

COUNTY COUNCIL REGULAR MEETING – AUGUST 12, 2002

The meeting was called to order by President, Charles Canary.

I. ROLL CALL

The following members were present: Brent Waltz, Keith Wright, Pam Young, and Ron West. Daniel Dennis and Richard Mason were not present. Jim Green was present as the Council’s Attorney in place of John P. Wilson.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 8/12/02 AGENDA

Mr. Canary requested to add the following to the agenda:

- Under Old Business- add discussion of the letter from John P. Wilson on his legal opinion concerning the expenditure of a vehicle from the Cumulative Capital Development Fund for the County Surveyor.
- Under Old Business-add discussion of the Proposed Budgets for 2003
- Under New Business –Update from Pleasant Township on the GIS system

Mr. Waltz moved to approve the agenda as presented including the amendments.

Mr. Wright seconded the motion that carried unanimously.

V. APPROVAL OF 7/8/02 MINUTES

Mr. Wright moved to approve the minutes as presented. Mr. Waltz seconded the motion that carried with four votes, Mrs. Young abstained from voting.

VI. PUBLIC COMMENTS

There were no public comments.

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

Mr. Wright moved to approve the following requests as presented.

COMPUTER SERVICES – (141)

From: #141-120.0 – Part-time	(\$ 600.00)
To: #141-210.0 – Supplies	\$ 304.54
To: #141-410.0 – Office Equipment	\$ 295.46

MUSEUM – (125)

From: #125-342.0 – Utilities	(\$ 1,500.00)
To: #125-113.0 – Part-time	\$ 1,500.00

PARK – (128)

From: #128-123.0 – Park Maintenance	(\$ 15,000.00)
To: #128-119.1 – Part-time	\$ 15,000.00

Mr. Waltz seconded the motion that carried unanimously.

SUPERIOR COURT NO. 3 – (134)

Kim Van Valer Shilts, Superior Court No. 3 Judge, appeared to request transfer of funds for the Assistant Court Reporter/Bailiff position and an additional appropriation of \$1,000.00 to purchase a fax machine and a new filing cabinet.

Mrs. Young suggested the request of \$1,000.00 for office equipment be paid from the Cumulative Capital Development Fund.

Discussion was held with the Board of Commissioners on the purchase of the office equipment being paid from the Cum Cap Fund.

Mr. Waltz moved to table the request of \$1,000.00 until the September Council meeting so the Commissioners could review the request and make the recommendation to the Council if they agreed for the expenditure to come from the Cum Cap Fund.

Judge Van Valer Shilts explained she really needs the fax machine now, however could wait on the filing cabinet.

Mrs. Young noted there is plenty of money already appropriated in the Cum Cap Fund for office equipment and the Council could authorize the expenditure now for the fax machine if the Commissioners concurred.

Mr. Waltz withdrew the motion to table and moved to approve \$400.00 for an additional appropriation.

After some discussion, Mr. Waltz amended the motion to approve the expenditure of \$400.00 from the Office Equipment line item in the Cum Cap Fund for the fax machine and approve the requested transfers as presented.

Mr. West seconded the motion.

Mr. Wright noted he felt that small amounts such as the requested amount should be paid from the General Fund not from the Cum Cap Fund.

The motion carried four to one, Mr. Wright voted nay.

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From: #134-117.0 – Part-time (\$ 1,100.00)
From: #134-391.0 – Jury Expenses (\$ 900.00)
To: #134-114.0 – Assistant Court Reporter/Bailiff \$ 2,000.00

TREASURER – (103)

Jan Richhart, Treasurer, appeared to request some transfer of funds for shortages in line items because of an employee leaving and paying for accumulated personal and vacation days. She also requested to increase an employee's salary in the amount of \$550.00 for 2002. She explained she would have available funds to transfer next year for the increase in salary. The last transfer request is for part-time clerical assistants.

Mr. Waltz moved to approve the requests as presented including the effective date for the salary increase of 1/1/02. Mrs. Young seconded the motion that carried unanimously.

#103-113.2 – Deputy-Cashbook \$22,100.00 to \$22,650.00 (Effective 1/1/02)
From: #103-113.0 – Deputy (\$ 5,713.37)
To: #103-113.1 – Deputy \$ 1,100.00
To: #103-113.2 – Deputy-Cashbook \$ 550.00
To: #103-114.0 – Clerical Assistants-Part-time \$ 4,063.37

PRETRIAL DIVERSION PROGRAM – (286)

#286-440.0 – Office Equipment \$ 2,000.00

PROSECUTOR DEFERRAL PROGRAM – (327)

#327-311.0 – Franklin City Court \$ 14,366.25

Mr. Waltz moved to table the request until the September Council Meeting because no one was in attendance to present the request.

Mrs. Young seconded the motion that carried unanimously.

MAGISTRATE COURT – (136)

Donna Sipe, Court Administrator, appeared to request an additional appropriation of \$18,500.00 in the professional services line item for public defenders, interpreting services and psychological evaluations.

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

#136-301.0 – Professional Services \$ 18,500.00

COURTHOUSE – (123)

Jack Matthews, Director of Maintenance, appeared to request additional appropriations in the amount of \$20,000.00 for part-time and \$4,000.00 for overtime. He explained the maintenance department had five buildings to clean and maintain in 1999. In 2000 two additional buildings were added for cleaning and a total of thirteen buildings to perform maintenance with the same amount of full-time and part-time funds. He noted the department has remodeled the North Annex, an office in the Wright Building and WIC Building, and moved furniture and stripped carpet in the Annex. They also worked on some improvements at the Animal Shelter.

Mr. Waltz moved to approve \$10,000.00 for part-time and \$2,000.00 for overtime and suggested that Mr. Matthews work with the Board of Commissioners on ways of restructuring the maintenance department.

Mr. Wright seconded the motion.

Mrs. Young commented with the present financial status of the county she feels the maintenance department should do some type of different scheduling and perhaps less work.

Mr. West noted that a comparison needs to be made on the funds that were budgeted in the various departments for maintenance and removed. He also feels a lot of manpower is being used for remodeling and wanted to know if that is the most efficient way to remodel; bids should be taken on various projects to compare the costs.

Mr. Waltz moved for the previous question.

The motion was not approved because the vote was three to two and was not a simple majority vote of four. Mrs. Young and Mr. West voted nay.

CUMULATIVE CAPITAL DEVELOPMENT – (254)

Mr. Matthews requested an additional appropriation of \$15,000.00 to replace the air conditioner compressor in the Courthouse Annex.

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

#254-427.0 – Capital Improvements Buildings \$ 15,000.00

CUMULATIVE BRIDGE – (206)

John Price, Highway Director, appeared to request an additional appropriation in the amount of \$32,000.00 for right-of-ways. He explained the funds are for reimbursement for right-of-way acquisitions spent on emergency repairs from the flood disaster in May 2002 on Morgantown Road.

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

#206-312.0 – Right-of-Ways \$ 32,000.00

BOARD OF COMMISSIONERS – (122)

Joseph Pitcher, Commissioners' Attorney, appeared to request additional appropriations in the amount of \$20,000.00 for postage and \$230,932.00 for professional liability & casualty. He explained the increase in postage is because of the rate increase and volume.

Mr. Waltz moved to approve \$20,000.00 for postage. Mr. West seconded the motion that carried unanimously.

#122-322.0 – Postage \$ 20,000.00

Mr. Pitcher explained the request of \$230,932.00 is to pay semi-annual premiums for the recently renewed liability and casualty insurance package and the annual premium for the Boiler policy renewal. He explained the insurance company carrier is ACE USA and Hylant Group is the agent. There has been only one other company that has expressed interest in quoting the insurance.

Mr. West asked to have a copy of the current policy. Mr. Pitcher said he would provide that information.

Mrs. Young asked if Mr. Pitcher had copies of the letters from the companies declining to submit quotes for the insurance. Mr. Pitcher distributed copies to all the Council members.

Mr. Pitcher noted the county needs to explore self-insurance for professional & liability insurance and workmen compensation.

Mr. Waltz moved to approve the request as presented. Mr. West seconded the motion that carried unanimously.

#122-342.0 – Professional Liability & Casualty \$ 230,932.00

COUNTY LAW ENFORCEMENT CONT. EDUCATION – (306)

J. D. Richards, Sheriff, appeared to request an appropriation of \$2,000.00 for training. He explained the money is in fund #325 and would be transferred to #306 for the appropriation.

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

#306-300.0 – Claims \$ 2,000.00

SHERIFF – (105) & JAIL – (124)

Sheriff Richards requested a transfer of funds from supplies into equipment repair & maintenance in the amount \$1,800.00.

Mr. West moved to approve the request as presented. Mr. Waltz seconded the motion that carried unanimously.

From: #105-210.0 – Supplies (\$ 1,800.00)
To: #105-331.0 – Equipment Repair & Maintenance \$ 1,800.00

Sheriff Richards requested a transfer of funds from printing/photography to communications in the amount of \$2,000.00. He explained the money is needed for the payment of forty-two cell phones and fifty pagers. He noted at the budget hearings for 2002 the requested amount was \$50,000.00 and was reduced to \$30,000.00.

Mr. Waltz commented that the taxpayers of the county have spent approximately 5.5 million dollars for a new communication system that allows deputies to communicate in a sixty miles radius. He does not feel that the department needs forty-two cell phones and if additional money is needed he suggested the Sheriff use the Commissary Fund to pay for the expenditures.

Sheriff Richards did not agree with this type of expenditure being paid from the Commissary Fund and feels the Sheriff should be able to say who in his department carries cell phones.

Mr. Waltz commented that the Sheriff's Department has lap top computers that are not being used because the software has not been purchased. The computers could be used for communication purposes.

Sheriff Richards responded the county is responsible for purchasing the software not the Sheriff.

Mr. West moved to approve a transfer of funds as follows:

From: #124-392.0 – Safe Keeping of Inmates (\$ 2,000.00)
To: #124-320.0 – Communications \$ 2,000.00

Mrs. Young seconded the motion that carried four to one, Mr. Waltz voted nay.

Sheriff Richards requested an additional appropriation in the amount of \$5,000.00 for radio maintenance/contracts.

Discussion was held on transferring the funds within the budget instead of an additional appropriation.

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Mrs. Young moved to approve the following transfers:

From: #105-115.1 – Deputy	(\$ 2,500.00)
From: #105-128.6 – Deputy	(\$ 2,500.00)
To: #105-361.0 – Radio Maintenance/Contracts	\$ 5,000.00

Mr. Waltz seconded the motion that carried unanimously.

TITLE V TRUANCY III – (362) (7/1/02 thru 12/31/02)

Deana McMurray, Community Corrections Director, appeared for approval of the budget from 7/1/02 thru 12/31/02. She explained the case manager in the budget handles the truancy programs at the Franklin, Edinburgh, and Nineveh-Hensley-Jackson School Corporations.

Discussion was held on the amount of money budgeted for communications.

Ms. McMurray stated that if the money is not disbursed the funds are sent back to the State of Indiana.

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

#362-111.0 – Case Manager \$26,168.00 to \$26,691.00	\$ 13,345.50
#362-113.0 – Part-time	\$ 10,000.00
#362-142.0 – FICA	\$ 1,786.00
#362-143.0 – PERF	\$ 1,057.00
#362-201.0 – Office Supplies	\$ 500.00
#362-320.0 – Communications	\$ 2,300.00
#362-340.0 – Travel & Training	\$ 2,500.00
#362-401.0 – Computer Equipment	\$ 5,000.00

Juvenile Aide \$9.37, Juvenile Case Officer \$10.97, Juvenile Supervisor \$12.00

VIII. OLD BUSINESS

Fees for Sheriff Sales (tabled from 5/13/02, 6/10/02, & 7/8/02)

Mr. Canary noted that Sheriff Richards requested to table the issue until the September Council Meeting.

Discussion of the letter from John P. Wilson on his legal opinion concerning the expenditure of a vehicle from the Cumulative Capital Development Fund for the County Surveyor.

Mr. Canary explained that Mr. Wilson's opinion stated the expenditure from Cumulative Capital Development Fund is limited to the purchase, lease, or pay all or part of the purchase price for motor vehicles for the use of police, fire department or both.

Mr. Waltz commented that the Commissioner's Attorney, Joseph Pitcher, feels the Surveyor's vehicle can be purchased from the fund.

Mr. Pitcher appeared explaining that Resolution 2000-8 provides for the use of the Cumulative Capital Development Fund for any and all purposes approved by the Board of Commissioners and authorized by I.C. 36-9-14.5. Section 2 of I.C. 36-9-14.5, the "Authorization of Fund" subsection states that County Cumulative Capital Development Funds are to provide money for any purpose for which property taxes may be imposed under the authority of fourteen (14) other local government funding statutes. One of the fourteen (14) statutes incorporated under I.C. 36-9-14.5-2 is I.C. 36-9-27-100, the County Cumulative Drainage Fund. This fund provides money for the construction, reconstruction and maintenance of drains under the jurisdiction of the Johnson County Drainage Board and the Johnson County Surveyor. Thus, pursuant to I.C. 36-9-27-100, the Board of Commissioners may approve the expenditure of Cumulative Capital Development Funds for the construction, reconstruction and maintenance of drains in our County, including the purchase of equipment necessary to construct, reconstruct and maintain the legal drains. The Surveyor is the technical authority over the construction; reconstruction and maintenance of all regulated drains and proposed regulated drains in the County. The vehicle enables the Surveyor to carry out his statutory duties.

Mrs. Young noted that if a vehicle can be purchased for the Surveyor from the Cumulative Capital Development then General Drain Improvements could be allowed also.

Jim Green, Attorney representing the Council, remarked that Mr. Pitcher made a good analysis, however he does not agree with his interpretation of the Statute.

Mrs. Young and Mr. Wright commented the Council was never told that another type of vehicle besides Sheriff's vehicles was going to be purchased from the Cumulative Capital Development Fund.

After further discussion, the Council concurred that the Council's Attorney and the Commissioner's Attorney should discuss this issue together and if no agreement is made perhaps the Attorney General should decide.

Discussion of the Proposed Budgets for 2003

Mrs. Young commented that there is currently a tax rate for the County-Wide Communication System and the E-911 legislation has changed to allow expenditures for radio systems from the E-911 Fund. She feels the Communication bond payments should be made from the E-911 fund instead of from a property tax rate. The surcharge for E-911 perhaps would need to be increased to make the bond payments.

Mr. Waltz commented that moving the burden from property owners to the users is a good idea to explore.

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Deborah Shutta, County Auditor, noted that she has not received the maximum levy sheets or the County Adjusted Gross Income Tax (CAGIT) distribution from the State.

Mr. Wright stated he did not feel the county should progress backwards in wages and manpower. The merit deputies did receive additional money last year and the Council needs to decide if the deputies' salaries should be increased again for next year.

Mr. Waltz reported on the history of the CAGIT distributions and feels that using the 2001 distribution amount for 2003 is low.

Discussion was held on the CAGIT distributions.

Mr. Wright remarked that if the operation balance is going to be used for the 2003 budgets the Council needs to decide how much should be used.

Mrs. Young distributed a report on the revenue and expenses of the county's medical plan. The report shows that a conservative appropriation for medical claims in 2003 should be two million dollars. The current appropriation is nine hundred thousand and that is the amount that has been requested for next year. She also noted that the line item in the Commissioners budget for the Care of Patients and Inmates (housing of juveniles through the department of corrections) is approximately one hundred thousand dollars under budget.

Several ideas, concerns and suggestions were made pertaining to the proposed budget for 2003, however no decision was made.

IX. NEW BUSINESS

Presentation of the Comprehensive Improvement Plan (Community Corrections) (tabled from 7/8/02)

Craig Lawson, Juvenile Court Judge, and Deana McMurray, Community Corrections Director appeared to present the improvement plan for Community Corrections. The Comprehensive Improvement Plan Committee prepared a building renovations and expansion draft plan for the center. He reviewed the following plan with the Council.

- Revenue Sources
- Immediate Needs/One Year
 - Staff
 - Building
 - Programs
 - Computers
 - General
 - Communication
 - Equipment
- Five Year Plan
 - Staff
 - Building
 - Programs
 - Computer
 - General
 - Communication
 - Equipment
- Five Year Plan/Capital

Update from Pleasant Township on the Geographical Information System (GIS) system

Donna Zelner, Pleasant Township Assessor, and Darla McKnight, Pleasant Township First Deputy, appeared to update the Council on the GIS system for Pleasant Township.

Ms. McKnight stated they implemented a system for the developers to present a preliminary plat map for approval prior to recording. She has installed nine new subdivisions, prepared a town council map for the Town of Whiteland, prepared maps for the reassessment company, and precinct maps for voter registration. She prepared a fire hydrant and address map for the City of Greenwood and New Whiteland. She is currently working on a tax increment financing map and school bus map.

The Council's appointment to the Alcoholic Beverage Commission Board (ABC), David Pollard gave a brief report to the Council on the ABC Board.

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