

## **HOWARD COUNTY COUNCIL REGULAR MEETING JULY 22, 2008**

The Howard County Council met Tuesday, July 22, 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 Stanley Ortman, Leslie Ellison, Jeff Stout, Joseph Pencek and Paul Wyman.

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

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

The minutes of the June 24, 2008 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Stout and Mr. Papacek.

### **IN THE MATTER OF OPENING COMMENTS BY COUNCIL MEMEBERS:**

Councilman Wyman congratulated the volunteers of the Haynes Apperson Festival, citing that over 15,000 people attended: a record crowd for the festival. He also thanked the County for their cooperation with street closings and other matters.

### **IN THE MATTER OF ORDINANCE NO. 2008-HCCO-23 - ADDITIONAL APPROPRIATIONS:**

Ordinance No. 2008-HCCO-23 - Additional Appropriations was read in full one time by Auditor Ann Wells and acted upon as follows:

<b><u>137</u></b>	<b><u>Howard County Health - AIDS Grant Fund</u></b>	<b>REQUESTED:</b>	<b>APPROVED:</b>
01111.00	Nurse	\$ 8,500.00	\$ 8,500.00
01521.00	FICA	\$ 651.00	\$ 651.00
02337.00	Medical Supplies	\$ 2,824.00	\$ 2,824.00
03212.00	Postage	\$ 500.00	\$ 500.00
03260.00	Dues & Subscriptions	\$ 25.00	\$ 25.00

Health Department Director Kent Weaver reminded the Council members that this is the second half of the AIDS Grant expected to be received for this year.

A motion was made by Mr. Wyman, seconded by Mr. Ortman and carried to approve the Additional requests for fund 137 as submitted.

<b>TOTAL AIDS GRANT FUND</b>	<b>\$ 12,500.00</b>	<b>\$ 12,500.00</b>
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<b><u>252</u></b>	<b><u>Howard County Jail &amp; Juvenile COIT Fund</u></b>		
01522.00	PERF	\$ 100,000.00	\$ 100,000.00
01523.00	Insurance	\$ 450,000.00	\$ 450,000.00

Auditor Wells commented that the PERF and insurance requests are submitted at this time because we did not previously know what the employee totals would be and how much could be appropriated to this new fund. Mr. Wyman asked for an update on the Jail & Juvenile COIT situation. Chief Deputy Laurie Martin responded as follows:

Current Operating Balance	\$426,000.00 (not cash)
Deposited From Advance Draw of taxes collected	\$525,000.00
Expected Total Revenue	To Be Determined
Limit of what can be collected from taxpayers	\$3,086,000.00

Ms. Martin also reminded the Council that the reason the \$550,000.00 was not budgeted was because the County did not yet have the income to budget that amount.

A motion was made by Mr. Papacek, seconded by Mr. Ellison and carried to approve \$100,000.00 to line item 01522.00, PERF and \$450,000.00 to line item 01523.00, Insurance.

<b>TOTAL JAIL &amp; JUVENILE COIT</b>	<b>\$ 550,000.00</b>	<b>\$ 550,000.00</b>
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<b>515</b>	<b><u>Howard County Misdemeanant Fund</u></b>		
04721.00	Equipment	\$ 12,888.00	\$ 12,888.00

Sheriff Talbert asked for these funds to be appropriated to purchase new equipment including two new desks and chairs, lateral filing cabinets, and seven new computers, three of which will be set up as work stations in the roll call / training room.

The appropriation request of \$12,888.00 to line item 04721.00, Equipment, was approved on a motion made by Mr. Papacek and seconded by Mr. Stout.

<b>932</b>	<b><u>Howard County Health - Bioterrorism Preparedness Grant Fund</u></b>		
03212.00	Postage	\$ 600.00	\$ 600.00
02371.00	Other Supplies	\$ 10,700.00	\$ 10,700.00
03216.00	Communications	\$ 10,000.00	\$ 10,000.00
03120.00	Contract Services	\$ 2,000.00	\$ 2,000.00
03213.00	Travel & Training	\$ 2,000.00	\$ 2,000.00
03241.00	Printing	\$ 1,000.00	\$ 1,000.00
03321.00	Mileage	\$ 1,200.00	\$ 1,200.00
04721.00	Equipment	\$ 15,000.00	\$ 15,000.00

According to Mr. Weaver these requests are to appropriate the remainder of the Bioterrorism Preparedness Grant. He justified the purchases for each line item.

A motion was made by Mr. Papacek to approve the line item requests for the Bioterrorism Preparedness Grant as submitted. The motion was seconded by Mr. Ortman and carried.

<b>TOTAL BIO PREPAREDNESS GRANT FUND REQUESTS:</b>	<b>\$ 42,500.00</b>	<b>\$ 42,500.00</b>
<b>TOTAL ADDITIONALS ALL FUNDS</b>	<b>\$ 617,888.00</b>	<b>\$ 617,888.00</b>

**IN THE MATTER OF RESOLUTION NO. 2008-HCCR-13-TRANSFERS:**

Ms. Wells read Resolution No. 2008-HCCR-13 - Transfers one time and it was acted upon as follows:

	<b>Transfer From:</b>	<b>To:</b>	<b>Amount Requested:</b>	<b>Allowed:</b>
<b>001</b>	<b><u>Howard County Genera Fund</u></b>			
<b>018</b>	<b><u>Maintenance</u></b>			
01115.00	Labor / Maintenance	01118.00 Part Time	\$ 1,963.00	\$ 1,963.00

Buildings & Grounds Assistant Superintendent Scott Reed informed the Council that this request is needed to pay a part-time worker while one of their full-time employees is out with a Worker's Comp injury.

A motion was made by Mr. Ortman, seconded by Mr. Papacek and carried to approve the transfer of \$1,963.00 from line item 01115.00, Labor / Maintenance to line item 01118.00, Part Time.

<b>109</b>	<b><u>Howard County Convention &amp; Visitors Commission</u></b>				
03213.00	Mileage	04800.00	Vehicle Expense	\$ 1,000.00	\$ 1,000.00
03330.00	Advertising	04800.00	Vehicle Expense	\$ 2,000.00	\$ 2,000.00

Ms. Peggy Hobson of the Howard County Convention & Visitors Commission justified the transfer request by explaining to the Council that because of rising fuel costs there was a need to transfer unneeded funds from mileage and advertising into the vehicle expense line item.

The transfers for the Convention & Visitor's Commission were approved as submitted on a motion made by Mr. Stout and seconded by Mr. Pencek.

**IN THE MATTER OF SALARY ORDINANCE NO. 2008-HCCO-24 - AMENDING SALARY ORDINANCE FOR 2008:**

Auditor Wells read Ordinance No. 2008-HCCO-24 - Amending Salary Ordinance For 2008 one time and it was acted upon as follows:

		<b>REQUESTED:</b>	<b>APPROVED:</b>
<b><u>137</u></b>	<b><u>Howard County Health - AIDS Grant</u></b>		
01111.00	Nurse (maximum per hour \$17.00)	\$ 8,500.00	\$ 8,500.00

Ordinance No. 2008-HCCO-24 - Amending Salary Ordinance For 2008 was approved on a motion made by Mr. Papacek and seconded by Mr. Ortman.

**IN THE MATTER OF CREATION OF PART-TIME LINE ITEM FOR SUPERIOR COURT II:**

Superior Court II Judge Jessup submitted a request for the creation of a part-time line item and a transfer of funds into that line item. One of his employees gave notification of a twelve week FMLA leave for the adoption of a child. Judge Jessup believes that it is critical to employ a part-time person during the entire duration of the leave of absence. The part-time employee would be paid \$15.63 per hour @ thirty-five (35) hours per week.

A motion was made by Mr. Papacek, seconded by Mr. Ellison and carried to create a part-time line item for Superior Court II.

**IN THE MATTER OF PUBLIC DEFENDER ISSUES:**

Public Defender Steve Raquet presented a possible alternative approach to his 2009 budget. Mr. Raquet is examining different options to assist the council with the Public Defender's Budget. This alternative proposal shows eleven (11) full time deputies, in lieu of 2008's three full-time, and -0- part time deputies in lieu of 2008's sixteen part-time deputies. It also proposes five full-time secretaries. There is not adequate office space owned by the County, so Mr. Raquet priced space close to the downtown area available for purchase or rent. Rent and utilities will also be added to the 2009 budget. PERF, Health and Life Insurance, and FICA requests are lower in the proposed budget. With all the changes, the proposed 2009 budget alternative reflects a \$10,667.09 increase from the 2008 budget. One cost item not quantified in the alternative plan is conflict situations. If all the Public Defenders were full-time, representation would need to be contracted in conflict situations. Contracted Attorneys currently make between \$78 to \$100 dollars per hour. Currently the Public Defender's office is receiving two to five conflicts per week which can be assigned among the part-time deputies. Mr. Raquet submitted a report that outlines findings done in a study that considered the percentage of cases ending in a guilty verdict, and the average sentence length. Also submitted was a 2006/2007 Cost Comparison. The year 2006 was the last year the Public Defender's Office was **NOT** under State guidelines. Though the 2007 benefits and budgets had increased, they were offset by funds received by the State (less than 40% reimbursement), showing a savings of \$124,309.32 by adopting the State's guidelines. Because the 2007 budgeted funds were not spent in total (doing away with appeals), the savings were closer to \$150,000.00. Mr. Raquet estimates that Howard County will be receiving a 40% reimbursement on three quarters of the year and 37% on the fourth quarter. Five statewide Public Defenders are meeting to work on legislation that will determine whether the State reimburses more money or totally takes over the Public Defender system. Several council members posed questions or gave their comments, at this time.

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

Sheriff Marshall Talbert submitted the following issues for Council information and approval:

1. **Department Of Corrections Reimbursement Check:** Sheriff Talbert informed the Council that at the July 7<sup>th</sup> Commissioner Meeting he presented the Auditor with a reimbursement check in the amount of \$27,440.00, to be receipted into the County's General Fund (*please refer to page one, item one, "In The Matter Of Sheriff Department Issues" of the Regular Commissioner Meeting dated July 7, 2008*).
2. **Commissary Report:** Sheriff Talbert submitted copies of the Commissary Report for the month of June, 2008. Total debits were in the amount of \$20,786.14 and total credits amounted to \$28,132.37.
3. **Comment Concerning Public Defender's Office:** Sheriff Talbert commented on a suit that was brought against the County from a former inmate who is being represented by an attorney from the Public Defender's

Office. He does not understand why this is not considered a "Conflict Of Interest" by the attorney. Attorney Larry Murrell and Mr. Papacek commented on this issue. The concept of "...you don't bite the hand that feeds you" is apparently no longer being observed.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:00 p.m. 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 July 22, 2008