

REGULAR MEETING OF THE JASPER COUNTY COUNCIL

NOVEMBER 21, 2023 (AMENDED MINUTES)

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The Jasper County Council met this date at 7:00 P.M. C.S.T. at 910 S Sparling, Rensselaer, Indiana, with the following members present: Stephen R. Jordan, Gary Fritts, Brian Moore, Eric Kidwell, Jason Arnold, and Paul Norwine. Also present were Auditor, Donya G. Jordan, Deputy Auditor, Treasure Gilbert, Attorney, Eric Beaver and Jacob Ahler, the attorney that represents the Council.

MINUTES: Mr. Norwine motioned to approve the minutes from October 17, 2023, as presented, Mr. Arnold seconded, and the motion carried.

PUBLIC HEARING / SOLARPACK ABATEMENT: Ms. DeYoung, with Jasper County Economic Development, said Solarpack was not able to make it to the meeting so, she would try to answer questions as best as she can. Ms. DeYoung said she wanted to explain JCEDO's role, the role of a regular tax abatement and how a tax abatement and EDA work together. She said she believes there's a misconception that JCEDO is trying to get projects, such as solar, to come to the county. She said this is not the case. She said these companies come in and if they have questions, they point them in the right direction. She said a lot of times, they have already signed agreements with property owners such as, a long-term lease in order to get their project going. They also have to go through MISO. Ms. DeYoung said that JCEDO's goal is to do the best they can to attract new business and support existing business. Ms. DeYoung said they are focused on population and making quality places where people want to live.

Ms. DeYoung said she has seen a lot of "No Abatement, No Project." She said if a tax abatement isn't approved, that doesn't necessarily end the project, it just changes the numbers for the company. She said there's been two projects going in to Newton County that were not abated. She said if you look on any County or City website throughout the State, you will see tax abatements. She said tax abatements are a part of attracting business. She said you want to attract business to get investment in your community, as far as infrastructure; anything that's above ground is increased value. She said you want those jobs and quality people.

Ms. DeYoung said land cannot be abated. She said currently, ag land is at \$1,900.00 an acre and adding solar, it would increase to around \$13,000.00 an acre, which is the State's minimum. She said your assessed evaluation automatically increases and cannot be abated. She said as a part of this agreement, the company has agreed to \$16,000.00 per acre.

Ms. DeYoung presented the Council with a comparison of this agreement to past agreements. She said Dunns Bridge 1 is a seven-year declining with no economic development payments. She said Dunns Bridge 2 is a ten-year declining and the County will see 3.783 million dollars coming in over ten years. She said with this potential agreement, which is a much smaller project, it would bring in 2.267 million in the first three years. The first payment would come six months after they start construction. She said they have also included \$210,000.00 every ten years to be split between the three EMS departments. Ms. DeYoung mentioned the schedule of cash payments coming from other projects. She said the total coming from EDAs with wind and solar, with the last payment in 2023, is estimated to be 10.3 million dollars. She said including road-use agreements, it would be 18 million.

Mr. Fritts asked if the 2.267 million in EDA payments would be coming in four payments, with the first payment being six months after they start construction. Ms. DeYoung said yes and the next payment would come sixty days after they are online. Mr. Fritts asked at what point, after construction, would they be online. Ms. DeYoung said that would be a question for Solarpack. Mr. Moore said according to the paper, it says a year. Mr. Arnold asked if they are asking for a ten-year 100% abatement. Ms. DeYoung said that is correct. Mr. Moore said last month they talked about a sliding scale. Ms. DeYoung said that is correct but, that wouldn't capture as much money for the county and would be stretched out over a longer period of time. She said the 2.267 million is what the outside counsel recommended. She said the 2.267 does not include the \$210,000.00. Mr. Fritts asked if the land would generate about a million dollars itself in tax

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PUBLIC HEARING / SOLARPACK ABATEMENT CONTINUED: revenue. Ms. DeYoung said that is correct. She said without an EDA, they could stay at the State minimum of \$12,870.00. Mr. Jordan said the State-set value of land for solar would be reviewed yearly and could go up each year. Ms. DeYoung said that is correct.

Mr. Fritts asked if the whole investment in this project is 55 million dollars. Ms. DeYoung said she would have to look but, she thought it was closer to 100. Mr. Fritts said the AV would be in the 55 million range. He said he believes it gets depreciated at 37 million. Attorney Beaver said he didn't have the answer in front of him. He said the EDA stipulates the investment of about 100 million dollars. He said he believes the SS4-Form said 85 million and 95% of the investment was going to be distributable. He said there's a statutory increase in assessed value. He said if there's no abatement or EDA, it goes from \$1,900.00 to \$13,000.00. He said with an EDA it would bump it up another \$3,000.00 per acre, with no abatement.

Attorney Beaver passed out a report with a comparison chart comparing old agreements to the current one. He said Dunns Bridge 2 was a sliding scale, ten-year declining abatement. He said Dunns Bridge 1 and the seven-year abatement, filled the hole in the AV that was going to be lost with Nipsco. He said Solarpack's project is only sixty megawatts and Dunns Bridge 2 was 291 megawatts so, this project is only about 1/5 of the scale of the Dunns Bridge 2 project. He said the abatement savings to Solarpack would be a little over three million dollars but, the economic development payments back to the county would be over 2.2 million dollars. He said what this means is that of the abatement that would be given, 71% of that would come back to the county as cash payments. He said this is only the abatement and economic development payments.

Attorney Beaver said there are additional fiscal benefits under the Solarpack EDA. He said they have pilot payments, which are payments in lieu of taxes. He said if for some reason there was tax owed in the form of property taxes, it would go to all of the taxing units. He said if there was a deviation from what the tax payments would've been, then the pilot payments are made by the company to the number that is on the contract. He said there's three different forms of pilot payments under the EDA. He said one example is a change in law; if there's a change in the classification of the assets where they might be excluded from taxation, a change in income tax rates, and also depreciation schedules. He said for the duration of the project through the decommissioning of the project, under the EDA, the company would pay, through the taxing units, the amounts that have to be paid.

The second example is pilot payments for the assessed value of distributable property. Attorney Beaver said Federal tax rules allow for accelerated depreciation for utilities to depreciate their distributable property down to a very low number, perhaps zero, within a very short period of time. He said for years, Nipsco would appeal their assessed value so, with this pilot provision, it sets out a guaranteed minimum assessed value of the distributable property. He said assessed values can't be negotiate so, the pilot payments are used to provide an offset.

Attorney Beaver said the last example is pilot payments for assessed value of land. He said land itself cannot be abated. It is assessed at \$1,900.00 per acre as agricultural. He said with no abatement or agreement, if Solarpack comes in and makes it a solar-utility property, then there's a State formula that sets out how much the assessed value of that land is. He said at this point it is around \$13,000.00 and would result in an increase in the assessed value of land, which is then taxed and not abated.

Attorney Beaver said the chart also includes the schedule of upcoming payments from existing agreements. He said this total is around ten-million-dollars of no-strings-attached cash from 2025-2030 to the county. He said with the current proposed agreement, they are looking at four annual economic development payments, a little over half a million dollars each; plus, they have agreed to contribute \$21,000.00 per year to Jasper County EMS funding. The idea being that each of the three entities in Jasper County will receive \$7,000.00 a year, from Solarpack, for ten

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PUBLIC HEARING / SOLARPACK ABATEMENT CONTINUED: years. He said in a nutshell, this is what has been negotiated with Solarpack. He said what has been negotiated with Solarpack has a larger impact to the county than one may expect for the size of the project; being 60 megawatts compared to 291 megawatts with Dunns Bridge 2. The chart presented said the amounts of economic development payments per megawatt are as follows: \$13,000.00 for Dunns Bridge 1, \$33,000.00 for Meadow Lake Wind, and \$37,791.00 for Solarpack.

Attorney Beaver said with the increase in assessed value of land, Solarpack will be paying taxes and the more they pay, the less taxpayers will pay. He said taxpayers' rates will go down as a result of the proposed agreement. He said they can also go down without an abatement or if there was no EDA but, the terms of the EDA would have more affects long term. Mr. Jordan asked if the AV at \$13,000.00, would be locked in with this agreement or if it would go up as the State goes up. Attorney Beaver said with this agreement, they are agreeing to lock in at \$16,000.00. He said his understanding is that the abatement savings that the company gets over the longer term, comes back to the county as economic development payments. He said he believes that the EMS contributions would be sourced from their operating revenues as opposed to a function of tax savings.

Mr. Fritts said that the assessor can't assess over \$13,000.00 for tax purposes. He asked if the extra \$3,000.00 would be a part of the EDA payments. Attorney Beaver said that's the pilot payment. He said the assessor is going to assess and that will be the starting point for the pilot payment. He said the assessment process will go as it will be but, the company will use the payment in lieu of tax obligation under the agreement to make up the difference between what they're agreeing to pay in taxes and what the assessed dollar figure would be. He said the pilot payments go to the taxing units and not just to the county. Mr. Fritts said the chart doesn't show the pilot payments. Attorney Beaver said that's because they don't know what the numbers will be. He said the Baker Tilly reports have an analysis of what the tax rate will be for a certain unit. Mr. Moore asked if the extra \$3,000.00 per acre is included in the 2.267 million. Attorney Beaver said no, the 2.267 million is cash coming in as installments. He said the statutory formula sets the current AV at \$13,000.00 but, the agreement bumps that up to \$16,000.00. He said what they will get on their tax bill, is an assessment that shows the state formula of what they owe and the agreement will say they have to make a pilot payment for the difference using the \$16,000.00 per acre.

Mr. Arnold said that Attorney Beaver is saying that tax rates will go down with or without an abatement but, he asked, if it's an 100% abatement over ten years, how will tax rates go down. Ms. DeYoung said because of the AV of the land and they cannot abate the land. Attorney Beaver said the AV of the land goes from \$1,900.00 to \$13,000.00 plus, the pilot takes that up to \$16,000.00. He said there's an increase in the AV of land. He said the abatement itself, on State distributable, will not have the same impact on property tax rates. He said this is where 71% of the abatement will work its way back to the county as economic development payments. Mr. Arnold asked if they are also taxed on their physical property. Attorney Beaver said there is land and then there is improvements, such as buildings, but, the physical property that is apart of their utility network, is the distributable part.

Mr. Moore asked if the \$3,000.00 is the pilot payment and the 2.267 is another payment. Attorney Beaver said yes. He said the economic development payments are cash refunds of the tax abatement and the pilot payments are separate. He said this is a part of what was negotiated to provide protection to the county. He said the minimum AV is guaranteed for the first twenty years; the first ten years is abated. He said the value of the taxes paid year 11-20 isn't described as a number so, it is an extra benefit, fiscally, for the county that is not an economic development payment and provides some long-term assurance and stability of the distributable investment that they're making. Mr. Moore said the chart says the \$13,000.00 changes annually if no EDA so, he said they would be locked in at \$16,000.00. Attorney Beaver said with Dunns Bridge 2, the

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PUBLIC HEARING / SOLARPACK ABATEMENT CONTINUED: amount was at \$11,000.00. Mr. Moore said that it has went up \$2,000.00 in two years but yet, they are talking about locking it in at \$3,000.00 for ten years. He said it's a roll of the dice to do this and if they lock in at \$16,000.00, they would be costing a lot of money in the long run. Attorney Beaver said he and outside Special Counsel, Rick Hall, talked about whether or not they wanted to have this in the agreement. He said his own thought is that there are risks with these projects but, not necessarily downside risks. He said the county doesn't have a downside risk with this project as far as abating a project that never turns on. He said the tax rates could be higher than the \$16,000.00 but, there might be a change in energy policy that could cause the value of utility properties to go down.

Attorney Beaver said the economic development payments are set on the assumption that this project will be deployed at sixty megawatts. He said what if they get in there and say they like the project and want to make it another 15-20 megawatts. He said they have a calculation that makes the economic development payments go up or down based upon the actual money invested. He said his concerns are if the value of land goes up or down; if it goes up then they will have a larger investment coming from Solarpack. He said with a smaller investment, they might not even get to \$16,000.00.

Attorney Beaver said special counsel, Rick Hall, with Barnes and Thornburg, has negotiated on behalf of the county. He said he is the leading expert in representing county governments. Mr. Hall joined via Zoom. He said the assessed value per acre on the land is a minor part of the deal. He said the main benefit of the deal is the 2.267 million dollars in economic development payments. He said the amount per acre is hard to predict but, Solarpack would only get a credit back if they made a payment in advance because, the prior year was below \$16,000.00. He said if it continues to escalate and hits \$16,000.00 in two years then, they would get a credit back for the next two years. He said the remaining six, as it continues to escalate, they would get no credit back. He said it's a downside protection for the county if the assessed value doesn't go up.

Mr. Fritts asked Mr. Hall how many of these kinds of deals he has negotiated. Mr. Hall said probably two dozen. Mr. Fritts asked where this deal rates as far as the fiscal liability. Mr. Hall said it is a strong deal. He said this project is not very big at 60 megawatts. He said his opinion is if they are going to do this, then they might as well get a material amount of money that they can do something with. He said generating 2.267 million from a 60-megawatt farm is material money with unlimited restrictions on how you spend it.

Mr. Arnold asked why these companies are fighting so hard to get abatements. He said it seems like they are willing to give up a lot of money and make it look real good. He said it benefits them in some way; more than it would benefit the county. Mr. Hall said they receive a benefit even though they are paying 71% back to the county. He said he thinks that they would say the reason they are requesting an abatement is because, so many counties have granted them so, they are trying to be put on a level playing field with other competitors.

Mr. Hall said there's various bodies that have different roles in a solar project in the community. He said the Commissioners and Council have to determine what kind of economic development agreement this project would merit. He said the planning and zoning entities have the obligation to review the project and determine whether it fits within the land-use restrictions. He said sometimes people will say that the Council approved this project going forward and that is not true. He said the Council is determining if this is an appropriate economic development package.

Mr. Fritts asked Attorney Beaver to restate his role in this. Attorney Beaver said he is the Jasper County Commissioners' attorney. He said he is working with Mr. Hall who is representing Jasper County. He said he is also working with JCEDO and Ms. DeYoung. He said the Commissioners are the negotiators of the agreement and the Council has the discretion in making any sort of decisions regarding the abatement. He said the Commissioners have been apart of the

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PUBLIC HEARING / SOLARPACK ABATEMENT CONTINUED: negotiation in terms of working with Solarpack. Mr. Fritts asked if they approved the EDA. Attorney Beaver said the Commissioners approved the EDA the previous day. He said part of this agreement is to include the decommission agreement and road-use agreement.

Mr. Fritts asked Ms. DeYoung if she had anything to add. Ms. DeYoung said she worked with the company as she would any other company. She said they did their due-diligence and they were attentive as far as making sure they coordinated with the different departments. She said their office tried to provide them with the same information and guidance as past projects. She said they worked with the idea that Jasper County was favorable to a project like this. She said the property owners that they have a long-term lease with seem to be happy. She said they were glad to assist them as they would any other business that comes in to the county.

Mr. Fritts said he is going to put the numbers on the whiteboard for transparency. He said the number they have not talked about is the amount of tax that Solarpack would pay without the abatement, 4.182 million dollars. Mr. Fritts wrote 4.182 on the right side of the board. The right side of the board shows numbers without the abatement. The left side of the board is with the abatement. He said the land alone, would generate about a million dollars. He said the one million dollars is already included in the 4.2 million. He said if it was vacant farm ground, it would be \$1,900.00 in AV. He said because of the solar panels, this number goes to \$13,000.00. On the left side of the board, he wrote 2.267 million dollars, which is the four payments coming in EDA payments. He said the first payment is six months after the beginning of this project. He said the 2.267 million comes in four years directly to the county. Mr. Fritts said their intention is to bring that money back into the communities where the solar panels are going. He said they want to make it a better lifestyle for people. Mr. Fritts said Solarpack has offered \$210,000.00 over ten years, to go directly to EMS; he wrote this on the left side of the board.

Mr. Jordan said the payments out of the 2.267 million would be \$566,865.00. He said these would be paid June 30th of 2025, 2026, 2027 and 2028. Mr. Fritts said since the 2.267 comes in four years, there is a time value to that. He said you could synthetically add \$300,000.00 to the left side of the board. He said these are all the numbers there are working with. He said to say that they have just been handing out money, they are not. He said they are trying to extract money from a company that wants to come and put a hundred-million-dollar project in our county. He said the Council is only looking at the fiscal part of this project. Attorney Beaver added that the analysis that they provided does not include income taxes that will be paid on the leases by land owners. Mr. Fritts wanted to clarify on the \$300,000.00 he wrote down; he said if they invested that amount today, it would be worth more in ten years.

Mr. Jordan said they will open up to public comments. He said to limit to two minutes per person and stay pertinent to the solar topic.

PUBLIC COMMENT ON THE SOLARPACK ABATEMENT:

JERRY SMITH: Mr. Smith read a statement from a group of concerned people from Jasper County. He said they are concerned with the wide-spread adoption of solar projects in Jasper County and surrounding counties.

CRAIG STANDISH: Mr. Standish asked out of the 4.2 million dollars without an abatement, how much of that money comes back to the county. Mr. Fritts said it comes back just like any other tax money comes back. Mr. Standish asked if there's a 1.7-million-dollar difference between having an abatement and not having one. Mr. Fritts said it is about \$7-800,000.00 if you don't count the \$300,000.00. He said what they will be voting on if there is value in having the 2.267 come in as EDA payments that they can distribute to the different entities, such as the fire department. He said they could do some wonderful things with this money. He said the 4.2 million would just be tax money that comes back and gets spread throughout the county. He said

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CRAIG STANDISH CONTINUED: it would help Walker Township but, it would also get spread throughout the county. Mr. Jordan said there's also the pilot payments that aren't listed on the whiteboard.

ALEX SENEZKO: Ms. Seneczko expressed her concerns with all of the projects surrounding the county and coming in to Jasper County. She asked the Council if they have looked into any other companies that might be interested in starting a project in Jasper County to bring in more revenue. Mr. Norwine said they were interested in other companies but, those companies said the county didn't have the skilled workforce for it.

BARB MEPELINK: Ms. Meppelink said she lives near the solar project. She said she wants to look across her property and see nature's beauty, not sheets of metal and fencing, looking like a prison yard.

CARISSA SENEZKO: Ms. Seneczko asked questions about the abatement and how the cash payments would be disbursed.

JERRY SMITH: Mr. Smith expressed his concerns about property values going down and more phases of solar projects going on. He said he is concerned about Jasper County turning into an industrial park.

JAKE MISCH: Mr. Misch said the county should support small businesses instead of these big companies.

CHARLES BOOKWALTER: Mr. Bookwalter said these big companies wouldn't exist without taxpayer money. He asked if anyone has researched this company. He said these companies are not good businesses. He said he hope the Council votes against this.

Mr. Jordan closed the public hearing so they can move on to the consideration of the abatement proposal. Mr. Moore said the company is operating on taxpayer money and the money they would be paying the county back is with taxpayer money. He said this has been his problem with it all along. He said to him, a tax abatement is to create jobs like places such as, Donaldson's and ConAgra. He said he honestly doesn't see Nipsco closing.

Mr. Arnold motioned to vote on the abatement, Mr. Moore seconded. Mr. Fritts and Mr. Norwine voted for the Solarpack Abatement. Mr. Arnold, Mr. Moore, and Mr. Kidwell did not approve so the motion did not carry.

2024 MEETING SCHEDULE: Mr. Jordan read the proposed schedule:

Tuesday, January 16
Tuesday, February 20
Tuesday, March 19
Tuesday, April 16
Tuesday, May 21
Tuesday, June 18
Tuesday, July 16 (Joint Session)
Tuesday, August 20
Tuesday, September 17
Tuesday, October 15
Tuesday, November 19 (Joint Session)
Tuesday, December 17

Mr. Norwine motioned to approve the 2024 meeting schedule, as presented, Mr. Kidwell seconded and the motion carried.

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ADDITIONAL APPROPRIATIONS

ENHANCED ACCESS

Mr. Jordan said there's a request for \$6,000.00 in the Laredo Fees account. Mr. Arnold motioned to approve, Mr. Moore seconded, and the motion carried.

RECORDER'S PERPETUATION

There was a request for \$5,000.00 in the part-time account, \$300.00 for social security, and \$125.00 for Medicare. Mr. Norwine motioned to approve the total request of \$5,425.00, Mr. Arnold seconded, and the motion carried.

COUNTY GENERAL

There was a request for \$4,000.00 in the Director account and \$5,000.00 in the part-time annual control account for \$5,000.00. Mr. Kidwell motioned to approve the total request of \$9,000.00, Mr. Moore seconded, and the motion carried.

LEPC

There was a request from Ms. Wilson for \$5,000.00 from the hazardous materials training account to go towards the fire tower. Mr. Moore motioned to approve, Mr. Arnold seconded, and the motioned carried.

TRANSFERS

The first transfer is from the Assessor for \$1,000.00 from the Xsoft account for an employee's wage line. This employee received the level three certification which earns an increase. Mr. Fritts motioned to approve, Mr. Norwine seconded, and the motion carried.

The next transfer is in the Recorder's Perpetuation Fund. The request is for a transfer from preservation of records to \$9,235.00 for labor, \$620.00 for social security, and \$145.00 for Medicare. Mr. Fritts motioned to approve the total request of \$10,000.00, Mr. Arnold seconded, and the motion carried.

The next transfer request was for \$9,000.00 in the Highway's fund from road foreman to administrative assistant. Mr. Arnold motioned to approve, Mr. Moore seconded, and the motion carried.

The next transfer was for \$3,990.00 in the Surveyor's Perpetuation Fund from services to equipment. Mr. Moore motioned to approve, Mr. Arnold seconded, and the motion carried.

The next transfer was for \$600.00 in County General for the Extension Office from professional development to travel. Mr. Fritts motioned to approve, Mr. Norwine seconded, and the motion carried.

The next transfer request was from Soil and Water in the County General Fund from the office supplies account to travel for \$100.00. Mr. Arnold motioned to approve, Mr. Moore seconded, and the motion carried.

The next transfer was in the County General Fund from Surveyor's equipment repair to field equipment for \$300.00. Mr. Moore motioned to approve, Mr. Norwine seconded, and the motion carried.

The next transfer was also in the County General Fund from Surveyor/Extension utilities to part-time for \$2,000.00. Mr. Fritts motioned to approve, Mr. Moore seconded, and the motion carried.

The next transfer was in the LIT Economic Development Fund from recycling to equipment for \$3,500.00. Mr. Arnold motioned to approve, Mr. Kidwell seconded, and the motion carried.

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TRANSFERS CONTINUED: The last transfer was also in the LIT Economic Development Fund from postage to recycle employees for \$8,000.00. Mr. Moore motioned to approve, Mr. Fritts seconded, and the motion carried.

VINCE URBANO / 2024 BUDGET: Mr. Urbano said there were some discrepancies in his 2024 approved budget. He said there was a discrepancy with an employee's salary and a \$70,000.00 vehicle request was missed. Ms. Jordan said they can advertise the additional in January. Mr. Urbano said he is asking if he can go ahead and order the new vehicle because, it would take several months to get it in. He said they also need new equipment for the truck. These funds would come out of the Cumulative Capital Development Fund and Ms. Jordan said the funds are really tight right now so, they might have to use County General or LIT. Mr. Fritts asked if the new truck is replacing an old truck. Mr. Urbano said it would replace an older truck. Mr. Fritts asked what will happen to the old truck. Mr. Urbano said they usually go to the Highway Department. The Council gave Mr. Urbano permission to order the truck and an additional appropriation will be requested in January.

SHERIFF WILLIAMSON / SALARY AMNEDMENT REQUEST: Sheriff Williamson said he has a salary amendment request for an employee. He said the approved amount isn't what they got in their final budget. Mr. Jordan said they will put the correct amount in the salary ordinance.

Sheriff Williamson said two officers will be in their eighth year and were not compensated for the eighth year in the adopted budget. Mr. Jordan said they will get this on the salary ordinance and do an additional in January.

KAREN WILSON / FUNDS FOR RADIOS: Ms. Wilson said she applied for a Homeland Security Grant, which was a maximum of \$20,000.00. She said they received this grant and she ordered seven portable radios for the central Jasper ambulance. She said Mr. Hayworth said he would come up with the difference of \$13,466.93. She said with this kind of grant, the County has to pay first and after she sends in proof of payment, the State will reimburse the County. Ms. Jordan said with a reimbursable grant, they can run it in the red. Ms. Wilson asked if she needed to turn in a claim to the Auditor's Office. Ms. Jordan said yes.

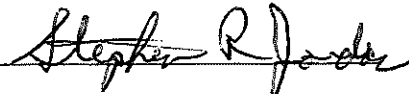
OTHER BUSINESS

There was no other business at this time.

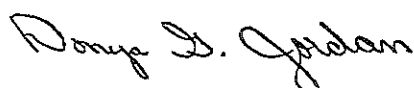
PUBLIC COMMENT

There was no public comment at this time.

There being no further business, Mr. Norwine motioned to adjourn the meeting, Mr. Kidwell seconded, and the motion carried.


Stephen R, Jordan, President

ATTEST:



Donya Jordan, Auditor of Jasper County