

**VIGO COUNTY COUNCIL**  
**Minutes**  
**Tuesday, January 5, 2021 at 5:00 P.M.**  
**Council Chambers, Vigo County Annex**

**Pledge of Allegiance**

Auditor James W. Bramble called the meeting to order and led the Pledge of Allegiance.

**Calling of the roll**

**Present:** Marie Theisz, Don Morris, Vicki Weger, David Thompson, Aaron Loudermilk.

**Reorganization**

Mr. Bramble stated that the first order of business was to open nominations for President. Don Morris made a motion to elect Aaron Loudermilk as President. Vicki Weger seconded the motion. Upon a roll call vote of 5-0, the motion was unanimously passed. President Loudermilk then asked for nominations for President Pro Tem. Vicki Weger made a motion to elect David Thompson as President Pro Tem. Don Morris seconded the motion. Upon a roll call vote of 5-0, the motion was unanimously passed.

The next order of business was the adoption of rules. The proposed changes/additions proposed for this year's rules are: Rule 1 indicates the Council "shall set dates and times for its regular meetings and its non-voting meetings also known as a Sunshine meeting". This is something different being proposed this year. In years past, there were three different committees. The proposed schedule would be the first Tuesday of the month would be the Sunshine meeting. The second Tuesday of each month would be the voting meeting. Rule 4 sets forth an addition of "only on matters not included in the agenda" to the following language: "During the initial portion of each regular meeting of the County Council, a resident personally may address the Council only on matters not included in the agenda only upon recognition of the presiding officer. Members are allowed to speak up to 5 minutes." Rule 5 is the addition of the first paragraph which defines meeting and discusses the Sunshine meeting. This is new language from last year. In Rule 5, we previously had three standing committees (Annual Budget, Budget Adjustment and Personnel). The proposal now is to only carry the Annual Budget Committee and eliminate the other two with the idea being that such business could be handled by the full Council during the Sunshine meeting and be able to hopefully gather information more clearly and efficiently than in the past. Rule 7 talks about requirements to file departmental requests with the Council secretary, and a copy with the Council Administrator, no later than 12:00 p.m. 15 days prior to the regular meeting. Such requests must be submitted in writing along with supporting documentation. That rule also includes the Sunshine meeting information. These are the only amendments to the Rules this year. Don Morris made a motion to approve adoption of the rules. Vicki

Weger seconded the motion. Upon a roll call vote of 5-0, the motion unanimously passed.

Next was adoption of a tentative meeting schedule for 2021. The Sunshine meeting would be the first Tuesday with the voting meeting following on the second Tuesday. The proposed time for meetings is 5:00 p.m. August would be the first review of the budget with September being budget adoption with the first reading of the binding units. Filing and publication deadlines are also set forth. David Thompson made a motion to approve the tentative meeting schedule. Don Morris seconded the motion. Auditor James Bramble noted that September might be a little early to set the final budget adoption. October might be a better expectation for adoption because we generally don't have final tax information from DLGF until August. President Loudermilk didn't see a problem with that. There was a brief discussion. Upon a roll call vote of 5-0, the motion to adopt the tentative schedule was unanimously passed.

Council Administrator Kylissa Miller indicated that she had received 10 emails, with all containing predominantly the same language, from Sister Marsha Speth, Shay Phillips, Sister Barbara Battista, Lain Mathers, Theressa Bynum, Grace Clay, Jessica Kirkman, Lora Hyde, Christine Delnat, and Sister Rosemary Schmalz. The letters read as follows:

“Dear County Council, I submit this as public comment for your meeting on January 5, 2021. One month ago yesterday, Frederick Whitlock died while in the care of Vigo County as an inmate in the Vigo County Jail. And an autopsy revealed that untreated Covid 19 contributed to his death. The next week, a single round of testing revealed 108 positive Covid cases in the jail, a third of all inmates, all of which had gone untracked until Whitlock's death. In the weeks since, your constituents have raised concerns about the County's handling of this situation alleging negligence and a cover up by county officials. Chief Judge Jane Magnus-Stinson of the US District Court has ordered additional reporting from the sheriff and from county council members and county commissioners in your capacity as defendants to the Huerta v. Plasse jail overcrowding lawsuit. As you begin a new year in the wake of the Covid crises, would you spend a few minutes of your meeting addressing the role of the County Council in this situation that has already killed one of your constituents and left hundreds of families in our community scared for their loved ones in the jail. Specifically, I would appreciate your responses to these questions: what actions have you taken and are you taking to understand how Covid went entirely untracked in the jail until one inmate died and over a third of the inmate population tested positive? What actions have you taken and are you taking to ensure that the county is doing everything in its power to care for the victims of this outbreak and minimize future harm through proactive medical care, Covid testing and other protocols. Thanks for your attention to this.”

President Loudermilk responded that while the Council is concerned with these matters, this is an ongoing lawsuit and being handled by legal counsel. A response has been filed with the Court in response to Judge Magnus Stinson's order. Any requests for statements should be directed to the attorneys in this matter and parties to the litigation have been advised not to make any comments at this time.

**Communications from elected officials of the County**

There were none

**Communications from other officials or agencies**

There were none.

**Reports from standing committees**

There are none.

**First reading by summary reference of proposed ordinances and resolutions**

These are the requests of Council for February and will be heard at the Sunshine Meeting to be held the first Tuesday in February. There are requests from the Juvenile Justice Center, Prosecutor's Office, the Sheriff and Auditor's Office.

**External Appointments:**

Parks & Recreation Board-4 yr term	Aaron Gadberry (Republican appointee)
Convention & Visitors Bureau-2 yr term	Allison Morris
Convention & Visitors Bureau-2 yr term	Linda Lambert
Alcohol & Beverage Commission-1 yr term	Bill Bryan
Property Tax Assessment Board of Appeals -1 yr term	David Phelps (Republican appointee)
Property Tax Assessment Board of Appeals-1 yr term	Carl C. Lynch (Democrat appointee)
Vigo County Public Library Bd-4 yr term	Daniel Pigg
Hamilton Center Board-4 yr term	Doug Napier
Vigo County Redevelopment Commission-1 yr term	Rick Burger
Vigo County Redevelopment Commission-1 yr term	Pat Ralston

**Internal Appointments:**

Some appointments will remain pending until a full Council is appointed and present. However, the following appointments are made due to the fact that there will be meetings scheduled in January and a representative will need to be present. Those appointments are as follows:

Community Corrections Advisory Board	Aaron Loudermilk
E911 Advisory Board	Vicki Weger

WCIEDD  
Wabash River Development & Beautification  
Safe Schools Task Force  
Council Administrator  
Council Attorney

David Thompson  
Marie Theisz  
Don Morris  
Kylissa Miller  
Robert Effner

The additional appoints for internal and external committees will be made at a later time.

David Thompson made a motion to adjourn the meeting at 5:20 p.m. Marie Theisz seconded the motion. Upon a voice vote of 5-0, the motion was unanimously approved.

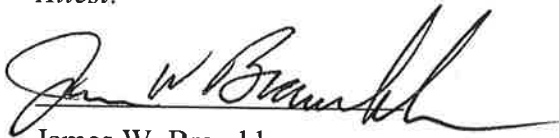
**MINUTES OF THE VIGO COUNTY COUNCIL**

**January 5, 2021**

*Presented to the Vigo County Council, read in full and adopted as written this 9<sup>th</sup> day of February, 2021.*

Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Travis Norris	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Brenda Wilson	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Marie Theisz	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Don W. Morris	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Vicki Weger	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	David Thompson	
Aye <input checked="" type="checkbox"/>	Absent <input type="checkbox"/>		
Nay <input type="checkbox"/>	Abstain <input type="checkbox"/>	Aaron Loudermilk, President	

*Attest:*



James W. Bramble  
Vigo Auditor



**RULES OF THE COUNTY COUNCIL  
VIGO COUNTY, INDIANA  
2021**

**RULE 1**

The members of the County Council shall conduct the first regular meeting on the first Tuesday in January, in which business is conducted, at 5:00 p.m. or at the call of the Auditor. At the first regular meeting the members of the Council shall 1) elect, by a majority of the Council, from its members a President and a President Pro-Tem to serve until the first regular meeting of the ensuing year, 2) in the event of death or other occurrence that causes a vacancy of the office of President or President Pro-Tem, the Council shall elect, by a majority of the Council, from its members, a person to complete the term of said President or President Pro-Tem, 3) shall set the dates and times of its regular meetings and its non-voting meetings (also known as the “Sunshine Meeting”) for the present year, and 4) may adopt rules to super-cede these rules or may amend these rules by a majority vote of the members of the council. The Auditor of Vigo County shall serve ex-officio as Secretary to the Council. The Secretary shall attend all meetings in person or, with consent of the President, by designee, shall provide such notices of meetings as the law or these rules may require, and shall maintain the minutes of such meetings and records of the Council.

## **RULE 2**

The Council shall meet on the dates and at such times set at the first meeting and at such other times as the business of the Council may require. Special meetings may be called at the written request of the President of the Council, the Auditor, or a majority of the members of the Council.

- A. The Council may conduct in November, a review of the status, proposed updates and revisions of long-term development plans that may be proposed by the Board of Commissioners.
- B. The Council may request the Commissioners to provide a report at the meetings scheduled in March and October of improvements and maintenance in the transportation system and other facilities in the County.
- C. The Council may request the Auditor to provide a revenue forecast for an eighteen month period ending December 31<sup>st</sup> of the following year at the meeting scheduled in April.

## **RULE 3**

The Council may conduct its business upon the presence of a quorum. A quorum shall consist of the majority of all members elected to the County Council.

## **RULE 4**

During an initial portion of each regular meeting of the County Council any resident person may be permitted to address the Council only on matters not included in the agenda upon recognition by the presiding officer. The length of statement of such persons or group

representative may be limited to five (5) minutes or less, except in such cases in which the presiding officer may extend additional time. Written materials submitted by such persons, not unreasonably voluminous, may be distributed to members of the Council to supplement remarks.

**RULE 5**

A meeting (also known as the “Sunshine Meeting”) will be conducted at least one (1) week preceding the Council’s regular business meeting, to discuss, but not vote on, any ordinances or resolutions to be acted upon at its next regular meeting. No other matters may be brought up or discussed at this meeting except for ordinances or resolutions to be considered at the next regular meeting as specified on the Sunshine Meeting agenda.

(A) There shall be one (1) standing committee of the Council, consisting of three (3) members each. The President of the Council may appoint any other committee as necessary for business of the Council. Three members of the committee, including the chair, shall be appointed, and may be removed, by the President of the Council. Two of the three members shall constitute a quorum.

(B) The Chair of the committee or President may, upon the absence of a voting member from a meeting, appoint another member of the Council as a member of the committee Pro-Tem, for the duration of the meeting. This appointment may be made in the absence of a quorum, and it may be made for the purpose of achieving a quorum.

(C) The standing committee is:

Committee on the Annual Budget



(D) It is the duty of the Committee on the Annual Budget to hear, investigate, and report ordinances relating to annual tax levies and annual appropriations.

#### **RULE 6**

(A) All appointments of persons which, by law or ordinance, are required to be made by the Council to any board, commission, committee, or public agency shall be made by the President. All such appointments shall be effective only upon announcement at a regular or special meeting of the Council. Any such announcement shall be made of record in the minutes of the meeting at which it is made and shall include reference to the authority in law or ordinance providing for such appointment.

(B) The President shall appoint, upon sufficient appropriation approved by the Council, an attorney licensed to practice law in Indiana to provide such legal counsel to the Council as may be appropriate. The President may appoint, upon sufficient appropriation approved by the Council, a Council Administrator to serve to assist the Council and its committees in the performance of their duties.

#### **RULE 7**

For any resolution or ordinance to be adopted, it must receive the votes of the majority of all members constituting the County Council. Any member may introduce a resolution or an ordinance relating to revenues, appropriations and compensation or matters which may lawfully come before the council. It is introduced when signed by the member and filed with the Secretary. Departmental requests shall be filed with the Secretary and copied to the Council Administrator no later than 12 pm fifteen (15) days prior to the regular meeting to be read for the

first time by summary reference at the sunshine meeting. Departmental requests must be submitted in writing along with supporting documentation. A representative of the department making the request, preferably the department head, must be present at the appropriate Committee meeting, Sunshine Meeting, and at the Council meeting during which a request is voted upon, in order to review the information provided in the Request to Council and to answer any questions posed by Council members. Any departmental requests filed after the deadline require the approval of the President to be included at the regular meeting. Introduced resolutions may be referred to, or withdrawn from, a committee at any time by the President. All ordinances, resolutions or departmental request of the Council after introduction or filing with the Secretary must be read for the first time by summary reference at a regular or special meeting following its introduction.

#### **RULE 8**

- (A) Honorary Resolutions may be considered and adopted by the Council at any time.
- (B) Resolutions calling for declarations of policy by the Council on public controversies unrelated or not germane to the powers of the Council shall not be in order.

#### **RULE 9**

Committee meetings shall be conducted in compliance with I.C. 5-14-1.5 and may be conducted with such formality and upon such process as the chair shall determine is appropriate to the subject matter and the circumstances. All matters referred to a committee may be amended by the committee. All reports of committees shall be made in writing and shall express the approval or disapproval by number of ayes and nays of the voting members of the committee,

by individual member if a roll call vote is taken. The ordinance or resolution reported unfavorably by a committee may be withheld by the President from further consideration on the Council agenda.

**RULE 10**

All ordinances and resolutions shall be open to amendment by the Council upon the second reading before the Council. Upon substantial amendment, a matter may on motion be made a special order of business at a subsequent meeting of the Council. A two-third (2/3) vote of all elected members, after unanimous consent of the members present to consider the ordinance, is required to pass an ordinance or resolution on the same day or at the same meeting at which it is introduced. Any ordinance or resolution receiving a majority of votes in opposition shall be considered defeated and is precluded from further consideration for 12 months from which the request was filed with the Secretary. Furthermore, any appropriation requested as a part of the county's annual budget which was:

- 1) considered by the Committee on the Annual Budget;
- 2) deleted or removed from the annual budget by amendment as reported and submitted to the Council by the Committee on the Annual Budget; and
- 3) not included in the annual budget as adopted by the Council at its annual meeting in accordance with I.C. 36-2-3-7(b)(2);

is precluded from further consideration for 12 months from which the request was filed with the Secretary.

**RULE 11**

(A) Every Council member, including the President, shall be required to vote when a question is put, unless for good cause shown by announcing for the record the intent to abstain and the rationale supporting the abstention.

(B) Any roll call vote shall be made in the order designated by the presiding officer.

**RULE 12**

The following is the order of business of the County Council at its meetings:

1. Pledge of Allegiance
2. Calling of the roll
3. Correcting the journal of the preceding meeting if needed
4. Public comment
5. Communications from elected officials, other officials, or agencies of the County
6. Reports from committee(s)
7. Ordinances relating to appropriations
8. Honorary resolutions
9. Resolutions relating to fiscal policies of the Council
10. First reading by summary reference of proposed ordinances and resolutions
11. Appointments
12. Adjournment

Notwithstanding the order of business set forth in these rules, all members of the council, upon request, may be extended by the presiding officer the personal privilege of addressing other members of the council on such matters and concerns such member considers appropriate.

### **RULE 13**

(A) When any member is about to speak or deliver any matter to Council, or ask a question of any member of the Council or person making a presentation to the Council, he or she shall request leave of the presiding officer, and, upon being recognized, may proceed to address the Council or ask the question.

(B) No member shall speak more than once on the same question until every member, choosing to speak, shall have spoken. A member shall speak no more than twice on the same subject without leave of the presiding officer.

(C) No member shall question the motive of another.

(D) No member shall be subject to the question of another without the member's consent to yield to such question and the leave of the presiding officer to pose the question.

### **RULE 14**

Within sixty days after their first adoption, these rules may be amended upon a motion to amend adopted by a majority of the council. Such motion is in order at any time. Thereafter these rules may be amended upon a motion to amend adopted by a two-thirds (2/3) vote of the

Council. The operation of these rules may, at the request of the presiding officer, may be suspended with respect to any matter pending before the Council with the consent of all members present.

**RULE 15**

No matter once passed or adopted by the Council shall be questioned or be considered invalid based upon a failure to comply with these rules.

**RULE 16**

Robert's Rules of Order, Revised, shall be followed on all questions of parliamentary procedure not specifically covered by these rules.

*Adopted this 5th day of January 2021.*

---

President

---

Secretary

**VIGO COUNTY COUNCIL**  
**Tentative Meeting Schedule - 2021**

<b>Sunshine Meeting</b>	<b>Voting Meeting</b>	<b>Time</b>	<b>Notes</b>
	Tuesday, January 5, 2021	5:00 PM	
Tuesday, February 2, 2021	Tuesday, February 9, 2021	5:00 PM	
Tuesday, March 2, 2021	Tuesday, March 9, 2021	5:00 PM	
Tuesday, April 6, 2021	Tuesday, April 13, 2021	5:00 PM	
Tuesday, May 4, 2021	Tuesday, May 11, 2021	5:00 PM	
Tuesday, June 1, 2021	Tuesday, June 8, 2021	5:00 PM	
Tuesday, August 3, 2021	Tuesday, August 10, 2021	5:00 PM	First Reading of the Budget - County, Review of Non-Binding Units
Tuesday, September 7, 2021	Tuesday, September 14, 2021	5:00 PM	Budget Adoption - County, First Reading of Binding Units
Tuesday, October 5, 2021	Tuesday, October 12, 2021	5:00 PM	
Tuesday, November 2, 2021	Tuesday, November 9, 2021	5:00 PM	

VIGO COUNTY COUNCIL

Important Dates

Filing Deadline - Noon	First Reading	Publication Deadline	Final Vote
Monday, January 25, 2021	Tuesday, February 2, 2021	Saturday, January 30, 2021	Tuesday, February 9, 2021
Monday, February 22, 2021	Tuesday, March 2, 2021	Saturday, February 27, 2021	Tuesday, March 9, 2021
Monday, March 29, 2021	Tuesday, April 6, 2021	Saturday, April 3, 2021	Tuesday, April 13, 2021
Monday, April 26, 2021	Tuesday, May 4, 2021	Saturday, May 1, 2021	Tuesday, May 11, 2021
Monday, May 24, 2021	Tuesday, June 1, 2021	Saturday, May 29, 2021	Tuesday, June 8, 2021
Monday, July 26, 2021	Tuesday, August 3, 2021	Saturday, July 31, 2021	Tuesday, August 10, 2021
Monday, August 30, 2021	Tuesday, September 7, 2021	Saturday, September 4, 2021	Tuesday, September 14, 2021
Monday, September 27, 2021	Tuesday, October 5, 2021	Saturday, October 2, 2021	Tuesday, October 12, 2021
Monday, October 25, 2021	Tuesday, November 2, 2021	Saturday, October 30, 2021	Tuesday, November 9, 2021

Notes:

- \* Elected official or department head making the request must attend the meetings for the first reading and the final vote. If unavailable to attend the meetings, please send a representative.
- \* Any requests filed after the deadline will require approval of the President to be included on the agenda of both meetings and the required legal notice.