

COUNTY COUNCIL REGULAR MEETING – FEBRUARY 14, 2005

Pursuant to I.C. 5-14-1.5-6.1 (b)(2)(B), the Johnson County Council held their executive session at 6:30 pm to discuss litigation matters relative to the Council. It is hereby certified by the Johnson County Council that no subject matter was discussed in this executive session other than the subject matter specified in the public notice.

The meeting was called to order by President, Ron West.

I. ROLL CALL

The following members were present: Charles Canary, Paul Reed, Rick Mason, Josh McCarty, John Price, and Steve Hollenbeck. John Phil Wilson was present as the Council's attorney.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 2/14/05 AGENDA

Mr. West noted that there were two additional requests by the Highway Department that needed to be added to the agenda. He also stated that an appointment to the Johnson County Election Accessibility Advisory Council needed to be made, and that would be done after public comments.

Mr. Canary moved to approve the agenda as amended. Mr. Mason seconded the motion that carried unanimously.

V. APPROVAL OF 1/10/05 MINUTES

Mr. Reed moved to approve the minutes as presented. Mr. Price seconded the motion that carried unanimously.

VI. PUBLIC COMMENTS

Jerry Sargeant, a member of the Greenwood Economic Develop Commission, wanted to report that they are doing their duty and are trying to promote economic development for Greenwood and Johnson County. He also wanted to compliment the Council for their service.

VII. APPOINTMENT

Mr. West nominated Paul Reed to be a representative on the Johnson County Election Accessibility Advisory Council. Mr. McCarty seconded the nomination, which carried unanimously.

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

Mr. Canary made a motion to approve the following requests from the Franklin Township Assessor and Juvenile Detention Center as presented:

FRANKLIN TOWNSHIP ASSESSOR – (111)

From: 111-321.0 – Travel & Training	(\$ 300.00)
To: 111-441.0 – Office Equipment	\$ 300.00

JUVENILE DETENTION CENTER – (140)

From: 140-311.0 – Professional Services

(\$ 1,376.75)

To: 140-440.0 – Office Equipment

\$ 1,376.75

Mr. Hollenbeck seconded the motion, which carried unanimously.

BLITZ 41 OPO/DUI – (374)

Doug Cox, Chief Sheriff Deputy, and a representative of the Law Enforcement Coalition, appeared before the Council to request that the funds from the State be appropriated to pay the agencies that have participated in the Operation Pull Over, Seat Belt Enforcement, and the Child Restraint Enforcement throughout the year.

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

374-210.0 – Claims

\$ 17,125.00

COMM. CORRECTIONS ADULT PROJECT INCOME (209) (6months)

Vickie Jones, representing the Johnson County Community Corrections Advisory Board, appeared before the Council to request a reclassification of a Case Manager to a Receptionist and to lower the salary.

Mr. McCarty asked if the Case Manager was no longer needed.

Ms. Jones replied that they are trying to do some restructuring and there is currently no receptionist position. Hopefully, they would get a Case Manager sometime in the future through Project Income.

Mr. Reed asked if they would be appearing before them again asking for more money for a Case Manager.

Ms. Jones answered probably not, unless they had the funds to pay for it.

Mr. Mason moved to approve the request as presented. Mr. Price seconded the motion, and the motion unanimously carried.

209-130.0 – Case Manager to Receptionist \$14,263.50 to \$9,500.00 (2/1/05)

ELECTRONIC MAP GENERATION – (905)

Brenda Jones-Matthews, Auditor, explained that Rob Norris, Computer Service Director, was unable to attend and asked her to speak on his behalf. She noted that the money is generated from electronic maps and he pays various claims from this fund.

Mr. Canary moved to approve the request as presented. The motion was seconded by Mr. Hollenbeck and carried unanimously.

905-210.0 – Claims

\$ 17,000.00

BOARD OF COMMISSIONERS – (122)

R.J. McConnell, Commissioner, appeared to request a transfer of funds from Professional Services and to place it into a new line item, County Coordinator, which would be a full-time position. This position would be accessible during regular business hours to assist all office holders and help aid in the administrative affairs. He hopes that the person in this position would be a valuable resource not just for them, but for the Council as well as he intends for both bodies to work closer together. This position will also work as a purchasing agent for the entire county, starting with trying to find a better cellular service contract to help save money.

Mitch Ripley, Commissioner, was also in attendance. He explained that the job description was written based upon several factors and needs of the county. This position would need to be very knowledgeable and experienced in human resources, but will be responsible for other things as well.

Mr. Reed asked if this new position would be considered a “fourth Commissioner”?

Mr. Ripley answered, “absolutely not”. This position will be strictly a County Coordinator, they will not sit at the table during their meetings; there are and will only be three Commissioners.

Mr. Reed also inquired about fees paid to the full time attorney and litigation attorney last year and asked if that was around \$120,000.00.

Mrs. Jones-Matthews stated that there was a \$12,000.00 retainer for Mr. Jones and Mr. Pitcher was paid \$85,000.00 per year. Any payments made to Mr. Jones’ law firm were in addition to these fees. She also noted that they were entitled to all benefits.

Mr. McConnell commented that the total package for the litigation council was between \$50,000.00 – to \$60,000.00, because there was an additional amount paid for litigation counsel above the retainer fee. He stated that they are currently paying a litigating attorney, Bill Barrett, an hourly fee of \$135.00 and noted that he is not held on a retainer.

Mr. Reed also inquired about benefits for these two attorneys.

Mrs. Jones-Matthews replied that they are both entitled to benefits.

Mr. McConnell commented that neither attorney is on the plan now; however, benefits for all counsel and part time employees need to be addressed in the near future.

Mr. West asked if this included public defenders.

Mr. McConnell responded yes, but there could be a justification for leaving public defenders eligible for benefits even if they exclude part time attorneys just for the fact that it helps to recruit and retain them because they do not pay them very much. Again, this is something that needs to be discussed and addressed at a later date.

Mr. Reed asked if this new position will be interviewing all potential employees for each department and how the elected officials will feel about this.

Mr. Ripley stated that this person will not hire for each department, but will help sift through the pool of applicants and help narrow down the amount of applicants that need to be interviewed based upon the qualifications of the applicant and the job requirements. This should help the office holder save time and expenses for advertising.

Mr. McConnell added that they would like for this person to assist in all employee disciplinary actions and terminations; which would hopefully lessen the amount of lawsuits filed against the county.

Mr. McCarty asked what would happen if there was a discrepancy between an elected official/department head and the county coordinator, how would that be counter-acted?

Mr. McConnell replied that the Commissioners want to be respectful to the independent elected office holders and hope that the person they hire in this position has good people skills, being comfortable enough and having the ability to understand that they are partnering with the elected officials. The Commissioners are offering them as a resource and the elected officials do not have to abide by their advice.

Mr. Ripley explained that is not the intent of creating this person to tell the elected officials how to run their office; they will be a resource available to them, which hopefully would be utilized, saving the elected officials time and money.

Mr. Mason asked if an office holder has a vacancy and they have someone they want to hire for that position, they can do it and do not need to contact the County Coordinator.

Mr. McConnell and Mr. Ripley replied that was correct.

Mr. Price moved to approve the request as presented. Mr. Reed seconded the motion, which carried unanimously.

From: 122-303.0 – Professional Services	(\$ 45,000.00)
To: 122-130.0 – County Coordinator (new) \$45,000	\$ 45,000.00

Mr. McConnell also commented that the Commissioners would like to hire a financial consultant from their Professional Services line item. They feel a consultant is needed to help with this year's budget process and they would like to partner with the Council and offer help, understanding that the Commissioner's input is only advisory. They are hoping to bring proposals before the Council within the next month or so.

PROSECUTOR DEFERRAL PROGRAM – (327)

Michelle Murray, Office Manager, appeared to seek approval of the following appropriations:

327-313.0 – Deferral Program Participants	\$ 27,589.20
327-311.0 – Professional Services (new)	\$ 2,000.00

Mr. Canary made a motion to approve the requests as presented. The motion was seconded by Mr. Reed and carried unanimously.

Mr. Mason then suggested that Ms. Murray submit a brief explanation for each fund in the future to help the new Council members understand a little better.

FORFEITURE & SEIZURE – (312)

Mr. Mason moved to approve the following request as presented. Mr. Hollenbeck seconded the motion. The motion unanimously carried.

312-315.0 – Travel & Training (new) \$ 7,000.00

SUPERIOR COURT NO. 2 – (133) effective 1/1/05

Mr. West noted that Judge Emkes was unable to attend the meeting due to a prior engagement. He stated that this request was presented and discussed at last month's meeting and entertained a motion.

Mr. Price made a motion to approve the following request as presented:

From: 133-117.0 – Assistant Court Reporter \$25,952 to \$24,761 (\$ 1,191.00)
To: 133-113.0 – Salary Court Reporter \$30,060 to \$30,457 \$ 397.00
To: 133-114.0 – Assistant Court Reporter \$24,761 to \$25,158 \$ 397.00
To: 133-121.0 – Asst. Court Reporter/Bailiff \$27,455 to \$27,852 \$ 397.00

Mr. McCarty seconded the motion.

Mr. Canary expressed his concern on allowing the shifting of money when someone leaves or retires and hiring someone at a lower rate, that it doesn't change the bottom line and does not affect the general fund; however, he feels like they should monitor how long departments keep positions vacant – do they really need that position? Also, he doesn't want the departments to come back the next year, or at budget time, and tell them that it didn't work; they need to be committed to the change and make it work.

Mr. West commented that he has long been a proponent to use money from the 100 series when there is conservation. By taking these steps now, he hopes that it will be the beginning of helping all county employees to get raises.

Mr. McCarty stated that he agreed with Mr. West. He also stated that from his prospective, he is not giving the green light to all requests; he will be voting on each request based upon its own merit.

Kristi Bruther, Assistant Director of the Juvenile Detention Center, expressed her concern to the Council on how her department requested a one-time bonus, which did not affect the bottom line, for their employees last June and it was approved, then in November it was voted against. She just wanted the Council to be aware and take into consideration all requests from each department and be as consistent and fair across the whole county. She also stated that they did not leave positions open for an extended period of time just to give raises.

Mr. West noted that if they do not take the first step now, then it is not going to work for anybody; what happened in the past, happened, nothing was targeted at their department.

The motion carried five to two; Mr. Reed and Mr. Mason voted nay.

INSPECTION FEES – (276)

William Peebles, Director of Planning & Zoning, appeared to request an additional appropriation to purchase several things for the office, such as two new computers, software upgrades, and software to scan documents.

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

276-210.0 – Claims \$ 10,000.00

HIGHWAY MAINTENANCE & REPAIR – (204) (tabled from Dec. & Jan.)

Don Sanders, Highway Director, appeared before the Council again to request the following:

204-332.1 – Tire Disposal \$ 9,393.00

Mr. Price commented that this matter was discussed at the Solid Waste meeting and it was the consensus of their board to try to find some way to help assist with this matter; however, they will need more time to do so.

Mr. Mason moved to table the request another month. Mr. Price seconded the motion, which carried unanimously.

CUMULATIVE BRIDGE – (206)
& HIGHWAY MAINTENANCE & REPAIR – (204)

Mr. Sanders was present to request a transfer of funds to Professional Services to pay a consulting firm, Barnes & Thornburg, LLP, who will assist in seeking funds from Washington DC to help pay for bridges and roads.

Mr. Price asked if Mr. Sanders knew when he was going to hire a senior designer.

Mr. Sanders responded that he is currently reviewing applications from ITT and Ivy Tech and plans to hire someone the first of June.

Mr. Mason asked how the decision to hire the firm of Barnes & Thornburg, LLP was arrived.

Mr. McConnell explained that during the education process for running for Commissioner, there were several counties that were directly lobbying the federal government for funds through their highways and were receiving a great deal of money. He commented that they felt it was well worth the money to hire a consulting firm, which would help in determining the county's options and direction of planning several highway projects. He also stated that they have had several discussions with this firm in asking them about their past successes. He then reviewed some of the things that the firm has already alerted them of and helped them do to get some money. He just feels that this is a good investment for the county.

Mr. Mason expressed that he thought that this was a great idea and asked if this is the only firm that handles this type of work or was this the only firm that was contacted.

Mr. McConnell replied that they were aware of two other firms, but was most comfortable with this firm. He stated that they are also considering using them for the bonding for the Animal Shelter and Firing Range. He also commented that he is not an advocate on hiring by price alone, he is more opt to finding the best firm and negotiating a price, not just to bid it out and go with the lowest bidder.

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

From: 206-111.0 – Senior Designer	(\$ 10,000.00)
To: 206-311.0 – Professional Services	\$ 10,000.00

From: 204-221.0 – Vehicle Maintenance Supplies	(\$ 10,000.00)
To: 204-311.0 – Professional Services	\$ 10,000.00

HIGHWAY MAINTENANCE & REPAIR – (204)

Mr. Sanders also asked for a transfer of funds to help repair a distributor, which is used for chip/seal paving.

Mr. McCarty asked if Mr. Sanders received quotes for this job.

Mr. Sanders responded “no”; they are sending this to Southeastern Equipment in Indianapolis because they are about the only company that handles distributors and they are just going to move it from one truck bed to another truck bed.

Mr. Reed moved to approve the request as presented. Mr. Price seconded the motion, which carried unanimously.

From: 204-410.0 – Truck Beds	(\$ 14,000.00)
To: 204-331.0 – Vehicle Repair & Maintenance	\$ 14,000.00

ANIMAL SHELTER GENERAL DONATION – (262)

Julie Hively, Animal Warden, appeared to request \$7,000.00 from the donation fund to reimburse expenses for care of horses that were picked up from a Lisa Goodwin and cared for by two other people.

Mr. McCarty inquired if any of these fees could be recouped from Ms. Goodwin.

Ms. Hively stated that there is a chance; however the matter is currently in litigation and she does not know what will happen.

Mr. Reed asked normally how long is something in litigation.

Ms. Hively replied that this is the first time that this has happened to her and she is unsure how long it will take. The horses were picked up in September 2002 and this should not have gone on this long. She also noted that she is working with the current county attorney and are trying to interpret the Indiana Code and establish a policy and procedures.

Mr. Canary commented that these things occur for too long and wondered if this affected the donations.

Ms. Hively reported that over \$70,000.00 has been donated to the Shelter over the past five years and feels like the people trust her judgment on how she spends the money; the people want to make sure the animals are taken care of properly and are not returned to situation that they were taken from.

Mr. Reed inquired how much money was spent for these horses over the last three years and if the horses will go back to owners, and are the owners going to reimburse the county for all of these expenses.

Ms. Hively stated that she is not sure what will happen in the litigation, but it will be requested that they reimburse the county for all expenses.

Mr. Price asked if there was a policy in place with a timeline on how long you can keep an animal.

Ms. Hively replied that she is working with the county attorney on this matter.

Mr. Mason asked if the prosecutor's office is involved and is trying to help.

Ms. Hively reported that the case is over; Ms. Goodwin has been prosecuted and convicted. The matter is now in litigation, with the current county litigation attorney handling the matter.

Mr. Mason requested an update on the situation at the March Council meeting. He then moved to approve the request as presented. Mr. Reed seconded the motion, which unanimously carried.

262-200.0 – Claims \$ 7,000.00

SHERIFF – (105) effective 1/6/05

Sheriff Terry McLaughlin was present to seek approval of salary adjustments. He explained that when someone who is making the highest salary for a deputy position retires or resigns, he would then hire a new deputy at a lower salary and would like to use the difference to increase salaries of other current deputies. He noted that he has done this same process twice last year and feels like it is a good system and it does not affect the bottom line.

Mr. Reed asked if Sheriff McLaughlin could estimate how much of Commissary Funds he has used to purchase items, instead of using County General monies.

Sheriff McLaughlin responded that it is well in excess of \$100,000.00.

Mr. Price moved to approve the following requests as presented. Mr. Hollenbeck seconded the motion, which carried unanimously.

From: 105-115.6 – Deputy \$39,239 to \$33,636 (\$ 5,603.00)
To: 105-115.1 – Deputy \$33,636 to \$34,401 \$ 765.00

To: 105-115.8 – Deputy	\$38,958 to \$39,239	\$ 281.00
To: 105-116.1 – Deputy	\$38,512 to \$39,239	\$ 727.00
To: 105-116.9 – Deputy	\$36,933 to \$37,699	\$ 766.00
To: 105-117.8 – Deputy	\$36,933 to \$37,699	\$ 766.00
To: 105-117.9 – Deputy	\$35,428 to \$36,194	\$ 766.00
To: 105-118.0 – Deputy	\$34,495 to \$35,261	\$ 766.00
To: 105-118.2 – Deputy	\$35,428 to \$36,194	\$ 766.00

Sheriff McLaughlin then asked for an additional appropriation to purchase eight bulletproof/tactical vests for the SWAT team. He explained that the vests have a life span of 10 years, and then they need to be replaced; however the new ones that will be purchased will only have a 5-year life span.

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

105-255.0 – Specialty Teams	\$ 13,600.00
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JAIL – (124)

Sheriff McLaughlin also was present to request funds to purchase 100 bulletproof vests, because the current ones will expire in December 2005.

Mr. Canary asked if they are only replacing 100 vests now or is that the total that they have.

Sheriff McLaughlin replied that they only have 100 vests; they have 40 merit deputies and 68 slots for reserve deputies.

Mr. Canary then asked if they have to replace all 100 vests now.

Sheriff McLaughlin responded yes, because they will expire in December 2005.

Mr. Canary inquired if they could purchase the vests in phases.

Sheriff McLaughlin replied that would be fine, but not for this year; you would have to begin the cycle during the fourth year of the life of the vest.

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

124-410.0 – Miscellaneous Equipment	\$ 45,900.00
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IX. OLD BUSINESS

Mr. West noted that last month he had given each member, with the exception of Mr. Hollenbeck, a list of all departments for them to evaluate to help determine which department(s) they would be a liaison for. He then stated that if they did not have that information with them now to bring it next month and he also gave Mr. Hollenbeck a list to complete.

Mr. Price commented that he had his list of considerations for 2005 and proceeded to read them:

1. Re-evaluate fees of different departments to see if they are in line with other counties – adjustments could allow for supplementing their budget or pay increases for county employees.
2. Hold a joint meeting with representatives from the County Commissioners, County Council and Johnson Memorial Hospital to discuss discounts to offset county medical expenses.
3. County Commissioners and County Council review departments with discretionary funds – using those funds for other expenses within their department, leaving more money for the county general fund.
4. Work with County Commissioners to determine the bridge rate where possibly some bridge projects could use bonding, which would free up money for the general fund.
5. Explore all possibilities to generate more revenue for the county.
6. Implement pay raises for all county employees.
7. Re-evaluate LOHUT, impact fees and possible EDIT funds.
8. Take a proactive approach when evaluating the needs of Johnson County residents and employees.
9. Work with elected officials and department heads on budgetary items in the 100 series funds, which could be used for salary adjustments.
10. Explore ways to keep up with the growth in the county. Greater population means greater demands for service.

Josh McCarty also had his list of concerns, which included the following:

1. Our employees are our most valuable asset; we must do all we can to retain them and keep them satisfied. Satisfied and content employees are productive employees. It also cost much more to train new people if there is high turnover.
2. Obvious goal is to solve our financial problems. We must scrutinize every dollar that comes thru these doors. This includes looking at revenue options. (see #3)
3. Look at the possibilities of increasing user fees, such as marriage licenses, divorces, building fees and impact fees. These fees are paid by those who use the services while not burdening the property taxpayers.
4. Open lines of communication between department heads, Commissioners, cities and towns, etc. (COMMUNICATION AND GOOD WORKING RELATIONSHIPS!)
5. Become more active in Economic Development. Work to foster key relationships with business and government. Are we doing enough to promote commercial and industrial business and development, or are we too restrictive as a county?

IX. NEW BUSINESS

Mr. West asked for an update of each members phone number, email, address, etc. so that they could be reached.

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