

**HOWARD COUNTY COUNCIL REGULAR MEETING JUNE 24, 2008**

The Howard County Council met Tuesday, June 24, 2008 at 7:00 p.m. in Room #338 of the Howard County Administration Center. Those present included President Richard Miller, Vice President James Papacek and Members Stan Ortman, Leslie Ellison, Paul Wyman and Joe Pencek. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Miller.

**IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the May 27, 2008 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Papacek and seconded by Mr. Ellison.

**IN THE MATTER OF OPENING COMMENTS:**

President Miller opened the floor for Council comment as follows:

1. Councilman Paul Wyman commented on the Strawberry Festival sponsored by the Kokomo Downtown Association on Thursday, June 5<sup>th</sup>. The association had sold out of strawberries by 1:50 p.m., selling about 3,000 bowls of strawberry shortcake. Carver Center hosted the Kokomo Rib Fest which turned out to be a huge success. The Haynes Apperson Festival begins Thursday, July 3<sup>rd</sup> and ends Saturday night, July 5<sup>th</sup>. He encouraged Council members to attend.
2. Councilman Ellison attended the State Board of Accounts called County Council Conference. It was very informative and information from the conference will be available on the State's website.

**IN THE MATTER OF ORDINANCE NO. 2008-HCCO-18 - ADDITIONAL APPROPRIATIONS:**

Auditor Ann Wells read Ordinance No. 2008-HCCO-18 - Additional Appropriations one time and the Council acted upon such as follows:

<u>001</u>	<u>Howard County General Fund</u>	<u>REQUESTED:</u>	<u>APPROVED:</u>
<u>005</u>	<u>Howard County Sheriff</u>		
01140.01	Overtime - Court Security Officers	\$ 15,000.00	\$ 15,000.00
04726.00	Law Enforcement Canine	\$ 10,000.00	\$ 10,000.00

Sheriff Marshall Talbert informed the Council members of the need to appropriate additional money into the overtime account for the Court Security Officers. There are two officers to man the machinery at the Courthouse. Last year vacation time was not an issue. This year both officers have earned vacation time and funds are needed to cover time worked by the corrections officers that have been carefully trained to replace them. Also, Security Officers often work nine hours a day and overtime funds would be needed to pay them.

Prosecutor Fleming has dedicated \$10,000.00 in the General Fund for a Law Enforcement K-9. Sheriff Talbert is requesting this amount be appropriated to the K-9 line item. The animal is needed to replace the retired Jorka and its handler, Mark Fisher. Mike Ogle has returned from Iraq and will be the dog handler for the new K-9.

A motion was made by Mr. Papacek to approve the request of \$15,000.00 in line item 011410.00, Overtime - Court Security Officers, and \$10,000.00 in line item 04726.00, Law Enforcement Canine. The motion was seconded by Mr. Ortman and carried.

Sheriff Talbert reported to the Council that President Miller's son-in-law, Matthew Bilkey, was promoted to the rank of Lieutenant and will be directing the Peru District post of the State Police Department.

<u>017</u>	<u>Howard County Voter Registration</u>		
03212.00	Postage	\$ 2,500.00	\$ 2,500.00

Ms. Carol Shallenberger reported an unprecedented primary election, this year. Their department is in need of more money for postage.

The request for additional funds in the amount of \$2,500.00 in line item 03212.00, Postage, was approved on a motion made by Mr. Wyman and seconded by Mr. Ellison.

<b>TOTAL COUNTY GENERAL FUND</b>		<b>\$ 27,500.00</b>	<b>\$ 27,500.00</b>
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**104                    Howard County Juvenile Probation Fund**

04723.00	Vehicle Purchase	\$ 9,200.00	\$ 9,200.00
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Presently the Juvenile Probation Department has a Dodge Durango used for probation visits and a Chevrolet Lumina that is used for Home Detention visits. In looking at actual vehicle usage, Chief Probation Officer Don Travis believes that the department is able to do its job using just one vehicle. Mr. Travis would like to trade in the Durango and the Lumina for a Chevrolet Impala from Eric's Chevrolet in the amount of \$9,911.00. The vehicle would be paid by user fee funds.

A motion was made by Mr. Ortman, seconded by Mr. Papacek and carried to approve the request of \$9,200.00 in line item 04723.00, Vehicle Purchase.

**105                    Howard County Adult Probation Fund**

01119.01	Part Time / Overtime	\$ 3,000.00	\$ 3,000.00
01521.00	FICA	\$ 300.00	\$ 300.00
02330.00	Uniform Allowance	\$ 750.00	\$ 750.00
03300.00	Garage & Motor Repair	\$ 300.00	\$ 300.00
03301.01	Gas, Oil & Lube	\$ 1,000.00	\$ 1,000.00
04723.00	Vehicle Purchase	\$ 18,200.00	\$ 18,200.00

Chief Probation Officer Travis informed the Council that by law, the probation department is to be making home visits to adult sex offenders to monitor internet usage. To date that is not being accomplished. Most of the listed requests are to provide a person and resources to make the needed home visits. The requested vehicle is a 2008 Chevrolet Impala from Eric's Chevrolet, in the amount of \$18,111.00.

A motion was made by Mr. Ortman, seconded by Mr. Ellison and carried to approve the additional requests for the Adult Probation user fee fund as submitted.

<b>TOTAL ADULT PROBATION FUND</b>		<b>\$ 23,550.00</b>	<b>\$ 23,550.00</b>
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**182                    Howard County LEEF Training Fund**

03213.00	Training	\$ 1,014.00	\$ 1,014.00
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Sheriff Talbert reminded the Council that the money that supports this fund is the \$3.00 appropriated from each traffic ticket. \$1,014.00 needs to be appropriated from this fund for officer training purposes.

A motion was made by Mr. Papacek, seconded by Mr. Pencek and carried to approve the request of \$1,014.00 in line item 03213.00, Training.

**137                    Howard County Nurse - AIDS Grant Fund**

01111.00	Nurse	\$ 6,250.00	\$ 6,250.00
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Health Department Director Kent Weaver informed the Council that funds have been received for this AIDS Grant and need to be appropriated to pay the nurse's salary.

The request to appropriate \$6,250.00 in line item 01111.00, Salary, was approved on a motion made by Mr. Wyman and seconded by Mr. Pencek.

**932                    Howard County Health - Bioterrorism Preparedness Grant**

02371.00	Other Supplies	\$ 500.00	\$ 500.00
03213.00	Travel & Training	\$ 1,000.00	\$ 1,000.00
03216.00	Communications	\$ 1,100.00	\$ 1,100.00
03321.00	Mileage	\$ 600.00	\$ 600.00
03241.00	Printing	\$ 500.00	\$ 500.00
03120.00	Contract Services	\$ 1,000.00	\$ 1,000.00
03212.00	Postage	\$ 300.00	\$ 300.00

04721.00	Equipment	\$	4,600.00	\$	4,600.00
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This Grant is an ongoing grant and money is received in intervals. This request is to appropriate the latest amount of the fund received.

A motion was made by Mr. Papacek, seconded by Mr. Pencek and carried to approve the requests in the Bioterrorism Preparedness Grant as submitted.

<b>TOTAL BIOTERRORISM PREPAREDNESS GRANT</b>		\$	<b>9,600.00</b>	\$	<b>9,600.00</b>
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**500            Howard County CEDIT Fund**

03001.00	Russiaville / New London Conservancy	\$	48,000.00	\$	48,000.00
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Commissioner Dave Trine presented the Board of Commissioners' request for \$48,000.00 in the CEDIT Fund to loan to the New London Conservancy District / Town of Russiaville Project. The New London Conservancy District has experienced difficulties and the Town of Russiaville has agreed to partner with Howard County and the Conservancy District to help make the District successful. After sitting in on several project meetings, Mr. Miller remarked that this is a marvelous option. Mr. Trine did note that this \$48,000.00 is a loan and the District will begin payments of \$2,333.00 in the year 2009, with a balloon payment in 2015.

A motion was made by Mr. Wyman, seconded by Mr. Ellison and carried to approve the request of \$48,000.00 to line item 03001.00, Russiaville / New London Conservancy.

<b>TOTAL ADDITIONALS ALL FUNDS:</b>		\$	<b>125,114.00</b>	\$	<b>125,114.00</b>
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**IN THE MATTER OF RESOLUTION NO. 2008-HCCR-11 - TRANSFERS:**

Resolution No. 2008-HCCR-11 - Transfers was read in full one time by Auditor Ann Wells and acted upon as follows:

	<b>Transfer From:</b>	<b>To:</b>	<b>Amount Requested:</b>	<b>Allowed:</b>
<b><u>001</u></b>	<b><u>Howard County General Fund</u></b>			
<b><u>002</u></b>	<b><u>Auditor</u></b>			
01116.01	Assistant Property Records Tech	01118.00 Overtime	\$ 3,000.00	\$ 3,000.00

Auditor Wells explained to the Council that she has so many people working overtime that she can't afford to let them all off at the same time. There are extra funds in Assistant Property Records Tech to transfer.

A motion was made by Mr. Wyman, seconded by Mr. Papacek and carried to approve the transfer of \$3,000.00 from line item 01116.01, Assistant Property Records Tech to 01118.00, Overtime.

**IN THE MATTER OF SALARY ORDINANCE NO. 2008-HCCO-19 - AMENDING SALARY ORDINANCE FOR 2008:**

Salary Ordinance No. 2008-HCCO-19 - Amending Salary Ordinance For 2008 was read in full one time by Auditor Wells and acted upon as follows:

<b><u>105</u></b>	<b><u>Howard County Adult Probation Fund</u></b>	<b>REQUESTED:</b>	<b>APPROVED:</b>
01119.01	Part Time / Overtime	\$ 3,000.00	\$ 3,000.00
<b><u>137</u></b>	<b><u>Howard County Health - AIDS Grant</u></b>		
01111.00	Nurse <i>(Maximum per Hour \$16.50)</i>	\$ 6,250.00	\$ 6,250.00

A motion was made by Mr. Papacek, seconded by Mr. Pencek and carried to approve Salary Ordinance No. 2008-HCCO-19 - Amending Salary Ordinance For 2008.

**IN THE MATTER OF ORDINANCE NO. 2008-HCCO-22:**

Ordinance No. 2008-HCCO-22 was presented by E-911 Coordinator Tony Ramsey. This ordinance increases the enhanced emergency telephone system monthly fee from the \$.56 to \$.91. This fee has not been changed since 1993. Mr. Ramsey began by reviewing the E911 fund's budget amounts, cash on hand, miscellaneous revenue and surplus funds. He also

reviewed a timeline and justification for the suggested increase in monthly E911 fees. Mr. Ramsey and Mr. Miller explained to the Council that the Board of Commissioners had approved the purchase of CODESPEAR, an emergency mass notification system using reverse E911 information. The cost of the program will be \$25,000.00 for the first year and \$24,150.00 for subsequent years (*please refer to page five, item one, "In The Matter Of Emergency Management Agency Issues" of the Regular Commissioner Meeting minutes dated May 19, 2008*). Mr. Ramsey recommended the increase in fee to \$.91. Discussion ensued concerning how the system works between land lines and cell phones, legislation enacted to install emergency sirens, and ongoing studies for possible legislative changes concerning funding concepts for E911. At the conclusion of discussion, a motion was made by Mr. Wyman, seconded by Mr. Pencek and carried to approve Ordinance No. 2008-HCCO-22, increasing the E911 fee to \$.91 effective August 1, 2008.

#### **IN THE MATTER OF COUNTY ASSESSOR ISSUES CONCERNING HOUSE BILL 1001:**

County Assessor Jamie Shepherd was in attendance to speak to the Council concerning House Bill 1001. House Bill 1001 declares that the assessor of any township with less than 15,000 parcels is to finish out their elected term and assist the County Assessor with the transfer of records to the County office. As of July 1<sup>st</sup>, they are to no longer assess real or personal property but are to finish their other duties and assist the County Assessor until the completion of their term. There are several issues that must be finalized before the July 1<sup>st</sup> deadline. The Attorney General made the decision that the salary for the election position could not be changed until the end of the budget year. That decision did not address the deputy assessor position. All the Deputy Township Assessor positions are paid annually, except for Harrison and Taylor Townships, which are paid weekly. The Township Assessors are paid quarterly with the exception of Harrison and Taylor which are paid weekly. The annually paid Deputies were to be paid the previous week, but Ms. Shepherd held those payments until she could bring the situation to the Council for their recommendation. As pertaining to the assessor budgets, Ms. Shepherd believes it would be simpler to give the individual signing rites over to the County Assessor in order to complete the year, than to de-appropriate the township assessor budget and re-appropriate to the County's budget. A motion was made by Mr. Wyman to recommend that the County Assessor assume the budgets of the Township Assessors of townships with less than 15,000 parcels, effective July 1, 2008. The motion was seconded by Mr. Papacek and carried.

As to the question of whether to pay the Deputy Assessors their annual salary or to pay them a six-month salary, Mr. Ortman commented that he would like to see the Deputy Assessors treated compassionately and pay them the amount budgeted. Ms. Shepherd did inform the Council that all the work they were hired to do must be done by July 1<sup>st</sup>. At the conclusion of discussion, a motion was made by Mr. Wyman, seconded by Mr. Papacek and carried to pay the Deputy Assessors / Trustees the full amount of the annual budgeted salary because they will have completed the work they were assigned to do and because the full salaries have been budgeted. Mr. Miller encouraged Ms. Shepherd to call on the deputies to assist in the County Assessor's duties.

#### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

Sheriff Talbert presented the following issues for Council information and approval:

1. **Department Of Corrections Check:** Sheriff Talbert presented a check from the Indiana Department of Corrections in the amount of \$18,725.00 for the housing of inmates.
2. **Presentation Of Restitution Check:** A check in the amount of \$1,080.00 was also given to Auditor Wells as a restitution for damages done to the Criminal Justice Sign by an intoxicated driver.
3. **Lightning Strike:** There was a lightning strike on the antennae of the Criminal Justice Center. Sheriff Talbert commends both Terry Tribby and Art Fross and their crews for the work they did. The intercom system was damaged and Simplex Grinnell has been unavailable due to the flooding in southern Indiana. A temporary system was constructed and is being used until Simplex Grinnell is available.
4. **Pending Lawsuit:** Sheriff Talbert informed the Council of a pending lawsuit submitted by an inmate who suffered a heart attack. In response to the lawsuit the Sheriff's Department has purchased four (4) AED Defibrillators and they have been installed and have been checked by a qualified technician. All four AEDs have pads and CPR barrier devices; they have been purchased through Misdemeanant funds.
5. **Firearm Purchase:** The Sheriff's Department received a recommendation from the risk manager of our Insurance Company that all the Department's officers use the same kind of firearms and that they be serviced in

house. They are currently working on selection of a firearm and firearms will be purchased from the Firearms Training Fee fund.

6. **New Phone System:** The new inmate phone service is in the process of being installed by Securus.
7. **Commissary Report:** The Commissary Report for the months of April and May, 2008 was submitted and reviewed.

President Miller commended Terry Tribby for the quick response and repair of the system after the "meltdown" that occurred with the lightning strike. Mr. Tribby in turn commended Network Administrator Jeremy Stevens for his tireless efforts.

Mr. Papacek informed the Sheriff that he noticed a car on fire in the parking lot of the Criminal Justice Center, early Sunday morning. Sheriff Talbert confirmed that indeed there was a fire Sunday morning. Extinguishers were brought to the scene, and while they did not extinguish the fire, they did aid in controlling the fire so that the surrounding vehicles could be removed to safety.

#### **IN THE MATTER OF TAX STATEMENTS:**

Treasurer Martha Lake reported to the Council that about 120,000 tax statements have been sent, front and back, to mortgage companies and tax bill payers. Preparation of the tax statements has put a great load on the office's equipment, and she has already put \$17,000.00 on the postage machine for mailing of the bills. Money for extra toner and postage will be needed.

#### **IN THE MATTER OF PERSONNEL DEPARTMENT ISSUES:**

Personnel Director Wanda McKillip presented the following handbook changes and issues for Council information and approval:

1. **Vacation Pay Back:** The revised policy reads as follows:
  16. **Vacation Buy Back - 24 Hour a Day / 7 Day a Week Operations - Criminal Justice Center, Kinsey Youth Center and Howard Haven Residential Center**

Full-time Employees who are employed with the Criminal Justice Center, Kinsey Youth Center and Howard Haven Residential Center that are required to work a rotation schedule are eligible for a County buy-back of up *to ten (10) vacation* days per year. Full-time Employees who work a Monday through Friday schedule are not eligible for vacation buy-back. Approval for the employee to participate in the buy-back must be made by the Elected Official or Department Head. ***Employees may request the buy-back twice a year in the months of June and December. Vacation payment will be made at straight-time pay and included in the last pay of the months of June and December.***
2. **Overtime Policy:** A portion of the Overtime Policy is changed to read as follows:
  - 3.10 Public safety employees eligible for overtime shall be paid at a rate of one and one-half times the hourly wage for all approved hours worked in excess of ***forty (40) in a normal workweek. Public safety employees who work additional hours in excess of their regular work schedules will be compensated at one and one-half times their hourly wage.***
3. **Addition of Breastfeeding Law:** New Indiana Legislation for breastfeeding is now included in the policy as follows:
  - 4.3.1 Effective July 1, 2008, Indiana law goes into effect which protects employees who participate in breastfeeding in the workplace. This law applies to businesses with 25 or more employees, as well as the state and political subdivision of the state. As written, the law requires employers to provide a private location, other than a toilet stall, where an employee can pump their breast milk in privacy during any period away from the employee's assigned duties.

Further, and to the extent reasonably possible, the employer must either provide a refrigerator (or other cold storage space) for keeping milk that has been pumped; or allow the employee to provide their own portable cold storage device for keeping milk that has been pumped until the end of the employee's work day. An employer will not be liable for any harm arising from either the pumping of the employee's breast milk or the storage of the milk except in cases of willful misconduct, gross negligence, or bad faith.

4. **Nurse Administrator:** Sheriff Talbert and Ree Moon, personnel director, request that the current LPN Nurse Andrea Stonestreet be promoted to the Nurse Administrator's position with the current salary of \$49,557.00. They also request hiring another LPN. All positions are currently in the budget. The current job description would be changed to an L.P.N. not an R.N. The current education reads: R.N. Degree from a college or university. Four years experience as a Registered Nurse in a skilled environment

The PAC Committee recommends the L.P.N become the Nurse Administrator with the salary of \$46,000.00 instead of the budgeted amount of \$49,557.00. They also request the hiring of another L.P.N. The current salary of an L.P.N. is \$41,409.00. When Andrea receives her R.N. degree her salary would be reviewed.

The Howard County Board of Commissioner's, in their June 16, 2008 meeting, recommended approval of the PAC Committee's recommendation of promoting L.P.N. Andrea Stonestreet to the Jail Nurse Administrator position, but at the originally budgeted salary of \$49,557.00 in lieu of the recommended \$46,000.00 (*please refer to page five, item two, "In The Matter Of Personnel Department Issues" of the Regular Commissioner Meeting minutes dated June 16, 2008*).

Sheriff Talbert stepped to the podium to speak regarding his recommendation to keep the budgeted salary of \$49,557.00 for the Nurse Administrator position. The biggest problem that Sheriff Talbert has had to face is that of inmate medical issues. He read various job descriptions and base pays of several positions in the private sector showing the wide discrepancy to the base pay that the County offers. It's very difficult to find a quality nurse to fill this position. Ms. Stonestreet has the experience to do the job and she is currently pursuing an R.N. degree with only eighteen months until completion. He believes it is crucial to maintain the currently budgeted salary. He also informed the Council that there is a liability issue involved and often the Nurse Administrator is a co-defendant in lawsuits brought against the Sheriff's Department. Sheriff Talbert offered an apology to Personnel Director Wanda McKillip for his comments at the Commissioner Meeting, June 16<sup>th</sup>. He continued to express great frustration at his inability to create stability in the nursing staff. He believes that as the County is asking her to fill the responsibilities of that position she should receive the rate of pay for that position, regardless of her present title.

At close of ensuing discussion, a motion was made by Mr. Wyman and seconded by Mr. Ortman to approve the PAC Committee's recommendation, but to keep the Nurse Administrator's salary at the budgeted rate of \$49,557.00. Commissioner Trine and Auditor Wells clarified the PAC Committee's consideration of other County LPNs. Discussion continued and there was a call to the question. The motion was carried.

President Miller took opportunity to review the revenue report submitted and distributed by the Auditor's Office.

There being no further business to come before the Council at this time, the meeting was adjourned on a motion made by Mr. Papacek and seconded by Mr. Stout.

**HOWARD COUNTY COUNCIL:**

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RICHARD A. MILLER, PRESIDENT

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JAMES T. PAPACEK, VICE PRESIDENT

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PAUL G. WYMAN, COUNCILMAN

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LESLIE ELLISON, COUNCILMAN

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STANLEY ORTMAN, COUNCILMAN

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JEFFREY STOUT, COUNCILMAN

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JOE PENCEK, COUNCILMAN

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Council Meeting June 24, 2008