

BOARD OF WORKS SPECIAL MEETING

December 14, 2023 – 5:00 PM

Second Floor, City Building, 201 S. Union Street

Mayor Anita Werling opened the meeting at 5:00 p.m. Those present rose for the Pledge of Allegiance. The meeting was recorded on Zoom.

Leanne Aldrich called the roll. Present were Spencer Kingery, Breanna Maxwell, and Mayor Werling.

Minutes from the December 4th, 2023 meeting were presented. Spencer Kingery moved to approve as read. Second by Breanna Maxwell. Motion carried. (3-0)

Claims totaling \$285,285.50 were presented. Breanna Maxwell moved to approve the claims. Second by Spencer Kingery who asked why the claims were being presented separately from the regular Board of Works meeting on December 18. Mayor Werling explained that these were the first two disbursement requests for the Interurban Apartments which needed to get into the IEDC portal for reimbursement through READI 1.0 before the end of the year. Motion carried. (3-0)

Disciplinary Hearing.

Mayor Werling opened the Disciplinary Hearing for the disposition of charges against Officer Shane Bernhardt stating that the hearing would be conducted before the Board of Works with the Mayor presiding over the matter and with the proceedings being recorded via Zoom. Members of the audience were advised that public comment would not be permitted.

Identification of participants: The following participants were introduced:

- Mayor Anita Werling, Presiding Officer
- Spencer Kingery, Board of Works member
- Breanna Maxwell, Board of Works member
- Attorneys:
- Miriam Robeson, Representing the Board of Works
- Michael Dean, Representing the City of Delphi
- Elizabeth Bemis, Representing Officer Shane Bernhardt
- Chief Nate LaMar
- Officer Shane Bernhardt

Arrestment.

- Mayor Werling read the charges to Officer Bernhardt .

Opening Statements

- Mayor Werling invited opening statements, starting with the Prosecution.
- Prosecuting attorney Michael Dean presented his opening statement Defense attorney Elizabeth Bemis gave an opening statement

Presentation of Evidence: Prosecution

- Mayor Werling invited the Prosecution to present its case
- The Prosecution, in making its case, entered the Exhibits 1 through 10, with the attorneys agreeing to a redacted version of Exhibit !1:
- The Prosecution called the following witnesses, duly sworn in by Board of Works Attorney Miriam Robeson:

1. Officer Justin Wilson
2. Sgt. Colin Deckard

3. Chief Nate LaMar

- The Prosecution asked for a brief recess before calling Chief LaMar to the stand. A ten-minute recess was granted at 6:20 p.m. with the hearing resumed at 6:30 p.m.
- Following the examination and cross-examination of Chief LaMar, the Prosecution rested its case

Presentation of Evidence: Prosecution

- Mayor Werling invited the Defense to present its case
- The Defense, in making its case, entered the Exhibits A through E into evidence.
- The Defense called the following witnesses, duly sworn in by Board of Works Attorney Miriam Robeson:
 1. Former Chief Brook McCain
 2. Officer Shane Bernhardt
- The Defense rested its case

Closing Statements

- The Prosecution presented its closing statement to the Board
- The Defense presented its closing statement to the Board

Hearing Closed

- Mayor Werling closed the disciplinary hearing

Board Consideration of the charges against Officer Bernhardt

Mayor Werling informed the Board members that they could either take action then or take further time to review and consider the evidence. In the case of the latter, an executive session had been set for Monday, December 18, 2023 at 5:00 p.m. at which time the board could review the facts. However, the decision of the Board must be made in a public session. The options would be to dismiss the case, terminate the officer, or render other disciplinary action.

The consensus of the board was to meet in executive session on Monday, December 18, 2023 and render its decision at the public meeting of the Board of Works at 5:30 p.m.

Copies of the relevant Indiana codes related to the charges were presented to the Board and evidence number 11 was edited by agreement of both Prosecution and Defense attorneys.

Spencer Kingery moved to adjourn. Second by Breanna Maxwell. Without objection, the meeting was adjourned at 7:54 p.m.


Mayor Anita Werling


Leanne Aldrich, Attest