

**SPECIAL SESSION RUSH COUNTY BOARD OF COMMISSIONERS OCTOBER 20, 2016**

The Rush County Board of Commissioners met in special session Thursday, October 20, 2016 at 4:30 p.m., with Commissioners Bruce Levi, Mark Bacon, Paul Wilkinson, Mary Ann Beard Auditor and Attorney Leigh Morning in attendance.

Commissioner Levi called the meeting to order and led the pledge of allegiance.

The meeting was called to address the appointment of Craig Trent to the Board of Zoning Appeals. In a letter from West Fork Wind, LLC attorney Solada questioned the ability of Mr. Trent to offer an unbiased decision regarding wind farms, based on Trent's statements at a hearing on the Apex Wind Special Exception request.

Attorney Leigh Morning presented a copy of Indiana Code 36-7-4-909 which states that:

- (a) A member of the board of zoning appeals is disqualified and may not participate in a hearing or decision of the board concerning a zoning matter if the member:
  - (1) is biased or prejudiced or otherwise unable to be impartial; or
  - (2) has a direct or indirect financial interest in the outcome of the hearing or decision.

Testimony was taken from many on Mr. Trent's behalf. Mr. Trent testified that he could give a fair and unbiased decision on the wind farms.

Commissioner Levi stated that Next Era has already considered Mr. Trent as disqualified and we need to consider the cost of litigation, but we can't run from lawsuits. Attorney Morning reminded the Commissioners of their obligation to Next Era by contract to assist in the zoning process.

Commissioner Wilkinson commented that he did not have a problem with asking Trent to step down but he has a problem with a company taking the initiative to request a board member to step down.

Mr. Wilkinson recommend that Marvin Cole sit in for Craig Trent for the BZA meeting of November 16<sup>th</sup> only, but then withdrew his motion stating that would be an implication that Mr. Trent was biased.

Bruce Levi then asked Craig Trent once again if he could be impartial and follow the statutes. Mr. Trent replied "yes". Therefore no official action was taken.

Paul Wilkinson moved to adjourn at 5:35 p.m. Mark Bacon seconded the motion. Motion carried.

/s/ Bruce Levi  
Bruce Levi, Chairman

/s/ Mark Bacon  
Mark Bacon

/s/ Paul Wilkinson  
Paul Wilkinson

ATTEST:

/s/ Mary Ann Beard  
Mary Ann Beard, Auditor