

**HOWARD COUNTY COUNCIL REGULAR MEETING MARCH 22, 2011**

The Howard County Council met in regular session on Tuesday, March 22, 2011 at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Richard Miller, Vice President Stan Ortman and members Joseph Pencek, Dwight Singer, Leslie Ellison and John Roberts. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

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

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

The minutes of the February 22, 2011 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Singer and seconded by Mr. Ellison.

At this time Councilman Ellison led all in a word of prayer.

**IN THE MATTER OF COUNCIL COMMENT:**

President Miller commented at the February meeting that he thought he was beginning to see problems on the horizon, concerning the County's revenue. That thought continued. A group of County officials traveled to Indianapolis and met with Senator Brandt Hershman, explaining issues believed relevant to Howard County. It was a very productive session.

**IN THE MATTER OF ORDINANCE NO. 2011-HCCO-07 – ADDITIONAL APPROPRIATIONS:**

Ordinance No. 2011-HCCO-07 – Additional Appropriations was read in full one time, by Auditor Ann Wells, and acted upon as follows:

		<b>AMOUNT REQUESTED:</b>	<b>APPROVED:</b>
<b><u>001</u></b>	<b><u>Howard County General Fund</u></b>		
<b><u>002</u></b>	<b><u>Howard County Auditor</u></b>		
01119.00	Job Share	\$ 3,000.00	\$ 3,000.00

Auditor Ann Wells submitted a request to PAC for an additional full-time employee. The PAC denied the request, but recommended that Ms. Wells be granted an additional job share position until budget time, and then consider the request if there is still a need for it. To finance the job share, Ms. Wells will transfer part-time and overtime monies, and now requests an additional appropriation of \$3,000. Ms. Wells informed the Council of a new mandate handed down by the State Board of Accounts, to implement a new fund and department numbering system to be implemented by all counties. The Department of Local Government Finance has a Gateway program that allows transparency into all governmental entity's funds, but their numbering system differs from the SBA. Even though counties have until January 1, 2012 to implement the new system, it is still not determined which system will have to be implemented or if we will have to have two systems. This will be a huge job. Added to that is the fact that she has three FMLA situations to work her employees around.

A motion was made by Mr. Ortman to approve the additional request of \$3,000 to line item 01119.00, Job Share. The motion was seconded by Mr. Roberts and carried with five aye votes and one nay vote by Mr. Pencek.

<b><u>105</u></b>	<b><u>Howard County Adult Probation</u></b>		
03564.00	Rental / Lease Fees	\$ 10,000.00	\$ 10,000.00

Chief Probation Officer Don Travis reminded the Council that last year he received approval from them to lease a new server to be used by the Probation Offices, the Drug Court, Alcohol and Drug Office, Kinsey Youth Center, and Community Corrections. For the 2011 Budget, Mr. Travis inadvertently omitted this line item from his budget, and now requests additional monies from probation user fees to pay the lease fees on this sever.

A motion was made by Mr. Singer to approve the request of \$10,000 to line item 03564.00, Rental / Lease Fees. The motion was seconded by Mr. Ellison and carried.

<b><u>182</u></b>	<b><u>Howard County Sheriff – Law Enforcement Training Fund</u></b>		
03213.00	Training	\$ 1,012.00	\$ 1,012.00

Sheriff Rogers requested that the fund that houses the \$4.00 fees associated with traffic warrants, appropriate \$1,012.00 into the Law Enforcement Training account line.

A motion was made by Mr. Ortman, seconded by Mr. Singer and carried to approve the appropriation request of \$1,012.00 to line item 03213.00, Training.

<b>500</b>	<b>CEDIT</b>			
03121.00	Kitty Run Watershed Project	\$	95,000.00	\$ -0-

Commissioner President Tyler Moore informed the Council that the Board of Commissioners have amended the Capital Improvement Plan to appropriate \$165,000 from the CEDIT Fund for about 10% of the Kitty Run Watershed Project (Phase II) on the west side of Kokomo. A portion of the \$165,000 needed is already on the line item and an additional \$95,000 amount would complete the request. Mr. Moore thanked Mr. Murrell and Chief Deputy Laurie Martin for their work in obtaining correct figures for this project and request. Discussion ensued concerning anticipated revenue in the CEDIT fund for the 2011 and the shortfall for 2011 projects. Also discussed were the unspent and unappropriated funds of prior years and how they can be applied to the shortfall of the 2011 projects. Mr. Moore confirmed that the cost associated with the reconstruction of drains is born by the taxpayer in the watershed. But the magnitude of this reconstruction project is such that the Board of Commissioners and the Drainage Board propose to help offset the costs with the CEDIT funds. This request would pay for the larger pipes needed to handle more water from larger development projects, lifting the current construction moratorium and allowing future development in the area. At the completion of discussion, a motion was made by Mr. Pencek to table the request. The motion died for lack of a second. Commissioner Wyman took the floor to add additional comment in support of the request, and to answer questions. At the conclusion of continuing discussion, no action was taken by the Council at this time.

<b>515</b>	<b>Howard County Sheriff – Misdemeanant Fund</b>			
01115.02	Part Time Clerical	\$	10,000.00	\$ 10,000.00

Chief Matron Ree Moon informed the Council that former Sheriff Talbert had funded a Medical File Clerk from the Misdemeanant Fund. This request is to continue funding the clerk. Ms. Moon distributed copies of a listing of Essential Job Duties.

A motion was made by Mr. Ortman, seconded by Mr. Ellison and carried to approve the appropriation of \$10,000 to line item 01115.02, Part Time Clerical. Ms. Moon answered question posed by Mr. Roberts.

<b>TOTAL APPROPRIATIONS ALL FUNDS</b>		\$	<b>119,012.00</b>	\$ <b>24,012.00</b>
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**IN THE MATTER OF RESOLUTION NO. 2011-HCCR-06 – TRANSFERS:**

Auditor Wells read Resolution No. 2011-HCCR-06 – Transfers in full one time and it was acted upon as follows:

<u>001</u>	<u>Transfer From:</u>	<u>To:</u>	<u>Amount</u>	<u>Approved:</u>
<u>002</u>	<u>Howard County General Fund</u>		<u>Requested:</u>	
01117.00	Part Time	01119.00 Job Share	\$ 3,500.00	\$ 3,500.00
01118.00	Overtime	01119.00 Job Share	\$ 3,500.00	\$ Withdrawn

Auditor Wells had earlier justified her job share request. At this time Ms. Wells wishes to continue with the \$3,500 transfer from Part Time monies but withdraw the request to transfer \$3,500 from the Overtime account line.

A motion was made by Mr. Ortman to approve the transfer request of \$3,500.00 from 01117.00 Part Time, to 01119.00 Job Share. The motion was seconded by Mr. Ellison and carried.

<b>005</b>	<b>Howard County Sheriff</b>			
01117.01	Lieutenant	01140.00 Ct Security Officers	\$ 1,044.82	\$ 1,044.82
01113.02	Drug Investigator	01119.04 CI Pro Pay	\$ 1,030.00	\$ 1,030.00

Chief Matron Ree Moon reported that Sheriff Rogers would like to raise the Courthouse Security Officers’ pay to the same level as the Correction Officers at the Jail. That would eliminate “post” positions and allow the Sheriff to move employees in and out of the different positions, as needed. This request was a part of the PAC Recommendation but was not a part of

the Board of Commissioners recommendation. Sheriff Rogers informed the Council that the Court Security positions are pre-basic (ability to carry a firearm and to make an arrest) and should be at the same pay level as the Corrections Officers. That will give the Sheriff's Department the ability to move officers in and out of positions, as needed. The Courthouse Security position is a difficult position and requires the officer to stand all day, with little relief. It is also highly stressful, especially during high traffic times and confrontational situations. Sheriff Rogers answered questions concerning Court Room Security Officers and the pay increase for the Security Officers.

A motion was made by Mr. Singer to approve the transfer request as submitted. The motion was seconded by Mr. Ortman and carried.

<b><u>008</u></b>	<b><u>Howard County Superior Court II</u></b>				
01113.00	Court Reporter	01117.00	Part Time	\$ 2,000.00	\$ 2,000.00

Superior Court II Judge Brant Parry introduced himself and confirmed that he was appointed this position by Governor Daniels and will be taking the bench on April 25<sup>th</sup>. Judge Parry is requesting to fill the Court Reporter position left vacant when Reporter Kathy Phipps left in the fall of 2010. The budgeted salary for that position has been untouched the last four months. He will also need more money in the part time account. As he has reviewed the current state of affairs in Superior Court II he has found the Court has been working with two office employees and one security officer. This has put the Court very far behind, even though they have worked many compensatory hours. Since there are only two office workers, there has been no jury trial since September, 2010. Judge Ridlen worked hard to get the Court back on track but it still needs more employees. The final quarter of 2010 showed that Superior Court II has 520 open divorce cases and 334 open civil cases (not counting collections). It has been a practice of local attorneys to have their cases transferred out of Superior Court II. Judge Parry hopes to change that practice and knows that it will add to the case load. All of this will help reduce the jail population and help to decrease Sheriff Deputy overtime. There are three budgeted positions for the Court: a court reporter, a bailiff, and a secretary, (along with a Security Officer). Judge Parry will be attending the April 26<sup>th</sup> Council meeting to officially request an additional secretarial position.

A motion was made by Mr. Ortman to approve the transfer of \$2,000 from line item 01113.00 Court Reporter to 01117.00 Part Time. The motion was seconded by Mr. Singer and carried.

<b><u>252</u></b>	<b><u>Howard County Jail &amp; Juvenile COIT Fund</u></b>				
<b><u>025</u></b>	<b><u>Howard County Jail</u></b>				
01117.01	Lieutenant	01125.02	Part Time Nurse	\$ 15,000.00	\$ 15,000.00

Chief Matron Ree Moon informed the Council that the Sheriff's Department currently has a staff of 3 ½ nurses that take on an enormous responsibility, with great attitudes and results. They staff the positions 24/7, 365 days a year.

A motion was made by Mr. Singer to approve the transfer of \$15,000 from 01117.01, Lieutenant to 01125.02, Part Time Nurse. The motion was seconded by Mr. Ellison and carried.

At this time President Miller asked Sheriff Rogers to explain to the Council the justification of the transfer request of \$1,030.00 from 01113.02, Drug Investigator to 01119.04, CI Pro Pay. The PAC has recommended that the salary of the Drug Investigator be reduced from \$43,918.00 to \$42,888.00, and changed to Investigator Coordinator. The remaining \$1,030.00 should be divided among all the investigators to increase the CI (Criminal Investigation) Pro Pay from \$191.25 to \$304.44 quarterly (*please refer to page two, item one under "Personnel", of the Regular Meeting minutes of the Howard County Board of Commissioners dated March 21, 2011*). At one time the Drug Investigator was assigned to the Kokomo Police Department and was his own supervisor, making much less than the Kokomo investigators. His salary was increased to put him more in line with the officers he worked with. Now the investigation team has been reorganized, bringing the Drug Investigator back to Howard County to work as Coordinator of an Investigative Team. This decrease in salary and the distribution of remaining funds will be used to put all investigative officers at the same level.

A motion was made by Mr. Singer to approve the transfer request of \$1,030.00 to line item 01119.04, CI Pro Pay. The motion was seconded by Mr. Ellison and carried.

**IN THE MATTER OF THE CEDIT DISCUSSION:**

At this time the Council members engaged in discussion with Attorney Murrell, Auditor Wells and Chief Deputy Auditor Martin concerning the Amended Capital Improvement Plan and appropriations used in the CEDIT Fund as it pertains to the Kitty Run Project, Phase I and Phase II. It was determined that the Council does not need to approve the Amended Capital Improvement Plan. That approval is the responsibility of the Board of Commissioners. It is the responsibility of the County Council to appropriate the plan. Earlier in the meeting there was no action taken concerning the Additional Appropriation Request of \$95,000 into line item 03121.00, Kitty Run Project.

**IN THE MATTER OF DEPARTMENTAL REPORTS:**

**SHERIFF DEPARTMENT:**

1. Sheriff Rogers distributed copies of a listing of Corrections Officers who went on to Law Enforcement Careers, and Corrections Officers who went on to other Public Service Careers. President Miller called attention to this report and the Corrections Officers that were recruited or started on their own at the Criminal Justice Center, as a way to work in a "Para-police" environment. When the officers leave the Corrections side of the Criminal Justice Center, it forces the Sheriff's Department to find a replacement. But it also propels the officer, often, into other law enforcement opportunities somewhere else in the County. Sheriff Rogers assured the Council that it's a good problem to have.
2. The February 2011 Monthly Commissary Report was submitted and distributed by Sheriff Rogers.

**PLAN COMMISSION:**

Plan Commission Director Greg Sheline submitted copies of the 2010 Annual Report of the Kokomo-Howard County Plan Commission and Board of Zoning Appeals.

**COUNTY TREASURER:**

In Sunday's edition of the Kokomo Tribune, there was an article concerning the "pile of cash" that the County is holding. There has recently been a debate in the media concerning all of Howard County's unrestricted (stockpiled) money. Treasurer Martha Lake submitted a copy of the 2009 Audit Report, Compliance Report and pointed the Council in the direction of a column labeled Unrestricted Funds. The amount shown in that column is \$8,022,634.00, and the article reported that amount as unrestricted funds for Howard County. Ms. Lake clarified that the \$8 million dollar amount was the amount of money (tax money and miscellaneous revenue) in County General reported after the December settlement, to be used for the 2010 budget. The term "Unrestricted Funds", when used by the State for their purposes, simply means that the amount has no State designation. The \$8 million was NOT unrestricted. It was collected and dedicated for the 2010 budget, and considered "restricted". When asked for the unrestricted amount of funds for 2010, reported in 2011, Ms. Lake had commented in the paper that she does not have that figure at this time. Ms Lake clarified to the Council that she can estimate the figure needed, but that the State has informed her that because of its confusing nature, the State will probably not use this particular report in 2011 for the year 2010.

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

**HOWARD COUNTY COUNCIL:**

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RICHARD A. MILLER, PRESIDENT

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STAN ORTMAN, VICE PRESIDENT

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LESLIE ELLISON, MEMBER

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JEFF STOUT, MEMBER

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JOSEPH PENCEK, MEMBER

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DWIGHT SINGER, MEMBER

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JOHN ROBERTS, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Council Regular Meeting March 22, 2011