

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004

President, Brent Waltz, called the meeting to order.

I. ROLL CALL

The following members were present: R. J. McConnell, Keith Wright, Richard Mason, Paul Reed, Ron West, and Charlie Canary. John P. Wilson was present as the Council's Attorney.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 3/8/04 AGENDA

Mr. Waltz noted the following additions and deletions to the agenda:

Delete:(Under Old Business)

- Public Defenders Fund – table until April's meeting

Add: (Under New Business)

- Discussion with the Deputies' Association's Representatives
- Establish a New Line Item for the Commissioners
- Discussion on Solid Waste

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

V. APPROVAL OF 2/9/04 MINUTES

Mr. Wright moved to approve the 2/9/04 Council minutes as presented. Mr. Reed seconded the motion that unanimously carried.

VI. PUBLIC COMMENTS

There were no public comments.

VII. JOHNSON COUNTY PUBLIC LIBRARY – RE-APPOINTMENT & DISCUSSION OF THE LIBRARY CAPITAL PROJECTS FUND

Beverly Martin, Director of the Johnson County Public Library, appeared before the Council to seek their approval for the re-appointment of Jo Ellen Weems to the Library Board for a four-year term which will expire on April 1, 2008.

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

Ms. Martin also discussed the Library Capital Projects Fund Plan and proposed that the Council hold a public hearing on the plan at their regular meeting on May 10th. She noted that this the tenth year for the plan and explained its importance.

Mr. Wright commented that the library does a wonderful job and suggested that perhaps in the future, the genealogy labs could move from the museum to the library; where there is better access, better hours and more locations. Ms. Martin stated that this could be discussed in the future.

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

Mr. Canary moved to approve the following requests as presented:

EMERGENCY MANAGEMENT TRAINING GRANT (CERT) – (368)

#368-310.0 – Professional Services \$ 2,110.82

PROSECUTOR'S DEFERRAL PROGRAM –(327)

#327-313.0 – Deferral Program Participants \$ 9,022.50

BIOTERRORISM/PREPAREDNESS GRANT- (Health Dept.)– (915)

#915-210.0 – Supplies \$ 200.00

#915-310.0 – Professional Services \$ 4,000.00

MARCH OF DIMES GRANT – (360)

#360-210.0 – Claims \$ 750.60

ANIMAL SHELTER – (219)

#219-141.0 – Unemployment Compensation \$ 2,000.00

COUNTY MEDICAL CARE FOR INMATES – (903)

#903-200.0 – Claims \$ 10,281.00

Mr. West seconded the motion that carried unanimously.

ELECTION BOARD & REGISTRATION OF VOTERS – (114) & (115)

Jill Jackson, Clerk, appeared to request the re-establishment of overtime line items in the Election Board and the Voter Registration Departments. Mrs. Jackson noted that money is being transferred from other line items to put into these line items.

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004 – Cont.

Mr. Wright commented that at the budget hearings last year, these line items were zeroed out in hopes that compensatory time or flex time could be given instead of paying the overtime wages.

Mrs. Jackson stated that she would rather pay the employees for their work and be done with it; she would rather not worry about keeping track of the comp time and making sure that they take that time off at a later date, which is already hard with such a small staff to schedule their vacation time off.

Mr. McConnell stated that they should allow the department heads the flexibility to manage their departments how they see fit. He then moved to approve the request as presented.

Mr. West concurred with Mr. McConnell in allowing flexibility for the department heads to manage their department. Mr. West seconded the motion.

Mr. Wright agreed with allowing the department heads to work within their budget and stated that they should work with the budget that was approved during budget hearings. He also stated that with allowing transfers early in the year only allows for additional appropriations being made later in the year.

Mr. Mason commented that he was under the impression that the office could operate without the overtime line items and he is hesitant in re-instating them.

Mr. Waltz called for question and did a roll call vote on the motion made by Mr. McConnell and seconded by Mr. West. The motion passed five to two; Mr. Wright and Mr. Mason voted nay.

#114-199.0 – Overtime (new line item)

#115-199.0 – Overtime (new line item)

JAIL – (124)

Sheriff Terry McLaughlin appeared to request the following title changes:

#124-126.3 – Shift Leader to Correctional Officer

#124-125.3 – Correctional Officer to Shift Leader

#124-128.1 – Correctional Officer to Asst. Shift Leader

Mr. Wright moved to approve the requests as presented. Mr. McConnell seconded the motion that unanimously carried.

Sheriff McLaughlin also requested an additional appropriation to purchase bulletproof vests. He commented that seven bids were taken and they have chosen to purchase them from P.A.C.A. Body Armor. They have quoted a price of \$449.00 per vest, with 100 vests being needed. Sheriff McLaughlin stated that they have applied for a grant and if they are awarded, they will reimburse the county. He also stated that he does not have a problem purchasing half of the vests from this year's budget and the remainder from next year's budget.

#124-410.0 – Miscellaneous Equipment \$ 44,999.00

Mr. Mason made a motion to table the request until the September Council meeting. Mr. McConnell seconded the motion, which carried unanimously.

CIRCUIT COURT – (131)

Judge Mark Loyd appeared before the Council and presented them an annual report of the Johnson County Juvenile Detention Center.

Judge Loyd then introduced Judge Cynthia Emkes, Superior Court #2, who gave a brief explanation of the requests presented. She also noted that all of the other Judges were present to review their specific department.

Judge Emkes first stated that all of the Judges are aware of the financial situation that the county is in therefore they have tried to re-evaluate their budgets as a whole (all of the courts) to seek salary adjustments. She noted that some of the courts couldn't fund any adjustments simply because they had no extra money, where some courts had a little room to work with and still stay within the guidelines set by the Council. All of the Judges would like to maintain as much equality among their courts' staff as possible.

Judge Emkes also apologized that this was not addressed during budget hearing times and explained that there was just not enough time for all of the Judges to get together to address and re-evaluate the situation. She stated that packets containing all of their research materials were mailed out to all the Council members in February. She noted that they are not asking for raises, just salary adjustments and the only other funding source available at this time besides the General Fund is the Jury Fee Fund (#308-200.0). Judge Emkes then gave a brief history of the Jury Fee Fund and how it operates. She then asked for questions from the Council.

Mr. Wright questioned the amount of increases requested among the courts, noting that most of them were similar except for Superior Court #1.

Judge Emkes replied that all of the Judges averaged \$1,400.00 per person per court, but ultimately, it was up to each Judge how they dispersed that adjustment amongst their court staff. Judge Barton noted that he did give one employee more based on her work performance, and that she has a degree, and for not getting the step increases when the grid system was dissolved.

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004 – Cont.

Mr. Wright commented that raises really should not be given based upon whether or not the person has a degree if the job description does not state one is needed; if that person leaves, and is replaced with someone who does not have the same qualifications, they could get the benefit of the higher salaried line item.

Mr. Waltz expressed his concern in allowing “non-labor funds” to be used for salaries and the impact it would have on other departments.

Discussion was held concerning the funding of salaries from line items that are not from the General Fund, and what happens when those funds are depleted. Judge Loyd noted that his requests are more of a salary supplement and if or when he is unable to maintain those supplements, he would be back to request it from the General Fund. However, he stated that they would do the best they can to support the supplements and through attrition, grant money, and jury fees, they can buy some time.

Mr. Wright commented that he likes the idea of this creative process, however he would rather address this matter during budget hearings, or maybe even stair-stepping the increases over a period time as the funds and fees increase.

Mr. McConnell made a motion to approve the requests as presented. Mr. West seconded the motion, which failed three to four; Mr. Reed, Mr. Wright, Mr. Mason, and Mr. Waltz voted nay.

Mr. Wright suggested that perhaps a portion of the request could be approved now and the remaining could be addressed again during budget time.

Mr. West then made motion to approve fifty percent (50%) of the request presented. Mr. Canary seconded the motion. The motion failed four to three. Mr. Reed, Mr. Waltz, and Mr. Wright voted nay.

Mr. Wright then moved to approve twenty five percent (25%) now and re-address the matter during budget time for January 2005. The motion died due to lack of a second.

Mr. McConnell made a motion to table the request for thirty days to allow the courts to provide additional input. Mr. West seconded the motion. The motion to table the request failed three to four; Mr. Waltz, Mr. Reed, Mr. Wright and Mr. Mason voted nay.

Mr. Mason then made a motion to approve one third (33.3%) of the request, retroactive to January 1, 2004 and to re-address the matter at budget time. Mr. Wright seconded the motion, which unanimously carried.

CIRCUIT COURT – (131)

From: #131-391.0 – Jury Expenses	(\$ 2,234.00)
To: #131-113.0 – Court Reporter \$29,810 to \$30,060	\$ 250.00
To: #131-113.1 – Assist Court Reporter \$22,400 to \$22,867	\$ 467.00
To: #131-113.2 – Bailiff/Assist. Reporter \$24,525 to \$24,992	\$ 467.00
To: #131-113.3 – Juvenile Court Reporter \$29,810 to \$30,060	\$ 250.00
To: #131-115.0 – Assist Court Reporter \$22,941 to \$23,408	\$ 467.00
To: #131-122.0 – Assist Court Reporter \$24,525 to \$24,858	\$ 333.00
From: #131-302.0 – GAL Program	(\$ 2,000.00)
To: #131-117.0 – Court Admin/Law Clerk \$46,104 to \$48,104	\$ 2,000.00
Reduction: #131-258.0 – Law Books (S.S. & PERF)	(\$ 660.00)

JOHNSON COUNTY FAMILY COURT – (353)

From: #353-323.0 – Travel/Education	(\$ 666.00)
To: #353-114.0 – Salary Supplement (#137-112.0) \$333.00	\$ 333.00
To: #353-117.0 – Salary Supplement (#137-116.0) \$333.00	\$ 333.00
#353-115.0 – Salary Supplement (#137-113.0) \$167.00	\$ 167.00
#353-116.0 – Salary Supplement (#137-115.0) \$667.00	\$ 667.00
From: #353-302.0 – Professional Services	(\$ 233.85)
To: #353-142.0 – Social Security	\$ 110.10
To: #353-143.0 – PERF	\$ 123.75

CASA FEE & DONATION FUND – (361)

#361-115.0 – Salary Supplement (#131-123.0) \$467.00	\$ 467.00
From: #361-215.0 – Operating Supplies	(\$ 72.75)
To: #361-142.0 – Social Security	\$ 34.25
To: #361-143.0 – PERF	\$ 38.50

SUPERIOR COURT NO. 1 – (132)

From: #132-114.0 – Law Clerk/Bailiff	(\$ 984.00)
From: #132-129.0 – Part-time Clerical	(\$ 667.00)
To: #132-113.0 – Court Reporter \$29,810 to \$30,060	\$ 250.00
To: #132-117.0 – Assist Court Reporter \$26,950 to \$27,317	\$ 367.00
To: #132-118.0 – Assist Court Reporter \$26,950 to \$27,317	\$ 367.00
To: #132-119.0 – Assist Court Reporter \$23,000 to \$23,667	\$ 667.00
Reduction #132-391.0 – Jury Expenses (S.S. & PERF)	(\$ 236.61)
Reduction #132-391.0 – Jury Expenses (Magistrate Ct.)	(\$ 574.00)

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004 – Cont.

SUPERIOR COURT NO. 2 – (133)

From: #133-391.0 – Jury Expenses	(\$ 1,651.00)
To: #133-113.0 – Court Reporter \$29,810 to \$30,060	\$ 250.00
To: #133-114.0 – Assist Court Reporter \$24,294 to \$24,761	\$ 467.00
To: #133-117.0 – Assist Court Reporter \$25,485 to \$25,952	\$ 467.00
To: #133-121.0 – Assist Court Reporter/Bailiff \$26,988 to \$27,455	\$ 467.00
Reduction: #133-391.0 – Jury Expenses (S.S. & PERF)	(\$ 257.24)
Reduction: #133-391.0 – Jury Expenses (Magistrate Ct.)	(\$ 634.00)

SUPERIOR COURT NO. 3 – (134)

From: #134-391.0 – Jury Expenses	(\$ 1,650.00)
To: #134-113.0 – Court Reporter \$29,810 to \$30,060	\$ 250.00
To: #134-114.0 – Assist Court Reporter \$24,525 to \$25,025	\$ 500.00
To: #134-115.0 – Assist Court Reporter \$22,712 to \$23,112	\$ 400.00
To: #134-116.0 – Assist Court Reporter \$24,294 to \$24,794	\$ 500.00
Reduction: #134-391.0 – Jury Expenses (S.S. & PERF)	(\$ 257.24)
Reduction: #134-391.0 – Jury Expenses (Magistrate Ct.)	(\$ 260.00)

MAGISTRATE COURT – (136)

From: #136-391.0 – Jury Expenses	(\$ 650.00)
To: #136-112.0 – Small Claims Ct Reporter \$29,669 to \$29,919	\$ 250.00
To: #136-113.0 – Assist Court Reporter \$25,606 to \$26,073	\$ 400.00
#136-113.0 – Assist Court Reporter	\$ 67.00
#136-113.1 – Proceedings Supp Ct Reporter \$22,941 to \$23,408	\$ 467.00
#136-114.0 – Assist Court Reporter \$22,941 to \$23,408	\$ 467.00
#136-115.0 – Criminal Court Reporter \$27,624 to \$28,091	\$ 467.00
Reduction: #136-391.0 – Jury Expenses (S.S. & PERF)	(\$ 329.99)

BOARD OF COMMISSIONER – (122)

#122-142.0 – Social Security	\$ 843.53
#122-143.0 – PERF	\$ 897.55

JURY PAY FUND – (308)

#308-391.0 – Circuit Court	\$ 2,667.00
#308-392.0 – Superior Court No. 1	\$ 2,667.00
#308-393.0 – Superior Court No. 2	\$ 2,667.00
#308-394.0 – Superior Court No. 3	\$ 2,667.00
#308-395.0 – Magistrate Court	\$ 650.00

SUPERIOR COURT NO. 2 – (133)

Judge Emkes also requested a transfer of funds within her department to help pay for the courts' digital recording equipment.

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

From: #133-301.0 – Professional Services	(\$ 1,269.17)
To: #133-440.0 – Office Furniture/Equipment	\$ 1,269.17

MAGISTRATE COURT – (136)

Judge Richard Tandy appeared to request a transfer funds (\$332.60) from a salary line item (#136-114.0) to the over-time line item (#136-199.0).

Mr. McConnell moved to approve the request as presented. Mr. Canary seconded the motion. Mr. West commented that the money could be left in the salary line item and possibly later could be used for salary adjustments at budget time.

Judge Tandy then asked to withdraw his request at this time. The Council concurred.

IX. OLD BUSINESS

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

Mr. Waltz suggested that this issue be tabled again due to lack of time. He also gave an update stating that he has attempted to make contact with Norman Marcus for discussion of alternative revenue sources.

Mr. Canary moved to table the discussion until the April meeting. Mr. Reed seconded the motion, and the motion unanimously carried.

X. NEW BUSINESS

Discussion with the Board of Commissioners on Employee Policy

Joe DeHart, Commissioner, appeared to discuss with the Council policies and benefits pertaining to employees.

Mr. Wright expressed concern with the amount of sick time that employees earn and are paid for when they leave employment and the cost associated with it as well as the cost for health insurance allowed for public defenders and part-

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004 – Cont.

time employees versus the full-time employees. He also suggested implementing a waiting period to be covered for insurance or cost shifting the premiums for covered spouses and dependents.

Mr. West also stated that a policy for comp time or flex time and the accumulation of sick days needs to be addressed in an employee personnel manual. The payoff to employees when they leave employment often leaves a heavy burden with their department. He would like the Commissioners help in addressing these issues as well as the issues that Mr. Wright expressed concern with.

Mr. DeHart stated that he is not in favor of taking away employee benefits; however, he agrees that some issues need to be re-addressed. He then asked for the Council to make a list of concerns or appear at the Commissioner's meeting for further discussion.

Mr. Waltz stated that he would be present at the next Commissioner meeting to discuss these concerns in more detail. He also welcomed any other Council member that was interested in participating.

Discussion on the roads of Woodland Streams Subdivision

Kathy Cunningham, Treasurer of the Woodland Streams Neighborhood Association, appeared before the Council to ask for help in repairing their streets. Ms. Cunningham stated that she represents a community of ninety homeowners who are concerned with the maintenance of their streets and how that impact could affect the value of their homes.

She also stated that they understand that it is the responsibility of the Highway Department to maintain the roads; however they are inquiring about the funding for such projects. Ms. Cunningham stated that she was in support of implementing a Wheel Tax or enacting an Impact Fee to help pay for such projects.

Discussion was held concerning the funding for roads and maintenance. Mr. West pointed out that there are some other revenue sources that could be looked into; however, the State imposes restrictions on how the monies can be used. He suggested that this be presented to the State Legislators, rather than to the Council. Mr. West also stated that the Council has no control over which roads are repaired or when, it is up to the Highway and/or Commissioners to evaluate and decide.

Mr. DeHart commented that he is fully aware of the major road repairs that need to be done countywide and that they are doing as much as they can with what money they get and until the State changes how money is allocated to the County that is all that can be done.

Approval for Payment for the County Council Dues (2004)

Mr. West made a motion to approve payment for dues. Mr. Canary seconded the motion that unanimously carried.

Discussion with the Deputies' Association's Representatives

Lieutenant Mike McElwain, President of the Johnson County Deputies' Association, and Anthony Meziere, Vice President, appeared before the Council to discuss employee benefits (primarily insurance and sick days). Mr. McElwain stated that they have asked the Commissioners for a contract which states that benefits will not be taken away. They are not asking for pay raises or trying to take away any authority from the Sheriff; they are simply asking to keep what they currently have.

Mr. Wright noted that it wasn't his intention to take away the insurance or sick time; he is just not in favor of paying off all of the unused sick time in current dollars when an employee leaves or retires. Who owns the sick time, the employee or the employer?

Mr. McElwain stated that currently the county allows a maximum of 30 days accrual for sick time. Many employees do try to bank days for when they are really sick. He stated that in the past, benefits, mostly relating to pay have been taken away, such as longevity pay, starting salaries (entry level), and the pay matrix.

Mr. McConnell stated that he would not like to single out one department for protecting benefits; all employees deserve the same benefits.

Mr. Wright commented that the reasoning for increasing family premiums is to save money, which could be used for salary increases, which in turn would increase the employee's retirement/pension.

Mr. McElwain stated that all they were asking for was a contract to lock in what they have at this time and the opportunity to discuss matters before budget hearings.

Mr. Meziere commented that sick days are a benefit for the employees and they should not be penalized for being healthy and not taking those days. Some employees use their days as soon as they earn them, just to be using them.

Mr. West stated that a contract would not be any more beneficial to the way that things are handled currently because you would still be dealing with the same seven member body.

Mr. McElwain replied that it would be locked in for a certain period of time and then it could be re-negotiated with the new Council.

Mr. Meziere stated that their first step in this contract process is to have the Commissioners to create an ordinance, which states that both the Commissioners and Council recognize the Deputies' Association as a bargaining agent and then hold discussions on benefits. They just want to guarantee benefits and wages in black and white.

COUNTY COUNCIL REGULAR MEETING – MARCH 8, 2004 – Cont.

Mr. Reed stated that he would rather see discussion held with the Council and the Deputies, similar to now, without having a bargaining unit or negotiator.

Mr. Meziere replied that is what they want too; just deputies, not the Union or the F.O.P, represent the Deputies' Association. They would like to set up a meet and confer session with the Council and Commissioners each year prior to budget hearings.

Discussion was held concerning contracts, whether or not one could be entered into if approved and for how long. Mr. Wilson noted that a contract could not be entered into without having money appropriated.

Mr. Mason stated that once you open the floor to negotiations, anything could happen.

Mr. Meziere requested that this discussion be tabled until next month, at which time he would get more information on multi-year contracts. The Council concurred that more discussion needed to be held as well as information researched.

Establish a new line item for the Commissioners

The Commissioners and Highway Department submitted a request to create a new line item, 207-420.0 Right-of-Ways. The establishment of the new line item is needed to purchase right-of-ways whenever a road hazard needs to be repaired.

Mr. Mason made a motion to approve the request as submitted. Mr. West seconded the motion, which unanimously carried.

Discussion on Solid Waste

Brenda Jones-Matthews, Auditor, stated that each county fiscal body must determine whether CAGIT Funds will be distributed to a Solid Waste District. She also stated that a resolution needed to be established either approving or denying such distribution and that the information has been given to the Council's attorney for review.

County Bail Bonding Advantages

Mr. West gave an update on the possibility of enacting County Bail Bonding. He stated that he and Sheriff McLaughlin visited Bartholomew & Shelby County and obtained information pertaining to their Bond Schedules.

Currently an individual who is required to post a bail bond must present the Clerk with the total amount of the bond in cash or use a Bail Bondsman who will post the bond for a fee of ten percent. The individual is also then required to pay certain court fees and processing fees. Mr. West handed out a breakdown of the fees.

The problem occurs when after the bond is posted, the individual, many times cannot pay the court fees, which often goes uncollected. He is proposing that the County create something so that the individual could post bond and pay the County the ten percent instead of a Bail Bondsman. The County would then deduct all of the incurred fees and any remaining funds would then be refunded to the person who posted the bond.

This type of system has several positives such as: helping the County collect the fees due them, refunding a portion of the bond back to the individual who posted it (which is non-refundable if done through a Bail Bondsman), and reducing the incarcerations of those individuals who fail to pay the fees. The only downside would be some additional clerical work, which would be minimal.

Mr. West also commented that if the State Legislatures would enact a process fee for the Sheriff's department, then that money could be used for salary increases. He noted that additional research needed to be done pertaining to the whole process of County Bail Bonding.

Mr. West then suggested at this point that a Bail Bonding Task Force be created. Mr. McConnell stated that he thought that was a great idea and moved to approve the request. Mr. Reed seconded the request that carried unanimously.

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

Council Member

Council Member

Council Member

Attest: _____
Johnson County Auditor

