

## **COUNTY COUNCIL REGULAR MEETING – NOVEMBER 13, 2000**

The meeting was called to order by President, Daniel Dennis.

### **I. ROLL CALL**

The following members were present: Pam Young, Keith Wright, Edgar Zehr, Richard Mason, and Charles Canary. Charles Littleton was not in attendance. John P. Wilson was present as the Council's Attorney.

### **II. PLEDGE OF ALLEGIANCE**

### **III. INVOCATION**

### **IV. APPROVAL OF 11/13/00 AGENDA**

Mr. Mason moved to approve the agenda as presented. Mr. Wright seconded the motion that carried unanimously.

### **V. APPROVAL OF 8/22,24,30/00(budget hearings), 9/25/00, 10/10/00 MINUTES**

Mrs. Young moved to approve 8/22,24,30/00(budget hearings) minutes. Mr. Mason seconded the motion that carried unanimously. Mr. Canary moved to approve the 9/25/00 minutes as presented. Mr. Wright seconded the motion that carried unanimously. Mr. Wright moved to approve the 10/10/00 minutes as presented. Mr. Mason seconded the motion that carried unanimously.

### **VI. PUBLIC COMMENT**

There were no public comments.

### **LEGAL OPINION REGARDING ADDITIONAL APPROPRIATIONS: (Discussion regarding additional appropriations see minutes 10/10/00)**

John P. Wilson, Council Attorney, reported he submitted a written legal opinion to the Council on 10/19/00 concerning additional appropriations and number of required votes. In reviewing this matter he consulted with Bruce Hartman of the State Board of Accounts and Deborah Shutta, County Auditor. His analysis of the matter commences with I.C. 36-2-5-5, I.C. 36-2-5-9, I.C. 36-2-5-12, and I.C. 36-2-5-11(b). Mr. Hartman expressed that the counties of this State have universally required only a simple majority to pass an additional appropriation, which has been the position of the State Board of Accounts. It was not until the Attorney General's interpretation was made that this practice was called into question. In examining the aforesaid statutes, it is clear that the State Legislature tied the vote count requirement to the "budget estimate". This then raises the question as to just what is the budget estimate. Because the statute also speaks in terms of "an item of an estimate" the determination then has to be made what is meant by that phrase. The State Board of Accounts has prescribed the form, which must be used by the elected officials and department heads in submitting their budgets. This form is entitled Budget Estimate For... and is designated Budget Form #1. Therefore, his opinion of "budget estimate" refers to the Budget Form #1. He stated until such time as the requested additional appropriation together with the amount budgeted as reported on the Budget Report exceeds the amount requested for that fiscal year as reported on that report, only a simple majority of all Council members is required. Thereafter, a three-fourths vote is necessary.

### **VII. SALARY ORDINANCE AMENDMENTS, ADDITIONAL APPROPRIATIONS, REDUCTIONS, & TRANSFERS:**

#### **APPROVAL OF THE SALARY ORDINANCE (144) AMENDMENTS**

Mr. Canary moved to approve the following salary ordinance amendments as presented.

#101-113.7 - \$23,781.00 to \$20,542.00 (10-02-00)  
#108-119.0 - \$20,542.00 to \$21,570.00 (8-22-00)  
#113-114.1 - \$19,272.00 to \$18,355.00 (10-17-00)  
#117-132.0 - \$28,284.00 to \$24,434.00 (10-10-00)  
#124-127.8 - \$23,332.00 to \$22,220.00 (9-10-00)  
#132-117.0 - \$24,970.00 to \$22,648.00 (9-20-00)  
#134-114.0 - \$23,781.00 to \$21,570.00 (10-19-00)  
#136-113.1 - \$24,970.00 to \$20,542.00 (11-6-00)  
#136-114.0 - \$22,648.00 to \$20,542.00 (11-2-00)  
#136-115.0 - \$22,648.00 to \$24,970.00 (11-2-00)  
#140-117.1 - \$22,220.00 to \$23,332.00 (10-21-00)  
#140-119.0 - \$25,999.00 to \$21,390.00 (10-12-00) to \$22,460.00 (11-30-00)  
#202-114.0 - \$18,355.00 to \$19,272.00 (11-8-00)  
#204-132.0 - \$26,554.00 to \$22,726.00 (9-21-00)  
#206-131.0 - \$22,726.00 to \$23,862.00 (10-27-00)  
#209-117.0 - \$14,966.00 to \$13,575.00 (9-05-00)

Mr. Mason seconded the motion that carried unanimously.

#### **SUPERIOR COURT NO. 1 – (132) Request of STEP increases for new employees**

Kevin Barton, Superior Court No. 1 Judge, appeared to explain the request for step increases for #132-117.0 - \$22,648.00 to \$24,970.00 COMOT II Step V (9-27-00) and #132-119.0 - \$20,542.00 to \$22,648.00 COMOT II Step III (9-7-00). He noted that he assumed the position as Judge of the Johnson Superior Court No. 1 on October 1, 2000. Three of the four full time employees of the Court are new. After discussion with the former Superior Court Judge, James Coachys, he indicated that the Council had previously approved a Step increase for one of his new hires based upon prior work experience. The request for the increase of line item #132-117.0 (Assistant Court Reporter) is based upon the employee's previous work for Magistrate Court in Johnson County for two years and part-time for Superior Court No. 2 and Circuit Court for eight months. This employee has also previously worked as an Assistant Court Reporter for the Boone County Circuit Court for ten years prior to coming to Johnson County. The request for line item #132-119.0 (Assistant Court Reporter) Step increase is based upon the employee's previous work for experience as a legal secretary a law firm in Franklin for a period of two years.

**COUNTY COUNCIL REGULAR MEETING – NOVEMBER 13, 2000 – (Cont.)**

After some discussion, Mr. Mason moved to approve a STEP IV for line item #132-117.0 (Assistant Court Reporter) and after six months increase to STEP V, effective 11-13-00. Mr. Wright seconded that carried five to one, Mrs. Young voted nay.

The request of a STEP increase for line item #132-119.0 (Assistant Court Reporter) was not approved due to a lack of a motion.

Mr. Canary moved to approve the following transfer of funds as requested.

**PLEASANT TOWNSHIP ASSESSOR – (112)**

From: #112-113.3 – Real Estate Deputy	(\$ 650.00)
To: #112-114.0 – Clerical Assistants	\$ 650.00
From: #112-372.0 – Office Equipment/Rent/Maint.	(\$ 686.51)
To: #112-410.0 – Office Equipment	\$ 596.20
To: #112-213.0 – Office Supplies	\$ 90.31

**SUPERIOR COURT NO. 2 – (133)**

From: #133-391.0 – Meals for Jurors	(\$ 800.00)
To: #133-215.0 – Office Supplies	\$ 800.00

**HEALTH MAINTENANCE FUND – (214)**

From: #214-410.0 – Environmental Equipment	(\$ 2,000.00)
To: #214-116.0 – Part-Time Health Specialist	\$ 2,000.00

**WIC – (215)**

From: #215-323.0 – Travel & Training	(\$ 19.80)
From: #215-330.0 – Printing	(\$ 115.00)
From: #215-340.0 – Equipment Repair & Maintenance	(\$ 161.27)
From: #215-350.0 – Professional Services	(\$ 328.47)
From: #215-372.0 – Rent/Utilities	(\$ 329.58)
To: #215-112.0 – Coordinator	\$ 954.12
From: #215-350.0 – Professional Services	(\$ 367.36)
To: #215-113.1 – Registered Dietitian	\$ 45.00
To: #215-217.0 – Office Supplies	\$ 322.36

**JOHNSON COUNTY FAMILY COURT – (353)**

From: #353-145.0 – Salary Benefit	(\$ 1,500.00)
To: #353-323.0 – Travel & Education	\$ 1,500.00

Mr. Wright seconded the motion that carried unanimously.

**MARCH OF DIMES GRANT – WIC – (360)**

Patricia Jackson, representing WIC, appeared to request an additional appropriation in the amount of \$700.00 for claims.

Mr. Mason moved to approve the request as presented. Mr. Canary seconded the motion that carried unanimously.

#360-210.0 – Claims	\$ 700.00
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**Approval for exemption from the travel guidelines for Johnson County Family Court**

Mark Loyd, Circuit Court Judge, appeared to explain the request for the exemption to the travel guidelines. Several county employees have been chosen to attend a National Symposium in Texas. The Symposium will be reimbursing a portion of the costs. If the employees stay an extra night there is a substantial savings and would need Council's approval to do so. They would also like to purchase advance airline tickets in order to save money and that would need Council's approval, too.

Mrs. Young stated the Travel Ordinance is a reimbursement policy meaning the county employee purchases tickets and after attending the money is paid to them. Judge Loyd commented that the county will not reimburse for the interest and penalties incurred.

Mr. Mason moved to approve the request as presented. Mr. Wright seconded the motion that carried five to one, Mrs. Young voted nay.

**CIRCUIT COURT – (131)**

Judge Loyd requested an additional appropriation in the amount of \$25,000.00 for pauper legal services.

Mrs. Young suggested that in the future if additional funds are needed for pauper legal services that fund #299 (Supplemental Public Defenders Fund) is used instead of the General Fund. The balance in fund #299 at the end of October is \$12,108.00.

Mr. Mason moved to approve the request as presented. Mr. Wright seconded the motion that carried unanimously.

#131-303.0 – Pauper Legal Services	\$ 25,000.00
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**PRETRIAL DIVERSION PROGRAM – (286)**

Mr. Mason moved to approve the Interlocal Agreement between the City of Greenwood, Greenwood City Court, Johnson County and the Johnson County Prosecutor's Office to provide a deputy prosecutor for the Greenwood City Court. Mr. Wright seconded the motion that carried unanimously.

**COUNTY COUNCIL REGULAR MEETING – NOVEMBER 13, 2000 – (Cont.)**

Mr. Mason moved to table the request for the additional appropriation of \$5,000.00 to the December Council meeting. Mr. Canary seconded the motion that carried unanimously.

**INSPECTION & TESTING – (276)**

Mr. Canary moved to approve the following request for a transfer of funds as presented.

From: #276-111.0 – Chief Building Inspector I	(\$ 1,700.00)
To: #276-110.0 – Part-time Jail Inspector	\$ 1,700.00

Mr. Mason seconded the motion that carried unanimously.

Mr. Canary moved to approve the additional appropriation in the amount of \$950.00. Mr. Mason seconded the motion that carried unanimously.

#276-110.0 – Part-time Jail Inspector	\$ 950.00
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**BOARD OF COMMISSIONERS – (122)**

Request for a reclassification of the Grounds Keeper - Fairgrounds #122-120.0 (Withdrawn)

Joseph DeHart, County Commissioner, appeared to request a transfer of funds and additional appropriation within the Board of Commissioner's budget.

Mr. DeHart reported to the Council that the Commissioners received the report from the mold testing done in the Annex North Building and two different mold types were identified that could be harmful especially for long periods of exposure. They will be moving the Prosecutor's Office from the building immediately.

Mrs. Young moved to approve the following transfer of funds and additional appropriation.

From: #122-144.0 – Employee Group Health Insurance	(\$17,885.00)
To: #122-342.0 – Professional Liability & Casualty	\$17,885.00
From: #122-130.0 – Human Resource	(\$ 6,176.00)
To: #122-392.0 – Care of Patients & Inmates	\$ 6,176.00

#122-392.0 – Care of Patients & Inmates	\$ 40,015.00
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Mr. Mason seconded the motion that carried unanimously.

**COURTHOUSE – (123)**

Mr. Mason moved to approve the following transfer of funds and additional appropriation.

From: #123-113.2 – Custodian	(\$ 1,915.44)
To: #123-114.0 – Part-time	\$ 279.06
To: #123-113.0 – Custodian	\$ 115.44
To: #123-121.0 – Custodian	\$ 1,520.94
From: #123-115.0 – Custodian	(\$ 4,500.00)
To: #123-114.0 – Part-time	\$ 4,500.00

#123-213.0 – Preventive Maintenance Supplies	\$ 6,000.00
#123-275.0 – Wearing Apparel	\$ 700.00
#123-351.0 – Utilities	\$ 30,000.00

Mr. Wright seconded the motion that carried unanimously.

**CUMULATIVE CAPITAL DEVELOPMENT – (254)**

Joseph Pitcher, County Attorney, appeared to request to use a portion of the County Buildings Renovation money to purchase a new copier and fax machine.

Mrs. Young asked if the Cumulative Capital Development Ordinance has been amended to include the purchase of equipment. Mr. Pitcher responded they would be amending the ordinance.

He requested an additional appropriation in the amount of \$26,000.00 for office equipment.

Mrs. Young moved to approve the additional appropriation of \$26,000.00 conditioned upon the ordinance being amended to include equipment purchases. Mr. Mason seconded the motion that carried unanimously.

#254-414.0 – Office Equipment	\$ 26,000.00
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Mr. Pitcher requested an additional appropriation in the amount of \$32,000.00 for County Building Renovation (\$22,000.00 for carpeting and \$10,000.00 for painting at the Wright Building for the Prosecutor's space).

Mr. Canary moved to approve the request of \$32,000.00. Mr. Mason seconded the motion that carried unanimously.

#254-418.0 – County Buildings Renovation	\$ 32,000.00
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Mr. Mason moved to approve an additional appropriation in the amount of \$54,000.00 for White River Park. Mr. Wright seconded the motion that carried unanimously.

**COUNTY COUNCIL REGULAR MEETING – NOVEMBER 13, 2000 – (Cont.)**

#254-406.0 – White River Park \$ 54,000.00

Robert Norris, Computer Supervisor, appeared to request an additional appropriation in the amount of \$32,000.00 for the first phase of the computer integration project. He explained this would link the Juvenile and Family Court offices to the Courthouse network through a point-to-point wireless connection.

Mr. Mason moved to approve the request as presented. Mr. Wright seconded the motion that carried unanimously.

#254-450.0 – Computer Integration Project \$ 32,000.00

**COUNTY PARK – (128)**

Tim Davis, Park Superintendent, appeared to request a transfer of funds and additional appropriations in the Park budget.

Mr. Mason moved to approve the amounts as presented. Mr. Wright seconded the motion that carried unanimously.

From: #128-118.0 – Park Maintenance (\$ 900.00)  
To: #128-119.1 – Part-time \$ 900.00

#128-199.0 – Overtime \$ 4,000.00  
#128-225.0 – Operating Supplies \$ 1,800.00  
#128-231.0 – Vehicle Maintenance Supplies \$ 7,500.00  
#128-325.0 – Operating Expense \$ 7,200.00  
#128-330.0 – Printing \$ 8,200.00  
#128-351.0 – Utilities \$ 21,500.00  
#128-352.0 – Equipment Leases \$ 2,200.00

**PARK NON-REVERTING CAPITAL – (271)**

Mr. Canary moved to approve the following amounts as presented.

#271-210.0 – Supplies \$ 1,500.00  
#271-420.0 – Building & Land Improvements \$ 6,000.00

Mr. Mason seconded the motion that carried unanimously.

**COMPUTER SERVICES – (141)**

Mr. Canary moved to approve the following transfers as presented.

From: #141-120.0 – Part-Time (\$ 600.00)  
From: #141-199.0 – Overtime (\$ 600.00)  
To: #141-210.0 – Office Supplies \$ 1,200.00  
From: #141-199.0 – Overtime (\$ 400.00)  
To: #141-360.0 – Equipment Repair & Maintenance \$ 400.00

Mr. Mason seconded the motion that carried unanimously.

Mr. Norris requested additional appropriations for equipment repair/maintenance and professional services. The request of \$4,000.00 for professional services is to continue funding the Geographical Information System (GIS) Internet web site until the end of the year. The web site was funded for six months and currently has three paid users.

Mr. Dennis suggested that perhaps the fee being charged by Beam, Longest, & Neff to host the GIS data on their server could be negotiated to reduce the price.

Mr. Mason moved to approve the additional funds for equipment repair/maintenance. Mr. Canary seconded the motion that carried unanimously.

#141-360.0 – Equipment Repair & Maintenance \$ 1,400.00

Mr. Mason moved to table the request until the December Council meeting of \$4,000.00 for professional services with the understanding that Mr. Norris try to negotiate the fee with Beam, Longest, & Neff. Mr. Wright seconded the motion that carried unanimously.

**SUPPLEMENTAL JUVENILE PROBATION – (296)**

Suzanne Miller, Chief Probation Officer, appeared to request additional appropriations for professional services and officer equipment. The professional services request is for monies received from Johnson County Against Substance Abuse grant in the amount of \$3,000.00. The additional appropriation for office equipment is to purchase new computers.

Mr. Canary moved to approve the requests as presented. Mr. Mason seconded the motion that carried unanimously.

#296-310.0 – Professional Services \$ 3,000.00  
#296-410.0 – Office Equipment \$ 10,353.00

**ONE FOR THE ROAD GRANT – (358)**

Mr. Mason moved to approve the following additional appropriations for fund #358 and #359 as presented. Mr. Wright seconded the motion that carried unanimously.

#358-310.0 – Professional Services \$ 4,000.00

**COUNTY COUNCIL REGULAR MEETING – NOVEMBER 13, 2000 – (Cont.)**

**SAFE COMMUNITIES GRANT – (359)**

#359-310.0 – Professional Services \$10,500.00

**EXTRADITION FUND – (211)**

Mrs. Young moved to approve the additional appropriation for funds #211 and #903 as presented. Mr. Canary seconded the motion that carried unanimously.

#211-200.0 – Claims \$ 4,000.00

**MEDICAL CARE FOR INMATES – (903)**

#903-200.0 – Claims \$ 4,000.00

**SHERIFF – (105)**

**Approval of mileage claim (over the 90-day limit per travel ordinance)**

Joe Rupe, Chief Deputy Sheriff, appeared to request the approval of the mileage claim. Mr. Canary moved to approve payment of the mileage claim. Mr. Mason seconded the motion that carried unanimously.

**Request for the new Deputy that was approved for 2001 - \$28,101.00**

#105-118.1 – Deputy (new) \$ 5,620.00

(Withdrawn)

Mr. Rupe requested an additional appropriation in the amount of \$2,500.00 for wearing apparel for two new deputies.

After some discussion, Mrs. Young moved to approve the request as presented. Mr. Mason seconded the motion that carried unanimously.

#105-251.0 – Wearing Apparel \$ 2,500.00

**JAIL – (124)**

**Request for an early three year STEP increase – Hire-in date 1/1/97**

#124-125.2 - \$24,498.00 to \$25,723.00 (effective 1/1/00)

Mr. Rupe requested the early three-year STEP increase based upon a hire-in date of 1/1/97.

Mr. Wright moved to approve the request as presented. Mr. Mason seconded the motion. Mrs. Young commented these types of requests should be a matter of policy and not approved on a case-by-case request. The motion passed with a five to one vote, Mrs. Young voted nay.

Mr. Canary moved to approve the transfer of funds to pay the STEP increase for line item #124-125.2. Mr. Zehr seconded the motion that carried five to one, Mrs. Young voted nay.

From: #124-162.0 – Cook (\$ 1,031.33)

To: #124-125.2 – Correctional Officer \$ 1,031.33

**Request for reclassification of (4) Shift Supervisors from a POLE VI to POLE V**

**\$24,498.00 to \$25,602.00 (effective 1/1/00)**

Joe Barger, Jail Major, requested reclassification of four correctional officers to shift supervisors within the Jail budget and funds to cover the additional cost. He noted that this request is comparable to the Juvenile Detention Center's shift supervisors. The consultants reviewed the positions and they recommended the reclassification.

Mrs. Young moved to approve the request as presented. Mr. Canary seconded the motion that carried unanimously.

#124-127.3 – Correctional Officer (Shift Supervisor) \$ 1,104.00

#124-127.9 – Correctional Officer (Shift Supervisor) \$ 1,104.00

#124-128.0 – Correctional Officer (Shift Supervisor) \$ 1,104.00

#124-128.3 – Correctional Officer (Shift Supervisor) \$ 1,104.00

Mr. Rupe requested the approval of the Council to pay the following from the Sheriff's Commissary Fund.

Office Supplies \$ 8,600.00

Printing \$ 3,250.00

Wearing Apparel \$ 3,600.00

Operating Supplies \$17,000.00

Mrs. Young moved to approve payment from the Sheriff's Commissary Fund as requested. Mr. Zehr seconded the motion that carried unanimously.

Mr. Rupe requested several additional appropriations within the Jail's budget for the end of the year expenses.

Mrs. Young moved to approve the following requests as presented. Mrs. Young noted that she has computer printouts of all the departments on communication disbursements and the County is spending a lot of money on the Nextel phones.

Mr. Rupe stated they feel their communication line item should decrease once the new communication project is complete.

#124-226.0 – Operating Supplies \$ 14,000.00

#124-255.0 – Prescriptions Medicines \$ 8,500.00

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#124-258.0 – Food	\$ 15,000.00
#124-309.0 – Hospital & Medical	\$ 30,000.00
#124-315.0 – Professional Services	\$ 5,000.00
#124-320.0 – Communications	\$ 10,000.00
#124-351.0 – Utilities	\$ 30,000.00

Mr. Mason seconded the motion that carried unanimously.

**JURY PAY FUND – (308)**

Deborah Shutta, County Auditor, requested an additional appropriation of \$62,700.00 from the Jury Pay Fund. She explained she has computer printouts of all of the expenses from all the courts for per diem juror fees paid in the year 2000. The money once appropriated will be expended from the Jury Pay Fund and receipted into the County General Fund for reimbursement.

Mrs. Young moved to approve the request as presented. Mr. Zehr seconded the motion that carried unanimously.

#308-200.0 – Claims	\$ 62,700.00
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**VIII. OLD BUSINESS**

**LEGAL OPINION REGARDING ADDITIONAL APPROPRIATIONS**

Mr. Mason commented he is not completely satisfied with  $\frac{3}{4}$  votes meaning six Council members because  $\frac{3}{4}$  of seven members would be 5.25. He feels five votes should be enough to approve an additional appropriation when you round numbers. There could be problems in the future if it takes six votes to approve an appropriation and two Council members are absent.

Mr. Dennis remarked that Mr. Wilson's opinion is something that he is still working on and the one given earlier in the meeting was the best opinion Mr. Wilson could give at this time. Mr. Wilson responded he had just recently learned of Mr. Mason's concern of the number of votes and did not have time to research. He did speak with the former Council Attorney on the number of votes that Johnson County Council required in the past and they had always rounded down in the number of required votes. Mr. Wilson commented the statute on additional appropriations is not very clear and this issue needs to be addressed by the State Legislature.

Mrs. Young suggested that Daniel Dennis, Council President, contact the County Council Association so they can make this a legislative issue for the next session. Mr. Dennis agreed to do so.

Deborah Shutta, County Auditor, explained that she did speak with Bruce Hartman from the State Board of Accounts and he does not agree with Mr. Wilson's opinion on using the budget estimates instead of the approved budgets. She also spoke with the State Board of Tax Commissioners Director, Melissa Henson and she referred the questions to their attorney. Mrs. Shutta has not heard from their attorney at this time. She noted that if a simple majority vote is four members,  $\frac{2}{3}$  votes are five members, and then  $\frac{3}{4}$  vote would be six Council members.

**IX. NEW BUSINESS**

**SHERIFF'S CONTRACT FOR 2001**

Mr. Zehr moved to approve the contract for 2001 with an annual salary of \$86,675.00. Mr. Canary seconded the motion that carried unanimously.

**SOLID WASTE DISTRICT**

Mrs. Young reported that the Association of Solid Waste Districts throughout the State of Indiana is proposing an amendment to Senate Bill #349. The amendment would allow the Solid Waste Districts distribution of County Adjusted Gross Income Tax (CAGIT) to be ongoing without the annual approval by the County Fiscal body. They would also like to exempt the household hazard waste disposal collection process and the one day recycling collection program.

Mr. Dennis commented he feels that the Council should approve CAGIT distribution annually.

After some discussion, there was no decision made.

**COUNCIL CORRESPONDENCE**

Mr. Dennis reported he received a letter from Darin Smith to be considered for the appointment to the Alcoholic Beverage Commission Board (ABC). Mr. Mason moved to appoint Darin Smith to the ABC board for the remainder of 2000. Mr. Wright seconded the motion that carried unanimously.

Mr. Canary moved to approve the following memorandum be distributed to all elected officials and department heads.

1. January 2, or the first working day of the year, must be used as hire-in date for all new employees in the year 2001 and ongoing.
2. The Council will allow shifting between all line items within the 100 series in the month of December without prior approval from the Council to allow departments to correct any line items that may run short for payroll for the year 2000.
3. Departments will need to submit salary ordinance (144) amendments for January 2001 Council meeting for any position that has changed since the budget hearings due to new personnel.

Mr. Mason seconded the motion that carried unanimously.

There being no further business, Mr. Zehr moved to adjourn the meeting. Mr. Mason seconded the motion that carried unanimously.