

MIAMI COUNTY COMMISSIONERS
25 N BROADWAY
PERU, IN 46970
January 18, 2022

Commissioner Hunt called the regular meeting of the Board of Commissioners to order. All Commissioners were present.

NEW EMPLOYEE IN PLANNING & ZONING

Corey Roser Administrator for Planning and Zoning introduced the new employee for the office. Megan Mongosa started employment on January 7, 2022. The Commissioners welcomed her.

HIGHWAY SUPERINTENDENT

Miami County Highway Superintendent Kerry Worl presented an Application for Permit Buried Fiber Optic Facilities dated 01/03/2021 Project Number 05029151 from Zayo Group. Application for a permit or for permission to place all necessary Conduit, Fiber and Handholes starting at US 31 and N Eel River Rd going west approx. 381 ft. Maps and information is included with the application per Kerry Worl explained all what the company will need to do to fulfill the request. Superintendent Worl noted this is a new company working with the Highway Department. Commissioner Musselman made the motion to sign the application for permit for Zayo to bury fiber optic from US 31 and N Eel River Rd going west approx. 381 feet. Commissioner Weaver 2nd and it passed 3-0

HIGHWAY YEARLY BIDS

Miami County Highway Superintendent Kerry Worl and Highway Office Manager Janice Hughes presented the Requirements for Bids to Provide Materials and Supplies for the Highway Department, Miami County, Indiana for 2022 Year and the Notice of Invitation to Bid: Aggregate and Bituminous Materials, Oils and Fuel for the Year 2022.

The Requirements for Bids for Miami County, Indiana by its Board of Commissioners, will receive sealed bids for the following materials and supplies for use by the Miami County Highway Department in 2022.

Item #1 Stone, Gravel and Sand

Item #2 Liquid Asphalts (delivered, not applied, bid by gal. and ton)

Item #3 Hot Asphaltic Concrete Base, Binder & Surface

Item #4 Patching Material (bid by the ton)

Item #5 (a), (b), (c), (d), (e) Fuel Products

Sealed bids must be marked on the outside of envelope item number of bid description and must be received no later than **Monday, February 07, 2022 before 8:45 a.m.**

All bids may be hand-delivered or postal service not later than the time specified to Miami County Highway Department, 2180 N Mexico Rd Peru, Indiana 46970.

Any bids received after that time will be returned unopened. The bids will be reviewed and publicly read approximately at 9:30 a.m. on February 07, 2022 at the Board of

Commissioners Meeting and they will be reviewed by the Highway Superintendent and the ERC will be awarded the same day.

The Notice of Invitation to Bid: Aggregate and Bituminous Material, Oils and Fuels for the Year 2022

Item #1 Maintenance Stone, Gravel and Sand

Item #2 Liquid Asphalts, dust control emulsion

Item #3 Hot Asphaltic concrete base, binder & surface

Item #4 Patching Materials, winter cold mix, summer cold mix

Item #5 Gasoline, diesel and fuel products

Bidding requirements and specifications for the material and supplies may be obtained by email jhughes@miamicountyin.gov or kworl@miamicountyin.gov or at the Miami County Highway Department located at 2180 N Mexico Rd Peru, Indiana 46970

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Commissioner Musselman made a motion to advertise the bids for material and supplies for the Miami County Highway. Commissioner Weaver 2nd the motion and it passed 3-0.

VACATION POLICY

Judge Tim Spahr and Prosecutor Jeff Sinkovics came before the board to express concerns and ask questions about the current vacation policy as written in the Miami County Handbook, specifically how accrued time is awarded. Both Judge Spahr and Prosecutor Sinkovics feel they have employees they believe are being shorted vacation days for their years of service.

Prosecutor Sinkovics explained one of his employees finished 15 years of service and thought she should receive the 20 days of vacation starting this year. However, the handbook is interpreted that employees must complete the year in which they are working to earn the time. In this instance, Prosecutor Sinkovics' employee would have to wait another year to be able to have the 20 days of vacation. Prosecutor Sinkovics believes the handbook policy should be in 5-year increments earning 10 days in years 1-5, 10-15 days from years 10-15 and 20 days from years 15-10, allowing employees to benefit after each milestone of service.

Judge Tim Spahr explained the handbook vacation policy states employees will be entitled to vacation with pay based on length of service and stated that the handbook was revised in 2018 changing the amounts after the 1-5 years of 10 days. Then adding an additional day of vacation 6 years 11 days, 7 years 12 days, 8 years 13 days, 9 years 14 days. Judge Spahr has an employee now that he believes is being shorted a vacation day.

Judge Spahr noted past employee Payroll Deputies in the Auditor's office gave his employee in 2019 12 days for the 7th year, 13 days for the 8th and 14 days for the 9th year, but when the new system began the employee was then still getting the same days of vacation. Judge Spahr does not believe that if an error was done in the Auditor's office the employee should lose a day.

Commissioner Hunt asked Jodie Hutchins, Payroll Deputy in the Auditors office to explain how vacation time is earned and administered. Payroll Deputy Hutchins explained her background is in data analysis before she came to work for the county. Payroll Deputy Hutchins has worked with the new time keeping system and the company that designed the system based on the county handbook and industry rules. The company has designed time systems for companies all over the country. Attorney Mark Frantz, the Auditor's office and the employees at the time system software all interpreted the handbook in the same way; an employee must complete the year of service to benefit for the days of vacation. Commissioner Weaver asked Payroll Deputy Hutchins if anyone might have lost days due to the changes. Payroll Deputy Hutchins stated that she could not change what employees did prior, but if mistakes were made, we need to make the necessary corrections and move forward with the correct vacation days for employees. Payroll Deputy Hutchins noted that nothing was taken away from any employee, they already earned the day, but would not be earning additional time until they have completed the necessary years of service. Payroll Deputy Hutchins stated the handbook was interpreted as years of service completed by everyone before and she hopes that this can be addressed at this beginning on the new year.

Payroll Deputy Hutchins provided the recommendations to revise the wording from Length of Service to Length of Service Completed to the attorney.

Chief Probation Officer Mandy Mavricks asked for clarification for an employee who started in 2000 and stated in 2020 has 20 years, but that would mean they would not earn their 20 days in 2021, but would have to wait till 2022 the way the policy is being read. Payroll Deputy Hutchins stated that nothing was taken away from any employee but that again we are just trying to make everything right going forward. The employee who started in 2000 would earn their 20 days of vacation in 2021 because they had just completed their 20 years of service. Payroll Deputy Hutchins explained when you are 5 years old and then you are 5 years and 6 months you are still 5 years old, not 6.

Commissioner Hunt stated that he knew how the policy was given by when he was active on the Highway Department and when you received the vacation days based on years worked. Commissioner Musselman stated that the policy does correct the wording for clarification for service completed to update the handbook Payroll Deputy Hutchins had presented to the board. Commissioner Musselman stated that your 1st anniversary is not on your wedding day but a year from that day.

Mary Betzner, Chief Deputy Auditor explained she started in 2007 and just completed 15 years of service. Chief Deputy Betzner has known the way the handbook was written that she would not earn 20 days of vacation until her 16 years of service. Chief Deputy

Betzner noted both Judge Spahr and Prosecutor Sinkovics are both attorneys and that Mark Frantz our attorney all are reading the handbook differently. It is all open to whatever interpretation they choose.

Prosecutor Sinkovics stated that he believes this should be cleared up by awarding the additional 5 days of vacation to 14 years of service. Judge Spahr and Prosecutor Sinkovics also believe this need addressed to clean up the vacation days. Prosecutor Sinkovics noted it is up to the board to interpret that handbook and putting the board on notice that these need a changed in the handbook.

Attorney Steve Downs stated he believed this matter needed to be taken under advisement. Commissioner Hunt stated that he believes with Attorney Mark Frantz' help this can be reviewed and resolved. Commissioner Hunt stated that he called Attorney Mark Frantz, Attorney Steve Downs associate when the subject initially came up and he interpreted the way Payroll Deputy Hutchins and the timekeeping system interpret and administer it. Commissioner Hunt hates to put this off, but feels the board needs to review the matter with the attorney. Prosecutor Sinkovics and Judge Spahr appreciate the BOC for listening and taking under advisement.

WELL ORDINANCE UPDATE

Lisa Ford, Environmental Health Officer presented an Ordinance 1/18/2022 Regulating Private Well Water Supplies and Setting Minimally Acceptable Standards to be approved by the Board of Commissioners. The Miami County Board of Health has considered the ordinance regulating private well water supplies in Miami County, Indiana, and has recommended the adoption of this Ordinance to the Miami County Board of Commissioners. This ordinance may be referred to as the "Miami County Private Well Water Supply Ordinance" and will regulate the construction, location, permitting, and abandonment of all of this type of wells. Attorney Steve Downs has reviewed the ordinance as presented. Commissioner Weaver asked about the need for the ordinance. Environmental Health Officer Ford said this would ensure wells are being installed the proper distance from septics to ensure wells and the aquifer will not be contaminated. It will also allow the county to have records of wells. Wells would only be condemned if there is an issue that was causing a public health hazard and could not be repaired. The fee for an Abandoned Well is \$25.00. Commissioner Musselman made a motion to approve Ordinance No 1-18-2022. Commissioner Weaver 2nd the motion and it passed 3-0.

ZONING ADMINISTRATOR SALARY REQUEST

Brad Fruth Planning and Zoning Board President spoke on behalf of Corey Roser Planning and Zoning Administrator, requesting a salary increase. Mr. Fruth stated the office has had many changes and that the staff has been downsized to only 2 full time positions and 2 part time positions. The office has added a new software system and better efficiency in the office. Brad stated that the Planning and Zoning Board has been very happy with Mr. Roser work in the office over the last few years. Mr. Fruth thanked Attorney Steve Downs and his office for all the help in the decisions and changes that needed addressed to improve efficiency in the office. Mr. Fruth stated that the office did

return \$30,000 from their total budget at the end of 2021. The office also implemented new costs for permits and streamlined the process. Mr. Fruth also stated that his board hires and fires and is in charge of all aspects of the office except they have no control of the pay/salary of the office and that is up to the board and Council. The board asked how much Mr. Fruth recommended for the proposed raise and Mr. Fruth turned the request over to Plan Administrator Roser to speak on his behalf.

Corey Roser stated that he would like to see an increase of \$10,000, explaining that he took a pay cut to come to this position.

Chief Deputy Betzner spoke in the absence of County Auditor Mary Brown noting that Mr. Roser has been employed 13 months with the county. Chief Deputy Betzner asked how Mr. Fruth came up with \$30,000 returned from the 2021 budget. Chief Deputy Betzner explained the original budget includes a \$15,000-line item for demolition of buildings, which the Council has told previous administrators to remove because it is covered in the Board of Commissioners budget. Chief Deputy Betzner went on to explain in the 2021 County Fact Book for all counties in Indiana, a county our size has an average salary for Building Commission/Zoning Administrator of \$39,931. Plan Administrator Roser received the raise of \$1,200 for 2021, as did all other 35-hour employees, but also received an extra \$800 for 2022 year for a total of \$38,000. Chief Deputy Betzner also noted the office had collections in permits and fees in 2019 of \$38,820.66, 2020 of \$50,720.47 and in 2021 \$33,916.14. Chief Deputy Betzner noted that the argument of why a \$10,000 raise is not feasible is nothing personal of Administrator Roser as this would be still an issue with whomever was in the office. Chief Deputy Betzner also stated that being employed for 15-years, she has had to work her way up to the salary being Chief Deputy and it could be said for many other employees.

Miami County Treasurer Annette Phillippo agreed with what Chief Deputy Betzner had presented from Auditor, Mary Brown. Treasurer Phillippo also spoke with Auditor Brown and the salary, if raised to the amount requested, is not justified for the position. Treasurer Phillippo stated that there are several offices including hers that collect fees like mobile home permits and that money can not be used for additional salary.

Administrator Roser asked why there a difference in an elected official and an administrator. Commissioner Weaver stated that there is a difference of an elected office and an appointed office holder. There are fees and dues that an elected officer has to pay to run and maintain their position. Treasurer Phillippo also stated that she came took a pay cut when she came here, ran for the Treasurer through the election process and that she still does not make what she previously had, but is doing this job as a service to Miami County. Treasurer Phillippo noted it would be a slap in the face to all the elected officials for the Planning & Zoning Administrator to make more than most of the office holder here and would be just under the Auditor's salary. The job comparison/responsibilities are not near the same between the Plan Administrator and Auditor.

Commissioner Hunt he worked for the Miami County Highway Department and knew that salary when he was hired and the county could not pay like other employers. Commissioner Hunt also understands the need to pay better wages, but it is not easy to do so. Commissioner Hunt noted Auditor Mary Brown is his right-hand person and go-to for help and would be love to give her more money, but could not do so without funding.

Mr. Fruth thanked the BOC for listening. Commissioner Hunt stated that he also had spoken to Miami County Council President, Ralph Duckwall and he agreed a pay increase for the Plan Administrator could not be done at this time.

MCEDA

Jim Tidd from MCEDA came before the board to request signatures on Ordinance 1-11-2022 B for NUKEMED. Two documents were provided to the board for signatures. The first document is the Financing Agreement NukeMed Inc, dba SpectronRx and Miami County, Indiana dated January 1, 2022. The second document was the Conditional Project Expenditure Agreement. These documents are needed signed for the new project for the new taxpayer to receive the reimbursement. Under the agreement, the taxpayer would pay the full amount of taxes due to Miami County Treasurer and through TIF dollars received by MCEDA, would then reimburse NukeMed, Inc. 70% of the tax dollars paid. Mr. Tidd noted this is the same agreement the county did previously with AZI. The agreement is required to get financing, but must show proof of the signed document. Mr. Tidd noted NukeMed Inc. must pay the taxes due per Miami County to receive the 70% reimbursement.

A request to our Attorney Steve Downs could both the documents be signed and approved in one motion. Attorney Steve Downs noted that an approval of both documents could be done together or separately. Commissioner Musselman made a motion to approve both documents. Commissioner Weaver 2nd the motion and it passed 3-0.

CHILLER BIDS

Tom Roder from Neo Engineering stated that there were no bids were received for the meeting today because the contractors have not received the information of costs to be able to give a quote. The vendor misinformed the contractors that the meeting and bid approval was for January 20, 2022 and would not give out the amounts until then for the bids. Mr. Roder then instructed the vendor not to release amounts because the date of Thursday January 20, 2022 was not correct.

Attorney Steve Downs ask if the bids review and acceptance due date could be changed to the next meeting. Mr. Roder stated that the issue was also with the warranty and how the equipment was installed in the 90's. The three manufacturers stated that was not installed correctly and a different way was given how to install but there was a previous warranty issue. Recommendation to a vendor were given to keep the cost down to minimum. Commissioner Musselman asked if we should spend more money now to benefit vendors and Mr. Roder stated this could raise the costs of the utilities.

Commissioner Musselman made a motion to change the date of Bid Approval for Chillers to February 7, 2022 meeting at 9:00 a.m. Commissioner Weaver 2nd the motion and it passed 3-0. Commissioner Hunt asked Mr. Roder if he will work with the parties involved and notify them of the change and he stated he would be the go between and notify everyone.

BULK MAIL RATE-RECORDER ORDINANCE

Miami County Recorder, Paul Wilson presented Ordinance 1/18/2022 B an Ordinance Amending Ordinance 6/19/2017 with regard to the manner and form in which the Recorder may provide bulk form copies to bulk users. Recorder Wilson requested for the amount charged to provide for bulk form copies to a bulk user from 10 cents to 14 cents per page with the amending ordinance. Commissioner Weaver agreed that the amount of .14 per page would benefit others that get a portion and an increase is needed. Commissioner Weaver made the motion to approve Ordinance 1/18/2022 B, Amending Ordinance #6-19-2017 With Regard to the Manner and Form in Which the Recording May Provide Bulk Form Copies to a Bulk User. Commissioner Musselman 2nd and it passed 3-0.

PAYROLL TIME KEEPING SYSTEM

Payroll Deputy Hutchins presented a printout of the sample of the new time keeping system that showed the vacation days can only be used in ½ day increments and the sick leave in 1-hour increments, while other accrued time like personal, comp or unpaid time off can be requested in 15-minute increments. Payroll Deputy Hutchins suggested an amendment to the handbook to allow all accrued time to be taken in 15-minute increments. Payroll Deputy Hutchins noted supervisors do not understand how to address an employee that may have to come in later from a doctor appointment and may only need the ½ hour of sick to use because the system will not allow that. Supervisors of the different departments may not enter the request in correctly and this would help prevent having to use other time accrued or if the employee only has certain accrued time to use. Payroll Deputy Hutchins noted the request to make all amounts of time to be available at 15-minute increments on the time keeping system will have a cost from the vendor, but in the long run it will help in cleaning up the system.

Commissioner Hunt asked about paid time off “PTO” instated of all different types of accrued time offered. Payroll Deputy Hutchins stated she did research and PTO time can be messy in how the time rolls in the timekeeping system because of the different anniversary dates. Sick time can be rolled per the current policy, but the others types of accrued time must be used by the end of the employee’s year of service.

Payroll Deputy Hutchins also addressed the issue with an employee not receiving pay for a holiday if they take a sick day the day prior or after the holiday. Commissioner Hunt stated there should be an exception to that rule with the illness we have been seeing with COVID. A discussion was made about providing a doctor’s excuse by the employee to allow an employee to receive the holiday paid if presented to the Auditor’s office or to the Board. Payroll Deputy Hutchins stated that if the issue comes up, she does not always have time to wait to complete payroll. Payroll Deputy Hutchins feels that if something

was addressed in the handbook to eliminate the need to wait for board approval it would be helpful. Commissioner Weaver stated that a doctor's excuse should not be needed in some cases, but Attorney Steve Downs stated they should be required. Commissioner Hunt stated the sick day before a holiday has been in place for years.

Chief Probation Officer Mavrack stated that sometimes it takes several COVID tests to receive a positive result even though an employee is already showing all the signs of the illness.

Commissioner Weaver made a motion to change the policy in the handbook to allow all accrued time to be used in 15-minute increments effective today and moving forward. Commissioner Musselman 2nd the motion passed 3-0.

COVID 19

Treasurer Phillippo and other audience members asked about the new CDC change to be out due to COVID from the 10 days before being required to 5 days of isolation and if the county planned to change their policy. Treasurer Phillippo believes this need to be changed. Sheriff Tim Hunter also agreed so that employees can return to work as long as they have no signs of symptoms. The board will review the remainder of the CDC guidelines where an employee must wear a mask days 6-10 after returning to work. Commissioner Musselman made a motion to allow employees to return to work after 5 days due to COVID as long as they do not have any symptoms. Commissioner Weaver 2nd the motion and it passed 3-0.

TORNADO SIRENS

The board received the updated Interlocal Agreement for Sharing of Costs for Maintenance of Tornado Sirens. The agreement was made between the Miami County Board of Commissioners and the City of Peru, Indiana and the Peru Utilities Service Board. There are 3 tornado warning sirens located in the City of Peru and 3 situated in Miami County to be maintained in good working order by the Peru Utilities. An amended agreement between all parties is included in the information received and needed to be signed by the Miami County Board of Commissioners. Commissioner Musselman made a motion to approve the Interlocal Agreement for Sharing of Costs for Maintenance of Tornado Sirens. Commissioner Weaver 2nd the motion and it passed 3-0.

CLAIMS

Commissioner Musselman made a motion to approve claims. Commissioner Weaver 2nd the motion and it passed 3-0.

MINUTES

Commissioner Musselman made a motion to approve the 01/03/22 minutes. Commissioner Weaver 2nd the motion and it passed 3-0.

PAYROLL

Commissioner Weaver made a motion to approve payroll. Commissioner Musselman 2nd the motion and it passed 3-0.

DUKES HEALTH CARE FOUNDATION OF MIAMI COUNTY, INC

The board received a recommendation of appointment to the Dukes Health Care Foundation to appoint Kevin Comerford for a 4-year term pursuant to section 4.2© of the By-Laws of the Dukes Health Care Foundation of Miami County, an vacant at-large seat on the Board of Directors shall be filled by appointment of the Miami County Board of Commissioners. Commissioner Musselman made a motion to appoint Kevin Comerford to the Dukes Healthcare Foundation to a 4-year appointment. Commissioner Weaver 2nd and the nomination passed 3-0.

OPIOID SETTLEMENT AGREEMENT

The board received copies of the Opioid Settlement Agreements that Attorney Mark Frantz has been working on behalf of the board. Attorney Steve Downs explained Mr. Frantz has been working with the settlement agreements and the board could approve the attorney to sign and represent of the county's behalf. Commissioner Weaver made a motion to allow Attorney Mark Frantz to sign on behalf of the board. Commissioner Musselman 2nd the motion and it was passed 3-0.

CHAMBER OF COMMERCE

Commissioner Hunt noted the board received a letter from the Miami County Chamber of Commerce, thanking Miami County for being a member in 2021.

PUBLIC COMMENT

Tim Gochenour a resident in Miami County came to the board to ask question about a letter he received from IDEM. Attorney Steve Downs spoke on the behalf of the board, stating that Mr. Gochenour should contact his attorney. Mr. Downs noted that he could not provide additional information about the letter Mr. Gochenour received because he has not given a response from IDEM.

Chief Probation Officer Mandy Mavrick asked whom the Probation Office needed contact to about changing the time the doors automatically lock for the annex building to be closed at the end of the day. Commissioner Hunt stated he would get a hold of IT Jim Deniston to make sure the correct time is done.

Commissioner Hunt asked how the new windows and doors have helped at the Probation Office. Chief Probation Officer Mavrick stated they have helped to keep things warmer and hopes cooler in the summer.

Elaine Anderson, resident of Miami County asked to address the board regarding the solar ordinance and proposed projects. Ms. Anderson stated the following: Recently, I set out to verify some communication Commissioner Brenda Weaver had with a Miami County constituent who shared her comments with me, mainly because my name was mentioned. She stated, "My son works on the railroad and he explained that only 5% of Indiana's crops is for human consumption. Most goes for making charcoal to fire up fireplaces or a grill and ethanol. If Ceres puts their farms in solar I could be surrounded by 3 sides. I don't like it and I don't want it but I can't vote no just to please people. I did not get elected to be a puppet for a few."

First, Brenda, as I recall, you received hundreds of votes for the position of commissioner, particularly from the northern portion of Miami County, because you had stated your stance on wind and solar, and it was in alignment with The Miami County Property Rights group. You have disappointed these voters recently. They are not mad at you, just disappointed.

If you watch Channel 13 news, I'm sure you are familiar with a news segment called Verify. It consists of three parts: research, investigate, and get the answers. Now to verify what Brenda said.

1) Charcoal is normally obtained from the burning of wood, peat, bones, cellulose, or other carbonaceous substances with little or insufficient air. Nowhere could I find that Indiana crops, or matter of fact any crops, are used to make charcoal. So, this is false.

2) Now, to verify your statement that only 5% of Indiana's crops is for human consumption. First, I contacted the Indiana Corn and Soybean Marketing Councils in Indy over a week ago and received no response.

So, I next visited Miami County's Soil and Water Conservation office, and I also spoke with Courtney at the Miami County Extension office.

Let's look at the county statistics first. This page is from Indiana Agricultural Statistics 2018-2020 provided by the USDA National Agricultural Statistics Service, Great Lakes Region, which includes IN, MI and OH. It shows just how many millions of bushels of corn and soybeans are grown in Miami County-a significant product, for sure.

As far as percentages of corn and soybeans used for human consumption, Courtney does not have that information; but, in general, she stated corn in Miami County and elsewhere in Indiana goes to processors (for example, non-GMO corn is used to make corn flakes or Aztec in Evansville makes tortilla and corn chips, and processors make corn syrup and fructose). Indiana grows 17.5 million pounds of popcorn annually. Corn is fed to animals- cattle, pigs, and chickens, which people eat. And, of course, corn goes to make ethanol, and a lot of corn is exported to many countries for human consumption, either directly or indirectly.

Soybeans are used to make, for example, soybean oil for cooking, soybean meal for livestock, and they are also exported for human consumption, either directly or indirectly.

It is difficult to put a percentage number on human consumption of Indiana's crops; but if you think about it, where else does it go?

In conclusion, saying 5% of Indiana's crops is for human consumption is not taking into consideration direct and indirect consumption, so you decide if Verify is true or false.

ADJOURN

Commissioner Musselman made a motion to adjourn. Commissioner Weaver 2nd the motion and it passed 3-0.

Adjourned

MIAMI COUNTY BOARD OF COMMISSIONERS

_____, **Chairman**
Alan Hunt

_____, **Vice Chairman**
Keith Musselman

_____, **Member**
Brenda Weaver

Attest: _____, **Chief Deputy Auditor**
Mary Betzner