

COUNTY COUNCIL REGULAR MEETING – APRIL 12, 2004

President, Brent Waltz, called the meeting to order.

I. ROLL CALL

The following members were present: Keith Wright, Richard Mason, Paul Reed, and Ron West, R. J. McConnell arrived following the approval of the 3/8/04 minutes. Charles Canary was absent. John P. Wilson was present as the Council's Attorney.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 4/12/04 AGENDA

Mr. Waltz noted the following change to the agenda:

- Jail request – line item number #124-126.3 change to #124-126.4

Mr. Wright made a motion to approve the agenda as presented, including the amendment. Mr. Mason seconded the motion, which carried unanimously.

V. APPROVAL OF 3/8/04 MINUTES

Mr. Mason moved to approve the 3/8/04 Council minutes as presented. Mr. Wright seconded the motion that unanimously carried.

VI. PUBLIC COMMENTS

Dave Pollard, Alcoholic Beverage Commission Board Member, appeared to report that the ABC Commission Board will be advertising in the local paper their monthly public meeting.

VII. MOSQUITO CONTROL SERVICES AGREEMENT

John Bonsett, Health Director, appeared to answer any questions in regards to the agreement.

Mr. Reed moved to approve the agreement as presented. Mr. Mason seconded the motion that carried unanimously.

VIII. UPDATE FROM THE JOHNSON COUNTY DEVELOPMENT CORP.

Chris Kinnett, Executive Director of the Johnson County Development Corporation, (JCDC) appeared to update the Council on the activities of the JCDC. He explained they are currently asking the local businesses to complete a survey of what they are looking for, more specifically what the future entails: if they are planning on expanding, hiring additional employees, financing, and what can JCDC do for their business. He noted they are anticipating an announcement from a business hopefully before the end of the month. They are working on a couple of opportunities specifically in the Franklin Tech Park in trying to attract new investment. They are also continuing to work in the Greenwood area. They have also looked and talked to individuals in the Bangersville, Edinburgh, and Trafalgar areas.

Mr. Waltz requested an overview of the general economy of Johnson County.

Mr. Kinnett responded compared with the other surrounding counties, Johnson County still has a lower unemployment rate average (3.8 to 4.1). Some of the closings have not taken full effect at this point. They have recently seen more inquiries from solid companies and have been working with them on how the JCDC can sell themselves to the various companies.

Mr. West commented he would like to see the elected officials make a more active role in economic development meetings. He feels that is very important for the companies to know the elected officials.

Mr. Kinnett responded that James Rhoades, County Commissioner, is the representative from that board and certainly they would welcome a County Councilman to attend their meetings.

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

EMERGENCY MANAGEMENT – (127)

Forrest Sutton, Emergency Management Director, appeared to request a transfer of funds from Operating Supplies into the Equipment line item to purchase a new computer monitor.

From: #127-268.0 – Operating Supplies	(\$ 760.00)
To: #127-410.0 – Equipment	\$ 760.00

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

SUPPLEMENTAL JUVENILE PROBATION – (296)

Mr. Mason moved to approve the following transfer as submitted. Mr. Wright seconded the motion that carried unanimously.

From: #296-371.0 – Equipment Lease	(\$ 450.00)
To: #296-410.0 – Office Equipment	\$ 450.00

JAIL – (124)

Terry McLaughlin, Sheriff, appeared to request a transfer of funds from one Correctional Officer line item into two others to cover shortfalls. He also requested a transfer from Safe Keeping of Inmates to Prescription Medicines.

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Mr. McConnell moved to approve the following transfers as requested. Mr. Mason seconded the motion that carried unanimously.

From: #124-126.4 – Correctional Officer	(\$ 3,980.00)
To: #124-127.3 – CO Assistant Shift Supervisor	\$ 690.00
To: #124-128.1 – CO Assistant Shift Supervisor	\$ 3,290.00
From: #124-392.0 – Safe Keeping of Inmates	(\$ 10,000.00)
To: #124-255.0 – Prescription Medicines	\$ 10,000.00

NATIONAL HISTORY JUSTICE IMPROVEMENT GRANT – (913)

Sheriff McLaughlin requested an additional appropriation in the amount of \$10,584.00 to pay the maintenance agreement on the equipment for a finger print system that the State of Indiana has implemented for criminal history. The State funded the computer system for the finger printing checks and this grant will pay for the maintenance contract.

Mr. Waltz asked if this is mandated from the State that the county must participate.

Sheriff McLaughlin responded not at this time but will be in the future.

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

#913-310.0 – Maintenance agreement	\$ 10,584.00
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Mr. Reed commented he recently had the opportunity to ride with one of the county's Sheriff Deputies and commended the work that the deputies provide with the limited amount of manpower that is currently staffed. He was very pleased with their response time and the way they treated the people.

ELECTION BOARD – (114)

Jill Jackson, County Clerk, appeared to request a transfer of funds from Election Services to Custodian for Voting Devices in the amount of \$14,000 to pay field technicians and trainers for both elections this year. She noted the budget that was prepared last year was based upon using the punch card system.

After some discussion, Mr. McConnell moved to approve the request as presented. Mr. West seconded the motion that carried unanimously.

From: #114-220.0 – Election Services	(\$ 14,000.00)
To: #114-116.0 – Custodian for Voting Devices	\$ 14,000.00

REGIONAL GANG GRANT – 4/1/04-3/31/05 (295)

Michelle Murray, Prosecutor's Administrative Assistant, appeared to request the approval for appropriations of the grant for the period of 4/1/04 thru 3/31/05.

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

#295-100.0 – Deputy Prosecutor \$50,000.00	\$ 50,000.00
#295-142.0 – Social Security	\$ 3,825.00
#295-143.0 – PERF	\$ 4,000.00
#295-144.0 – Insurance	\$ 4,353.20
#295-210.0 – Reimbursement to Marion County	\$ 57,300.00
#295-216.0 – Witness Fees	\$ 3,000.00
#295-310.0 – Travel & Training	\$ 2,200.00
#295-315.0 – Communications	\$ 2,000.00
#295-410.0 – Office Equipment	\$ 6,242.80
#295-415.0 – Vehicles	\$ 43,405.00

PROSECUTOR'S DEFERRAL PROGRAM –(327)

Mrs. Murray requested an additional appropriation in the amount of \$1,123.45 to pay the Trafalgar Police Department for their participation in the deferral program. The police department plans on purchasing stop sticks with the funds.

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

#327-313.0 – Deferral Program Participants	\$ 1,123.45
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CUMULATIVE CAPITAL DEVELOPMENT – (254)

Gary Cook, Johnson County Fair Board President, appeared to request a transfer of funds from Highway Improvements line item to Fairground Improvements. The Board of Commissioners approved the request for the transfer at their March 22nd regular board meeting. The transfer request is in the amount of \$60,425 and \$12,700 of the funds would be used for general maintenance and the remainder \$47,725 is for the new fairground entrance.

Mr. Reed questioned if the county highway could furnish the equipment and manpower for the entrance to save money.

Discussion was held on whether the county could legally help with the entrance for the fairgrounds and whether they should table the request until the May Council meeting.

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Mr. Reed moved to approve the request of the transfer and seek legal opinion to see if the county highway could assist with the entrance to save money. If it is not legal then the Fair Board may proceed using the transferred funds. Mr. McConnell seconded the motion.

Don Sanders, Highway Director, appeared and stated the County Attorney contacted him that the Highway Department cannot do the work for the Fairground entrance. Mr. Sanders stated he would not do the work without a letter from the Board of Commissioners and the State Board of Accounts.

Mr. Wright moved to divide the question into two: \$12,700.00 for maintenance money and \$47,725.00 for the entrance. Mr. Mason seconded the motion that carried four to two, Mr. West and Mr. McConnell voted nay.

The vote for approval to transfer \$12,700 for maintenance money passed unanimously.

The vote of \$47,725 for the entrance passed with a four to two vote, Mr. Wright and Mr. Waltz voted nay.

From: #254-408.0 – Highway Improvements	(\$ 60,425.00)
To: #254-430.2 – Fairground Improvements	\$ 60,425.00

ANIMAL SHELTER GENERAL DONATION FUND – (262)

Julie Hively, Animal Warden, appeared to request an additional appropriation in the amount of \$3,000 to pay for various expenses to help take of the animals.

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

#262-200.0 – Claims	\$ 3,000.00
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Request for a cash change fund in the amount of \$50.00

Ms. Hively requested a \$50.00 cash change fund for the Animal Shelter so the department can make change for the public.

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

OLD BUSINESS

Public Defenders Fund (tabled from Jan., Feb., March)

John P. Wilson, Council Attorney, explained the proposed Resolution Concerning Supplemental Public Defense Fund was submitted to all the County Judges for comments. Circuit Court Judge, K. Mark Loyd, responded on behalf of all the Judges indicating they felt the Resolution was fine and requested the Council to approve it as submitted. Mr. Wilson stated the Resolution states that all funds appropriated from said fund shall be for defense services which are, in the sole discretion of the Judge of the Court for which said fund was created, unusual or extraordinary and which were generally not contemplated as a part of the usual and customary budgetary requests of said Court.

Mr. Reed moved to approve Resolution No. 2004 –2 as presented. Mr. Mason seconded the motion that carried unanimously.

Discussion of Alternative Revenue Sources (tabled from Jan., Feb., March)

Mr. West reported that he and Sheriff McLaughlin met with three of the county's State Representatives to discuss the possibilities of implementing home rule on a county gasoline tax that could be used for road improvements and for property tax relief. They also discussed State Statute changes that would allow the county to generate funds for the Sheriff's Department to be solely for salary increases. Mr. West asked one of the State Representatives if he could check to find where the county dog fund money goes. He felt if the county could keep a portion or all the funds perhaps the money could be used to build a new animal shelter. He noted the one-cent (.01) gasoline tax that the State of Indiana implemented; the county highway department receives approximately \$340,000 in distribution and that is after several things are taken out by the State.

He suggested the Council review some of the departments on how they are funded and the portion that the county is paying for their benefits such as grants and Community Corrections.

Solid Waste Resolution – CAGIT Distributions

Mr. Waltz explained the proposed resolution states that Solid Waste's CAGIT distributions are revoked, rescinded, or terminated. The district has not received any CAGIT money distributions since 2001.

Mr. West moved to approve Resolution 2004-3 as presented. Mr. Mason seconded the motion that carried unanimously.

NEW BUSINESS

Highway-Request for an exception to the Travel Ordinance for lodging

Don Sanders, Highway Director, appeared to request an exception to allow \$102.30 (four rooms) and \$110.25 (one room) per night lodging over the allowable \$80.00 per night. He stated the lodging expense was for the attendance at the annual Road School in Lafayette, Indiana. There were nine individuals that attended the conference.

Mr. McConnell moved to approve the request as presented. Mr. Mason seconded the motion.

COUNTY COUNCIL REGULAR MEETING – APRIL 12, 2004 – Cont.

After some discussion, the motion carried five to one, Mr. Reed voted nay.

Sonoco Flexible Packaging – Approval of the Compliance with Statement of Benefits Form (CF-1)

John P. Wilson, Council Attorney, reported he has reviewed the form and feels everything seems to be in order.

Mr. West moved to approve the CF-1 as submitted. Mr. McConnell seconded the motion that carried with five votes. Mr. Reed abstained from voting.

Discussion with the Deputies' Association's Representatives (see minutes 3/8/04)

Anthony Meziere, Vice-President of the Johnson County Deputies' Association, appeared before the Council with information on multi-year contracts with other police departments as discussed at the prior Council meeting. Mr. Meziere read a legal opinion from Leo Blackwell, Legal Counsel for the State of Indiana Fraternal Order of Police, stating a multi-year contract may be entered into between a police department and County Council and Commissioners. Mr. Meziere had a few copies of contracts from other police departments.

Council members asked their legal counsel, John P. Wilson to review the contracts.

Mr. Waltz requested for the May Agenda to add under "New Business" A Review of the Contracts from Other Deputy Associations (Between County Council & Commissioners and Deputy Associations).

Discussion on the Rules & Regulations for New Hires

Mr. Waltz reported he met with the Board of Commissioners to basically keep the lines of communication open between the two bodies. The Commissioners hope to have a set of policies prior to the 2005 Budget Hearings. He noted he did not think current benefits of existing employees would be the primary focus of reduction or changes.

Mr. Wright commented the Council needs to know how much the county is paying for employee benefits and how much is being spent for dependents' benefits. He noted the amount of Public Employees Retirement Fund (PERF) (3%) that the county is now paying could be shifted back to the employee and used for a salary increase. That would increase an employee's annual salary, which would mean a higher calculation on retirement benefits because PERF is based upon the last five highest salary amounts.

Mr. McConnell commented shifting the PERF from the county back to the employee would convert a non-taxable benefit to a taxable benefit. He noted of the all things that have been discussed in the last twelve months, he thinks the Board of Commissioners should pursue to working with Johnson Memorial Hospital to help control health care costs for county employees and the care of inmates.

After come discussion, Mr. Waltz requested to include on the May Agenda: Discussion on the Rules & Regulations for County Employees.

Budget Guidelines and Hearing Dates for 2005

Mr. West recommended that Elected Officials and Department Heads should submit an actual projected budget for 2005 based upon the past years.

Mr. McConnell noted the CAGIT distribution for 2004 would be approximately \$380,000 less than projected. The county should have enough money for 2004, however beginning in January 2005 he does not know where the funds will come from.

Mr. Waltz commented historically the State has underestimated the county's CAGIT distribution on an average of 5% to 7% for the past eight years.

Mr. McConnell stated based upon the current budget and projected revenue, the Council will probably need to cut the 2004 budget for 2005 or seek relief from the levy to fund the shortfalls.

Mr. Wright commented if actual projected budgets were submitted for 2005 the Council would spend time reducing them back to the 2004 budgets based upon the revenue projections. He suggested the budgets remain the same for 2005 as approved for 2004.

Mr. Reed suggested the budgets for 2005 be submitted as if someone would have to be laid off, a bare minimum budget. He will not vote for a deficit budget. The county cannot continue spending the surplus.

The following dates were set for the 2005 Budget Hearings:

First Reading – August 17, 2004 -10:30 a.m.

First Reading – August 19, 2004 – 9:00 a.m.

Second Reading – August 24, 2004 – 9:00 a.m.

Date of Adoption – September 13, 2004

Mr. Waltz requested to include on the May Agenda under "Old Business" - Budget Guidelines for 2005.

There being no further business, Mr. West moved to adjourn the meeting. The motion was seconded by Mr. Reed and unanimously carried.

Council Member

Council Member

Council Member

Council Member

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Council Member

Council Member

Attest:

Johnson County Auditor