

HOWARD COUNTY COUNCIL REGULAR MEETING JUNE 22, 2010

The Howard County Council met Tuesday, June 22, 2010 at 7:00 p.m. in Room 338 of the Administration Center. Those present included President Richard Miller, Vice President Paul Wyman, and members James Papacek, Stan Ortman, Leslie Ellison, Joseph Pencek and Jeff Stout. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

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

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the May 25, 2010 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Ellison and seconded by Mr. Ortman.

At this time the County Council was led in a word of prayer by Councilman Ortman.

IN THE MATTER OF COUNCIL COMMENT:

At this time President Miller opened the floor for comment from the Councilman as follows:

Councilman Papacek commended Sheriff Talbert for his work to equip the Criminal Justice Center with a skilled nursing staff and good medical care for the inmates. He believes that there have been times when the Sheriff has received some criticism from the County executives for that. Recently there was an incident at the Tippecanoe Jail that may cause an expenditure due to neglect, that is greater than funds expended for quality nursing and medical care.

Councilman Wyman recognized Councilman Stout and his wife, Beth Ann, in the event of their twenty-fifth wedding anniversary, today.

Councilman Wyman recognized the recent passing of community leader William Sahm. Mr. Sahm served Howard County in many leadership capacities. He believes our community will miss Mr. Sahm.

The Haynes Apperson Festival will be held on Thursday, Friday and Saturday, July 1st through the 3rd, in downtown Kokomo. There's a great line-up of entertainment and a parade on Saturday. Accommodations have been made for the Sheriff's Department to access the Courthouse during business hours.

IN THE MATTER OF ORDINANCE NO. 2010-HCCO-18 – ADDITIONAL APPROPRIATIONS:

Auditor Ann Wells read Ordinance No. 2010-HCCO-18 – Additional Appropriations one time and it was acted upon as follows:

<u>001</u>	<u>Howard County General Fund</u>	AMOUNT	APPROVED:
<u>009</u>	<u>Howard County Coroner</u>	REQUESTED:	
02360.00	Office Supplies	\$ 700.00	\$ 700.00
02371.00	Other Supplies (<i>Cadaver Bags</i>)	\$ 5,000.00	\$ 5,000.00
03263.04	Transport	\$ 3,000.00	\$ 3,000.00

Howard County Coroner Jay Price informed the Council that there have been a high number of autopsies this year. Last year at this time, the Coroner's office had already worked sixty-one (61) cases. This year at the same time, the office has one hundred forty-three cases (143) which is an increase of eighty-two (82) cases. The budget has taken a hit. He also believes that health-care providers have noticed that Howard County is doing a better job in their investigations so are getting more cases. He is having difficulty obtaining cadaver bags and is currently out of bags, except for what the Emergency Management Agency has. He is hoping these appropriations will last through the end of the year but he cannot guarantee it.

Mr. Miller expressed appreciation to Mr. Price for the good work that he does. Mr. Miller has received many comments from people concerning Mr. Price's kindness and care of people as they deal with the loss of a loved one. A motion was made by Mr. Wyman to approve the Additional Appropriation requests as submitted. The motion was seconded by Mr. Pencek and carried.

TOTAL GENERAL FUND	\$ 8,700.00	\$ 8,700.00
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050	<u>Howard County Jury Pay Fund</u>		
03125.00	Jury Expenses	\$ 10,000.00	\$ 10,000.00

Chief Deputy Auditor Laurie Martin informed the Council that the Jury Pay Fund is a fund that houses the \$2.00 fee collected by the Clerk's Office for each court case. It is set aside specifically for jury payment and jury expenses, and can be used in lieu of County General funds. There is currently \$11,000.00 in the fund and Ms. Martin is requesting that \$10,000.00 of the cash be appropriated to the Jury Expenses line item (03125.00).

A motion was made by Mr. Papacek to approve the appropriation request of \$10,000.00 to line item 03125.00, Jury Expenses. The motion was seconded by Mr. Stout and carried.

515	<u>Howard County Sheriff – Misdemeanant Fund</u>		
01115.02	Part Time Clerical	\$ 6,800.00	\$ 6,800.00
03213.00	Training	\$ 700.00	\$ 700.00

Sheriff Talbert explained that both requests have to do with the medical office at the jail. He expressed appreciation to Mr. Papacek for his comments, earlier in the meeting. The part time clerical request is to continue to fund the clerical worker in the medical office who does the paperwork and filing so that the three full time nurses and one part-time nurse can treat the inmates, distribute the medications, and continue communications with the physicians. This system also helps to keep documentation in order in case of future litigation. The training request is for a medical conference in Chicago. Sheriff Talbert was approached by Kinsey Youth Center Director Brent Kelley concerning a medical conference that he would like to send the Kinsey Youth Center nurse to. The conference is in Chicago and he would like to split the cost of the training with the Sheriff's medical staff. They will be using one of the transport vans from the Sheriff's Department.

A motion was made by Mr. Papacek to approve the appropriation of \$6,800.00 in line item 01115.02, Part Time Clerical and \$700.00 in line item 03213.00, Training. The motion was seconded by Mr. Ellison and carried.

TOTAL MISDEMEANANT FUND	\$ 7,500.00	\$ 7,500.00
TOTAL APPROPRIATIONS ALL FUND	\$ 26,200.00	\$ 26,200.00

IN THE MATTER OF RESOLUTION NO. 2010-HCCR-08 – TRANSFERS:

Resolution No. 2010-HCCR-08 – Transfers was read in full one time by Auditor Wells and acted upon as follows:

	TRANSFER FROM:	TO:	AMOUNT REQUESTED:	ALLOWED:
138	<u>Howard County C.A.S.A. Fund</u>			
01523.00	Insurance	03262.00 Professional Fees	\$ 3,000.00	Tabled

CASA Director Katina Silver was not able to attend the meeting and explain the transfer request. The transfer paperwork stated, "To cover expenses to replace old copier". In order to obtain further clarification of the request, a motion was made by Mr. Papacek, seconded by Mr. Stout and carried to table Resolution No. 2010-HCCR-08 – Transfers.

IN THE MATTER OF APPROVAL OF MINUTES:

Auditor Wells submitted minutes from the Joint Executive Session of the Howard County Board of Commissioners and Howard County Council held May 28, 2010. The minutes were reviewed and approved on a motion made by Mr. Ortman and seconded by Mr. Wyman.

IN THE MATTER OF A REQUEST TO REPLACE A JOB SHARE POSITION IN THE TREASURER'S OFFICE:

At the May 25th Council meeting the Councilmen approved to replace the Real Estate Assessor position in the County Assessor's Office laterally from another County office {suggesting Treasurer or Auditor offices}, but prohibit the originating office the replacement employee comes from, to replace their position (*please refer to page three, "In the Matter Of A Rehire Request For The County Assessor's Office", of the Regular Meeting minutes dated May 25, 2010*). Treasurer Martha Lake previously e-mailed a letter to the Council members justifying the need to replace a job-share position that is vacated to replace the Chief Deputy that transferred to the County Assessor's Office. Ms. Lake continued to explain the job-share positions. A job share position is considered a part time position and does not offer benefits. The

\$5,000.00 needed to support that position until the end of the year, has already been appropriated in the budget. Even though her office collects taxes twice a year, the office remains busy with other tasks after taxes have been collected. As an Elected Official she has to equip her office to serve the taxpayers and give them correct and dependable financial figures. At the conclusion of ensuing discussion a motion was made by Mr. Papacek to approve the replacement of the job-share position. The motion was seconded by Mr. Pencek. A point of order was made to continue discussion before taking a vote concerning motion on the floor. Discussion continued. At its conclusion a vote was taken with five aye votes and one nay vote. The motion carried.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **May Commissary Report:** Sheriff Talbert submitted and reviewed the May 2010 Monthly Commissary Report, of which the ending balance was \$15,215.94.
2. **Sheriff Sale:** Sheriff Talbert reported that there are one hundred six properties on the Sheriff Sale listing. The Department is using Lieberman Technologies to administrate the sale.
3. **DOC Holds:** There are currently no Department of Corrections holds at the Criminal Justice Center. All the bed space is needed for Howard County inmates. Sheriff Talbert reminded the Council that even though it frees up bed space for Howard County, it also means that we don't receive money from the DOC at the end of the month, to pay for any prisoner holds.
4. **Unclaimed Property Notice:** The Sheriff's Department received notification from the Attorney General's office concerning a November 1st deadline for unclaimed monies to be sent to the Attorney General's Office. Sanctions will be placed on those who do not comply with that deadline. Sheriff Talbert assured the Council that his employees continue to work on the Inmate Trust Accounts to insure that Howard County will be able to comply with the November 1st deadline.
5. **Uncontrollable Expenses:** Sheriff Talbert reminded the Council that, similar to the Coroner's report earlier in the meeting, the Sheriff's Department also experiences events and expenses they can't control. There are several high-profile court cases coming up in the next month. They will require extra security and juror expense. Sheriff Talbert and his staff do their best to control the expenses they can anticipate. He was happy to announce that the Department will not be purchasing vehicles, this year, because of the changes they've been able to make in fleet management.

IN THE MATTER OF AN INTERLOCAL AGREEMENT FOR THE CANON-GOYER DRAIN:

The Howard County Drainage Board has been working with the Indiana Department of Transportation concerning reconstruction work that has been progressing on US 35/22 and impacts the Canon-Goyer legal Drain. Acting Surveyor Greg Lake, Attorney Murrell and the Drainage Board have been working with INDOT to reach an agreement that will be beneficial to Howard County and also meet the drainage requirements imposed by INDOT. Mr. Murrell now submits an Interlocal Agreement between Howard County and INDOT for the Council's approval and asks that the Drainage Board be authorized as the Executive. Mr. Lake addressed the Council with additional information. This Agreement will allow Howard County to use State funding and DOC money to improve the Canon-Goyer Drain and the whole watershed area. The State will pay Howard County a sum of \$350,000.00 and we agree to take care of their water detention and quality issues on the project. This will afford the County a greater impact on a watershed concept for a lesser amount of money, as well as use this seed money for other reconstructions Howard County is in need of. At the conclusion of agreement specifics given by Mr. Murrell and Mr. Lake, a motion was made by Mr. Wyman to approve the Interlocal Agreement with the Indiana Department of Transportation. The motion was seconded by Mr. Papacek and carried.

IN THE MATTER OF CONSOLIDATION DISCUSSION BETWEEN THE COUNTY COUNCIL AND THE BOARD OF COMMISSIONERS WITH INDIANA STATE SENATOR JAMES BUCK:

Senator Buck addressed all those present to clarify the State Legislature's Bill #1362, commonly known as the Government Modernization Act. This Act is a culmination of ideas to institute a method by which individuals could consolidate one or more governmental offices. There is an "extreme difference" between Interlocal Agreements and government consolidation. More money is saved through the consolidation of services and/or purchasing. When consolidating

governments there may or may not be monetary savings. In 2005 the Governor proposed that the legislature consolidate or eliminate some government offices. Speaker Bosma opposed the mandatory process being pursued by the State and appointed Mr. Buck as the lead author of the plan that was to become #1362. After several weeks of meetings with the Governor's office, it was clear that Mr. Bosma and Mr. Buck would not be able to reach an agreement with the Governor's office concerning this matter. A Representative was chosen as an intermediary between the Governor's Office and the State Legislature and another bill was introduced. That bill was never brought to the floor of the Congress, but #1362 was heard and approved by the Senate. When it went to the Representatives, several changes were introduced and the final approved bill gave the local government officials the right to make the final decision on consolidation matters. Senator Buck continued to give a brief history on Indiana local government, advice from other counties that have consolidated government, and what it takes to seek consolidation. He strongly confirmed that those counties that have consolidated their government have not seen a cost savings, and that includes Marion County. At the conclusion of his presentation, Senator Buck was received with appreciation.

IN THE MATTER OF A REQUEST FOR COUNTY MATCH MONEY TO PARTICIPATE IN A GRANT TO BUY PORTABLE RADIOS FOR VOLUNTEER FIRE DEPARTMENTS:

Commissioner President David Trine submitted a request to the Council to fund a matching portion of a Grant secured by the Kokomo Fire Department for radios for fire departments, including volunteer fire departments. This grant request was approved by the Board of Commissioners for recommendation to the County Council. Mr. Trine submitted information outlining the financial responsibilities of the City of Kokomo and Howard County. The City of Kokomo is to be responsible for 37% of the funding, in the amount of \$75,766.00. The County would be responsible for the EMA, Greentown and Russiaville EMS, and Taylor and Harrison Twp. Fire Departments, in the amount of \$129,006.99. This is an opportunity to buy the radios for \$.20 on the dollar for radios that comply with the State's emergency program. It is possible that in the near future the State may mandate radios that comply with their system. This is a way to save future expenses. At the conclusion of Mr. Trine's request, comment and discussion ensued on the following topics:

- 1) Even though the Fire Department began the process of grant application a year ago, no one from the Department made an official request to the Board of Commissioners or the County Council for the County to join in the grant application.
- 2) It is not the responsibility of the County to operate the Fire Departments. It is the responsibility of the City, Towns, and the Townships.
- 3) The possibility of loaning County funds to be repaid by the Townships.
- 4) Volunteer Fire Departments are working with antiquated radios and some repair parts can no longer be obtained. New radios that comply with the State can be purchased now at great savings.
- 5) The safety of the firefighter is involved in this issue. It is a helpless feeling when a volunteer firefighter is in the field and cannot reach dispatch because of the repeater. The grant will also pay for updated equipment in the dispatch center and, pursuant to a quote given by Integrity Communications concerning the grant, there are plans to install a repeater in the Russiaville area. It will service all emergency departments.
- 6) Also as a part of the grant (for dispatch equipment) is the ability to bury fiber cable from the Dispatch Center to the emergency radio tower. This will enable 100% connectivity for the wireless units.
- 7) Integrity Communications believes there is some marketability for the radios we replace and Information Systems Director Terry Tribby asks that if the Council decides to move forward with funding for the grant that the County would receive any radio that is replaced.
- 8) The Townships have indicated that though there may be a need, if not now then a few years down the road, they have no budget line item in this year's budget to support the purchase.
- 9) State Representative Ron Herrell was in attendance and offered to investigate a fund that had been created in 2003-2004 from the Safety First license plate, to be given by grant to various departments to buy radios.

At this time a motion was made by Mr. Wyman to approve the County match money in the amount of \$129,006.99 to be paid from the Cumulative Capital Fund (150), and before any radio distribution is made to the townships, that the Board of Commissioners arrange an agreement with the Township Trustees for repayment of those radios for up to a five year maximum loan with 0% interest. After some discussion, Mr. Wyman withdrew his motion in order to hear from the Township Trustees.

Comments from the Townships are listed as follows:

Gene Lushin, Center Township Trustee: Currently Mr. Lushin has a contract with the City of Kokomo to provide fire service to the unincorporated areas of Center Township. Currently the City of Kokomo has not asked Center Twp. for any extra money for radios. The townships are responsible for fire protection of the unincorporated areas of the County. They hold contracts with Galveston, Burlington, Converse, Marine Town, Young America, Russiaville and Greentown. Many of the contracts are outside of Howard County.

Virginia Marner, Howard Township Trustee: She deals with two different fire departments, one of those being Galveston. Galveston has contacted Ms. Marner and asked her not to buy radios for them. They will not need radios for another four to five years and don't see the need to spend the money at this time. This should have been taken to all the fire departments servicing Howard County, including the ones outside of Howard County that service the perimeter.

Landon Bartley, Russiaville Fire Chief: He deals with two Township Trustees and one Town Board. He doesn't think it should be the Township Trustee's responsibility to pay for all the radios. The City of Kokomo has decided their issues and they are ready to move forward. The County is not ready to move forward and is still in the phase of deciding whose responsibility it is to finance the radios. He has eighteen men and three women whose safety is his responsibility. He's also responsible the safety of the citizens of Honey Creek and Monroe Townships, as well as the Town of Russiaville. He needs appropriate equipment to do his job effectively. The Russiaville Fire Department does not have enough money to purchase the radios. Three weeks ago one of their radios was damaged beyond repair in a fire. It will cost \$4,140.00 to replace the radio. The contract with the Township Trustees is for fire protection, not the purchase of equipment.

Discussion ensued concerning what to do with radios ordered and purchased but not needed, and if this is an all or nothing grant. Also discussed was the deadline of noon tomorrow and how to make the best decision by that time. **At its conclusion a motion was made by Mr. Ortman to appropriate \$129,006.99 from CEDIT to fund the county's portion of the grant; and to authorize the Commissioners to implement the transfer of the radios to the towns and townships on such terms as the Commissioners deem appropriate, including some form of repayment, if possible. The motion was seconded by Mr. Ellison.** Discussion continued as follows:

Diane Kuntz, Taylor Township Trustee: Taylor Township has its own Volunteer Fire Department and does not contract for fire protection. She believes the County has some responsibility to help the fire fighters because you can never have too much equipment. She believes the County could pay half and the Trustees could pay half.

Discussion continued concerning clarification of the motion, as to the role of the Board of Commissioners in procuring payment from the Township Trustees. The Council authorizes the Board of Commissioners to seek possible reimbursement of the radios, but it is not required, in the interest of public safety. At the conclusion of this discussion, the motion on the floor was carried.

There being no further business to come before the Council at this time, the meeting was adjourned at 9:00 p.m. on a motion made by Mr. Papacek and seconded by Mr. Stout.

HOWARD COUNTY COUNCIL:

RICHARD A. MILLER, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

JAMES T. PAPACEK, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

STANLEY ORTMAN, COUNCILMAN

JEFFREY STOUT, COUNCILMAN

JOSEPH PENCEK, COUNCILMAN

ATTEST:

ANN WELLS, AUDITOR

Howard County Council Meeting June 22, 2010