

MONDAY

November 3, 2003

MONDAY

The Board of DeKalb County Commissioners met in the Commissioners Court in the Court House in regular session, Monday at 8:30A.M. (EST)

**PRESENT**

Don Kaufman

William C. Ort

**ABSENT**

Connie R. Miles

**MATTER OF R & D CONCRETE**

The DeKalb County Economic Development Commission has presented to the commissioners various documents regarding R & D Concrete Products of Indiana, Inc. which have been approved by bond counsel, Economic Development counsel, and the county attorney. A motion by William Ort to sign 1. A Notice of Issuance of the Bond, 2. The Request for Authentication of the Delivery of the Bond, 3. The Execution of the Bond, 4. The Signature Statement for the Bond, 5. The Document Granting Approval of Applicable Elected Representative Regarding Public Approval for Variable Rate Demand, 6. The Variable Rate Demand Economic Development Revenue Series 2003, 7. The Certificate of the Auditor, 8. The Assignment Without Recourse to National City Bank of Indiana as Trustee, 9. A Bond Purchase Agreement, 10. A General Certificate of DeKalb County Indiana, and authorize each commissioner to sign when available, with the date to be filled at closing was seconded by Don Kaufman and carried.

**MATTER OF SPECIAL CLAIMS**

A motion by William Ort to approve special claims was seconded by Don Kaufman and carried.

**MATTER OF GENERAL CLAIMS**

A motion by William Ort to approve general claims was seconded by Don Kaufman and carried. The commissioners also signed the claims docket for the previous period.

**MATTER OF HIGHWAY**

Tom Mullineaux of the Skillman Corporation spoke to the commissioners. Mr. Mullineaux's company acts as a project administrator and construction management organization to work with the architect for large projects. Mr. Mullineaux feels that his company saves up to 26% on a project while endeavoring to use local services and contractors as well as materials provided by local companies.

**MATTER OF HIGHWAY UTILITY PERMITS**

A motion by William Ort to approve two utility permits for Verizon North, one at County Roads 9A and 70 west 2400 feet to 0752 County Road 70 to replace cable, and the second from

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State Road 8 at the Wal-Mart Distribution Center on County Road 15 north on County Road 40 to County Road 19 at Caleb Acres subdivision was seconded by Don Kaufman and carried.

A motion by William Ort to approve a utility permit for AEP for service to a new home on County Road 71 North of County Road 20.

#### **MATTER OF HIGHWAY MATERIALS – NOTICE TO BIDDERS**

A motion by Connie Miles for commissioners to approve and sign the notice to bidders for highway materials and supplies with bids to be read on November 17<sup>th</sup> at 11:00 AM was seconded by William Ort and carried.

#### **MATTER OF AMENDED HAVA RESOLUTION**

A motion by William Ort to approve the amended HAVA Resolution was seconded by Don Kaufman and carried.

**DEKALB COUNTY COUNCIL**  
**DEKALB COUNTY COMMISSIONERS**  
**AMENDED RESOLUTION NUMBER 2003-R23**  
**COUNTY DEKALB COUNTY CODE SECTION 4-4-2-1-1**

Whereas, the United States of America federal government has passed the Help America Vote Act of 2002 designed to improve accessibility at voting places during elections by replacing or upgrading voting equipment and Indiana has adopted legislation to implement that federal law;

Whereas, reimbursement funding is available from the Indiana Election Commission for purchase of computer equipment, hardware, peripheral equipment or other products in order to comply with the Help America Vote of 2002 with the adoption of the following resolution;

NOW, THEREFORE, BE IT RESOLVED AND CERTIFIED BY THE DEKALB COUNTY BOARD OF COMMISSIONERS AND THE DEKALB COUNTY COUNCIL THAT:

**SECTION 1.** 'Subject to the availability of Title III requirement monies to DeKalb County under the Help America Vote Act of 2002 (HAVA) no later than October 1, 2004, DeKalb County will make all permanent and temporary improvements to each polling place not later than October 1, 2004 to comply with the polling place accessibility standards set forth in Indiana Code 3-11-8, and to the extent possible, make any additional improvements identified in the May 2004 HAVA polling place survey that are not specifically required by state or federal law.

**SECTION 2.** DeKalb County will submit a report to the Indiana Election Division no later than December 31, 2004, or no later than December 31, 2005 for reimbursement approved after 2003. The report under this SECTION must list the polling place accessibility problems identified in the May 2004 survey of polling places and indicate whether these problems have been resolved by temporary or permanent improvements, or whether the polling place has been relocated to an accessible facility. If the report indicates that the problems have not yet been resolved, the report must indicate how DeKalb County will resolve the problem no later than March 31, 2006. DeKalb County agrees to submit any additional reports required by the Indiana Election Division until DeKalb County reports that the polling place accessibility requirements identified in the May 2004 survey have been resolved. The report must be certified as accurate by majority vote of DeKalb County election board, following review and opportunity for written comments to be added to the report by the local advisory council described in SECTION 5 of this Resolution.

**SECTION 3.** DeKalb County acknowledges that the Secretary of State and Co-Directors of the Indiana Election Division may extend the October 1, 2004 deadline until March 31, 2006, for a specific polling

place, if it is impossible or impractical for DeKalb County to ensure the polling place's compliance by October 1, 2004.

**SECTION 4.** As of December 31, 2005, each polling place will contain at least one (1) voting system to permit a voter who is blind or visually impaired to vote privately and independently.

**SECTION 5.** No later than December 31, 2003, the DeKalb County Commissioners will adopt an ordinance to establish a local advisory council comprised of representatives of the disabilities community and elderly voters to provide assistance to DeKalb County in choosing polling places. The council may include any number of members, but must include at least two (2) representatives of the disabilities communities or elderly voters. The DeKalb County Commissioners shall appoint the members and shall encourage county residents with a variety of backgrounds, partisan affiliations, and perspectives to participate. If county residents are not available to serve on the council, the DeKalb County Commissioners may partner with the Governor's Planning Council on Disabilities to carry out the functions of the council.

**SECTION 6.** The DeKalb County Council pledges that Section 101 AND Title III HAVA monies received by DeKalb County will be used to pay any outstanding obligations incurred by DeKalb County for the voting system purchase subject to the reimbursement.

**SECTION 7.** The DeKalb County Council pledges that if the obligations incurred by DeKalb County to obtain this voting system have been paid in full or in part as of this date that the remaining Section 101 and Title III reimbursement funds will be used to improve the administration of elections for federal office in DeKalb County.

**SECTION 8.** The DeKalb County Auditor will immediately establish a new separate non-reverting bank account in which two separate accounting funds are established, one fund where Section 101 reimbursement funds will be deposited and one fund where Title III reimbursement funds will be deposited.

**SECTION 9.** DeKalb County agrees to refund to the State of Indiana no later than May 1, 2006 an amount equal to the Section 101 and Title III reimbursement funds received by DeKalb County if the Secretary of State of Indiana and the Co-Directors of the Indiana Election Division reasonably determine on March 1, 2006 that DeKalb County has not (1) replaced the lever voting machines (or punch card voting systems) in each precinct of DeKalb County no later than December 31, 2005; or (2) honored one or more of the certifications made by DeKalb County in this Resolution regarding polling place accessibility or the permitted uses of these funds.

**BE IT FURTHER RESOLVED** that this DeKalb County Amended Resolution Number 2003-R23 be adopted on this 3rd day of November, 2003, and be permanently spread of record in the DeKalb County Code as Section 4-4-2-1-1 pursuant to the Help America Vote Act of 2002 and the Indiana Election Commission of the Indiana Secretary of State's Office in Indianapolis, Indiana.

**DEKALB COUNTY COUNCIL:**

By: Robert Wilder  
Robert Wilder, President

By: David Yarde  
David Yarde, Vice-President

By: Janet Ordway  
Janet Ordway

By: Donald E. VanWye  
Donald E. VanWye

By: Larry Moughler  
Larry Moughler

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By: Benjamin C. Smaltz  
Benjamin C. Smaltz

By: Keith A. Crow  
Keith A. Crow

DEKALB COUNTY COMMISSIONERS: BY: Don Kaufman  
Don Kaufman, President

BY: Connie R. Miles  
Connie Miles, Vice President

BY: William C. Ort  
William C. Ort, Member

Attested By:

Sharon G. Hayes  
Sharon Hayes, Auditor of DeKalb County, Indiana

#### MATTER OF DOXTEK AGREEMENT

A motion by William Ort to approve the sales and service agreement with Dostek for the development of a web site for the county assessor records was seconded by Don Kaufman and carried.

#### MATTER OF ADJOURNMENT

As there was no further business to come before the commissioners the meeting was adjourned.

William C. Ort  
William C. Ort

Connie R. Miles  
Connie R. Miles

Don Kaufman  
Don Kaufman

ATTEST: Sharon G. Hayes  
Sharon G. Hayes