

COUNTY COUNCIL REGULAR MEETING – NOVEMBER 12, 2002

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

I. ROLL CALL

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

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 11/12/02 AGENDA

Mr. Waltz requested to add the following under "old business".

- Discussion of the resolution approved by the Board of Commissioners involving the Detaining of Foreign Nationals
- Council's Professional Services Bidding for 2003

Mr. Canary added the discussion of shifting of funds within the 100 series for the month of December.

Mr. Mason moved to approve the agenda as presented including the additions. Mr. West seconded the motion that carried unanimously.

V. APPROVAL OF 10/15/02 & 8/20/02,8/28/02 MINUTES

Mr. West moved to approve the minutes as presented. Mr. Mason seconded the motion that carried unanimously.

VI. PUBLIC COMMENTS

There were no public comments.

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

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

RECORDER – (104)

From: #104-113.3 – Deputy	(\$ 1,500.00)
To: #104-114.0 – Part-time	\$ 500.00
To: #104-199.0 – Overtime	\$ 1,000.00

SUPERIOR COURT NO. 2 – (133)

From: #133-121.0 – Assist. Court Reporter/Bailiff	(\$ 1,500.00)
To: #133-119.1 – Clerical Assistant	\$ 1,500.00
From: #133-301.0 – Professional Services	(\$ 2,200.00)
To: #133-215.0 – Office Supplies	\$ 700.00
To: #133-216.0 – Books	\$ 1,500.00

MAGISTRATE COURT – (136)

From: #136-391.0 – Jury Expenses	(\$ 250.00)
To: #136-420.0 – Office Furniture/Equipment	\$ 250.00

TITLE 4-D JUVENILE COURT – (137)

#137-114.0 – Part-time (\$10.00 per hour-law clerk)	
From: #137-323.0 – Travel & Training	(\$ 1,250.00)
From: #137-312.0 – Equipment Repairs/Maintenance	(\$ 1,000.00)
To: #137-114.0 – Part-time	\$ 2,250.00

WIC – (215)

#215-217.0 – Office Supplies	\$ 1,377.09
#215-410.0 – Equipment	\$ 810.31

ANIMAL SHELTER – (219)

From: #219-372.0 – Building Repair & Maintenance	(\$ 1,400.00)
To: #219-215.0 – Office Supplies	\$ 400.00
To: #219-263.0 – Animal Food	\$ 300.00
To: #219-264.0 – Wearing Apparel	\$ 700.00

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From: #219-311.0 – Professional Services	(\$ 400.00)
To: #219-224.0 – Cleaning Supplies	\$ 400.00
From: #219-113.0 – Dispatch	(\$ 1,000.00)
To: #219-199.0 – Overtime	\$ 1,000.00
From: #219-422.0 – Office Equipment	(\$ 300.00)
To: #219-215.0 – Office Supplies	\$ 300.00

Mr. West seconded the motion that carried unanimously.

MUSEUM – (125)

Mary Ann Plummer, Director, appeared to request transfer of funds for travel & training and office equipment.

Mr. Waltz questioned the transfer from utilities because he thought the Council approved additional funds earlier in the year for utilities.

Mrs. Plummer explained the museum has been closed to the public and has been without heat or air conditioning since last February and would like to transfer the funds to purchase office equipment.

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

From: #125-216.0 – Supplies	(\$ 1,800.00)
From: #125-323.0 – Travel & Training	(\$ 1,000.00)
From: #125-342.0 – Utilities	(\$ 3,000.00)
To: #125-413.0 – Office Equipment	\$ 5,800.00

ANIMAL SHELTER – (219)

There was no one present from the Animal Shelter to present the request of \$1,500.00 for operating supplies.

Mr. Dennis moved to table the request until the December Council meeting. Mr. Wright seconded the motion that carried unanimously.

ANIMAL SHELTER DONATION FUND – (262)

Mr. Dennis moved to approve \$2,000.00 for claims. Mr. Waltz seconded the motion that carried unanimously.

#262-200.0 – Claims	\$ 2,000.00
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DUI – INDIANA GRANT – (354) – (tabled from 10/15/02)

Mr. Dennis moved to approve the request of \$23,958.00 for professional services. Mr. Mason seconded the motion that carried unanimously.

#354-310.0 – Professional Services	\$ 23,958.00
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JUVENILE ACCOUNTABILITY – (356)

Karen Henry, Office Manager, appeared to request \$7,122.00 for professional services for the period of 10/01/02 thru 12/31/02.

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

#356-310.0 – Professional Services	\$ 7,122.00
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CUMULATIVE CAPITAL DEVELOPMENT – (254)

James Higdon, Juvenile Detention Center Director, appeared to request \$8,000.00 for the replacement of two air conditioning compressors at the Center.

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

#254-427.0 – Capital Improvements Buildings	\$ 8,000.00
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Request to use the remainder of Office Equipment Funds (#254-414.0) to purchase office chairs

Joseph DeHart, County Commissioner, appeared to request the use of funds for office chairs from the money remaining after the faxes and copiers were purchased. He noted they saved a lot of money because the Request For Proposals were made. He explained that several offices have requested new chairs.

Mr. West asked for an approximate amount of money that would be needed.

Mr. DeHart responded they do not have an exact amount; however they would not purchase more than the funds available.

Mr. Dennis moved to allow the purchase of office chairs from the remaining funds in line item #254-414.0. Mr. Mason seconded the motion.

Mr. West commented that with this type of request he feels the Council should be provided with the number of chairs needed and the cost.

The motion carried unanimously.

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BOARD OF COMMISSIONERS – (122)

Mr. DeHart requested an additional appropriation in the amount of \$14,000.00 for telephones.

Mr. Waltz questioned if any of the charges are for internet access fees.

Mr. DeHart did not know.

Discussion was held on the amount of internet users in the county and which department pays for the fees.

Mr. Dennis moved to approve the request as presented and requested that the Board of Commissioners report on the number of internet users and the fees. Mr. Mason seconded the motion that carried four to one, Mr. Wright voted nay. Mr. Waltz abstained from voting.

#122-324.0 – Telephones \$ 14,000.00

COURTHOUSE – (123)

Jack Matthews, Maintenance Director, appeared to request an additional appropriation in the amount of \$1,800.00 for part-time. He explained part-time help is needed to cover the employees that have unused vacation and compensatory time.

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

#123-114.0 – Part-time \$ 1,800.00

PROSECUTING ATTORNEY – (108)

Michelle Murray, Office Manager, appeared to request an additional appropriation in the amount of \$700.00 for communications. She explained the money would cover the November and December payments for their cell phones and pagers.

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

#108-340.0 – Communications \$ 700.00

PROSECUTOR DEFERRAL PROGRAM – (327)

Ms. Murray requested additional funds for books, printing, and office equipment. She explained the \$2,000.00 for books is for the Indiana Code books to distribute to all the law enforcement agencies, the court system, and the Prosecutor's office that is approximately 500 books. The printing request of \$2,500.00 would be used to order victim assistance brochures and business cards. The office equipment request of \$7,241.60 would be used to purchase a laptop and their portion of a grant that needed to be funded through their office.

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

#327-220.0 – Books \$ 2,000.00
#327-221.0 – Printing \$ 2,500.00
#327-440.0 – Office Equipment (new) \$ 7,241.60

GUN PROSECUTION GRANT – (341) (10/1/02-12/31/02)

PRETRIAL DIVERSION – (286)

Ms. Murray explained the request is for salary approval for the period of 10/1/02 thru 12/31/02.

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

#341-110.0 – Deputy Prosecutor \$40,000.00 \$ 10,500.00
#286-112.0 – Deputy Prosecutor-supp \$10,000.00 \$ 3,000.00

NATIONAL CRIMINAL HISTORY IMPROVEMENT PROGRAM - (364)

Ms. Murray requested an additional appropriation in the amount of \$43,574.40 for office equipment. She explained the funds would be used to purchase software to access criminal history.

Mr. West asked if the software is any different than what the Sheriff's Department will be able to access with their laptops. Ms. Murray did not know.

John Asher, Dispatch Coordinator, responded the Sheriff's Department will be able to access criminal history nation wide.

Mr. West questioned if this would be a duplication of equipment.

Mr. Dennis moved to approve the request as presented. Mr. Waltz seconded the motion that carried five to one, Mr. West voted nay.

#364-410.0 – Office Equipment \$ 43,574.40

COUNTY MEDICAL CARE OF INMATES – (903)

Joe Rupe, Sheriff's Chief Deputy, appeared to request an additional appropriation in the amount of \$19,935.00 for claims. He noted they have outstanding invoices more than the amount being requested. That was the amount of cash on hand at the end of October.

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

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#903-200.0 – Claims \$ 19,935.00

COUNTY LAW ENFORCEMENT CONT. ED. – (306)

Mr. Dennis moved to approve the request of \$3,000.00 for claims. Mr. Waltz seconded the motion that carried unanimously.

#306-300.0 – Claims \$ 3,000.00

SHERIFF (105) & JAIL (124)

Chief Rupe requested transfer of funds from several line items into overtime in the amount of \$9,900.00. He explained the amount is an estimate of what will be needed for the remainder of the year.

Discussion was held on the excessive amount of overtime being spent at the Sheriff's Department.

Mr. Waltz commented he did not feel approval should be given on expenditures that have already been made because that sets precedence to all departments to spend before requesting the money. He noted that it is easier to ask for forgiveness than permission.

Mr. Canary noted the county would need to pay the deputies if the work has already been done.

Mr. Dennis moved to table the requests including the transfers and additional appropriations until the December Council meeting. Mr. Waltz seconded the motion.

Mr. Dennis then withdrew the motion. Mr. Waltz concurred.

Discussion was held on the amount that is currently in overtime and how much would be needed for the remainder of the year.

Mr. Mason moved to approve a transfer of funds into overtime in the amount of \$6,400.00. Mr. Wright seconded the motion.

Mr. West commented he felt they would probably need around \$9,000.00 in overtime for the remainder of the year.

Mr. Mason withdrew the motion. Mr. Wright concurred.

Mr. Mason moved to table the request of transfers for overtime until the December meeting. Mr. Waltz seconded the motion that carried unanimously.

Chief Rupe requested additional appropriations as follows:

#124-258.0 – Food	\$ 76,000.00
#124-226.0 – Operating Supplies	\$ 26,000.00
#124-320.0 – Communications	\$ 10,500.00
#124-392.0 – Safekeeping of Inmates	\$ 6,000.00
#124-255.0 – Prescription Medicines	\$ 6,000.00
#105-392.0 – Professional Services	\$ 10,500.00
#105-331.0 – Equipment Repair/Maintenance	\$ 500.00
#105-322.0 – Postage	\$ 1,300.00

Chief Rupe noted that the requests for additional appropriations are projections for the remainder of the year. He explained they are currently spending approximately \$29,000.00 a month on food. They currently have \$39,000.00 in outstanding invoices for food.

Mr. Waltz asked what the balance was in the commissary fund. He did not receive an answer. Mr. Waltz asked if there were large expenditures that were going to be made from the fund.

Chief Rupe responded they have set aside some funds in the commissary fund just in case they would need to pay some bills.

Mr. Waltz commented that taxpayers should not have to pay for all the expenses at the jail when money is being spent from the commissary fund that some people feel is not an appropriate expenditure.

Chief Rupe stated they have spent a tremendous amount of money from the commissary fund for expenses at the jail.

Mr. Waltz noted that an agreement was made between the Council and the Sheriff that any expenditure over \$500.00 the Council would be notified.

Discussion was held on the amount needed for food based upon the average number of inmates and the cost per meal. Also, they discussed if Community Corrections is reimbursing the County General Fund for their meals from the jail.

Mr. Waltz moved to table the request for the additional funds for food until the December Council meeting. Mr. Wright seconded the motion that was not approved because of a three to three vote, Mr. Canary, Mr. West, and Mr. Dennis voted nay.

Mr. West moved to approve \$39,000.00 for the food line item. Mr. Mason seconded the motion.

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Mr. Waltz asked if the Sheriff's Department has any plans for a large purchase from the Commissary Fund.

Chief Rupe responded "yes", they have ordered a bomb truck in order to store the equipment that they have that is worth approximately \$80,000.00. The current bomb vehicle leaks and they do not have a building to store the equipment so they ordered the new truck. Mr. Rupe stated they did request the purchase from the Board of Commissioners and they were told to use their own funds. Mr. Rupe noted the first bomb truck was purchased for one dollar and has worked for several years.

The motion carried four to two, Mr. Waltz and Mr. Wright voted nay.

#124-258.0 – Food

\$ 39,000.00

Mr. Canary commented he feels that operating supplies and prescription medicines should be paid from the commissary fund.

Mr. Dennis moved to table the requests for additional appropriations until the December Council meeting. Mr. Waltz seconded the motion that carried unanimously.

VIII. OLD BUSINESS

There was no old business to discuss.

IX. NEW BUSINESS

Discussion of the Incarceration of Foreign Inmates

Mr. Waltz explained the Board of Commissioners approved a resolution on November 4, 2002 that acknowledges that foreign nationals detained or incarcerated in the Johnson County Jail possess certain rights under the Vienna Convention on Consular Relations (VCCR) including certain rights to contact their respective consulates for advice, counsel and assistance. The Johnson County Sheriff and his deputies and employees are to establish protocols, policies, and procedures to abide by the provisions of the VCCR that pertain to foreign nationals incarcerated at the Johnson County Jail.

Mr. Wright asked now that the county has approved the resolution, what if the procedures are not done, is the county liable.

Mr. Waltz commented he understands that foreign nationals do not have standings in the United States Courts and could not sue. Also, the United States has already signed a treaty.

Mr. West commended Mr. Waltz for his participation in getting the resolution approved.

The Council by consensus thanked the Board of Commissioners for the approval of the resolution.

Bidding of Council's Professional Services

Mr. Waltz stated the Council approved a resolution in 2001 to bid professional services. He suggested the Council request proposals for professional services for the 2003 calendar year and perhaps set a date to receive them by the next Council meeting.

John P. Wilson, Council Attorney, noted the resolution that was approved states that any professional service contract that exceeds, or reasonably be expected to exceed, five thousand dollars (\$5,000.00) in any single fiscal year must have had requests for proposals sent to more than one service provider. He commented the disbursement for professional services did not even exceed the \$5,000.00 limit.

Discussion was held on whether potential vendors should submit proposals for professional services to the next Council meeting.

Mr. Canary stated he would discuss the issue with Mr. Wilson before the December Council's meeting.

Proposal of a Property Tax Rate Freeze

Mr. West suggested the county approach some of the State Legislatures for approval of a county property tax rate freeze for a period of time. This would allow the county to generate revenue as property assessed valuations increase. He has spoken to a few of the State Legislatures about the idea and he would be glad to talk to more of them when he is downtown next week if the Council feels this is prudent. He feels this would be a way to handle the increase of growth and services the county is experiencing.

Council members concurred that Mr. West should talk with the State Legislatures on the idea and report back to the Council.

Mr. West commented the Council received a letter from Mr. Wilson concerning the legal opinion from the State Attorney General's Office about the purchase of vehicles from Cumulative Capital Development Fund and the Attorney General's Office stated a State Representative should request the information.

Mr. Canary stated he would request Mr. Wilson to ask a State Representative to submit the letter.

Shifting of 100 Series in the Personal Services for the Month of December

Mr. Dennis moved to approve the shifting of funds in the 100 series for December excluding shifting into overtime and part-time. Mr. Wright seconded the motion that carried unanimously.

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