shall have the right to re-enter said lands and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Franklin County and its assigns.

The following shall be included in all deeds, licenses, leases, permits, or similar agreements entered into by Franklin County pursuant to the provisions of Assurance 7(b).

The (grantee, licensee, lessee, permittee, etc., as appropriate) for himself, his personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds, and leases add "as a covenant running with the land") that (1) no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income shall be excluded from participation in, denied the benefits of, or he otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over or under such land and the furnishing of services thereon, no person on the ground of religion, race, color, national origin, sex, sexual orientation, gender identity, age, disability/handicap and low income, shall be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964), Title 23 Code of Federal Regulations, Part 200, Title VI Program and Related Statutes -- Implementation and Review Procedures, and as said Regulations may be amended.

[Include in licenses, leases, permits, etc.]*

That in the event of breach of any of the above nondiscrimination covenants, Franklin County shall have the right to terminate the [license, lease, permit, etc.] and to re-enter and repossess said land and the facilities thereon, and hold the same as if said [license, lease, permit, etc.] had never been made or issued.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.

[Include in deeds]*

That in the event of breach of any of the above nondiscrimination covenants, Franklin County shall have the right to re-enter said land and facilities thereon, and the above described lands and facilities shall thereupon revert to and vest in and become the absolute property of Franklin County and its assigns.

* Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to effectuate the purposes of Title VI of the Civil Rights Act of 1964.