

COUNTY COUNCIL REGULAR MEETING – DECEMBER 4, 2006

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

I. ROLL CALL

The following members were present: Josh McCarty, Rick Mason, Paul Reed, Steve Hollenbeck, Charles Canary, and John Price. Phil Wilson, Council’s attorney was not present.

II. PLEDGE OF ALLEGIANCE

III. INVOCATION

IV. APPROVAL OF 12/4/06 AGENDA

Mr. West added a request to transfer funds from Computer Services, Animal Shelter, and the Maintenance Department to the Agenda.

Mr. McCarty moved to approve the agenda including the additions. Mr. Price seconded the motion that carried unanimously.

V. APPROVAL OF 11/13/06 MINUTES

Mr. Hollenbeck moved to approve the minutes as presented. Mr. Reed seconded the motion, which unanimously carried.

VI. PUBLIC COMMENTS

See below

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

CIRCUIT COURT – (131)

K. Mark Loyd, Circuit Court Judge, appeared to request a transfer of funds to purchase a copier for Magistrate Court.

Mr. Canary moved to approve the request as presented. Mr. Hollenbeck seconded the motion that carried unanimously.

From: 131-350.0 – Lease Agreements	(\$ 2,500.00)
From: 131-302.0 – GAL	(\$ 2,000.00)
To: 131-411.0 – Equipment	\$ 4,500.00

PUBLIC COMMENTS

Jeff Lilly, President of Consulting Dynamics Inc., appeared to introduce himself and explain the type of services that the company provides. He works with state and local governments on planning issues, program evaluations such as public debt issuance and governmental consulting. He also works with entities on capital improvement plans and budgetary future plans. He would talk with all departments to discuss their future needs

and costs to compile a plan. The plan is normally discussed with the Council and Commissioners and updated every six months. He also works with counties on jail overcrowding.

MAGISTRATE COURT – (137)

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

From: 137-114.0 – Part-time	(\$ 400.00)
To: 137-215.0 – Operating Expenses	\$ 400.00

COOPERATIVE EXTENSION – (116)

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

From: 116-323.0 – Travel & Training	(\$ 800.00)
To: 116-215.0 – Office Supplies	\$ 700.00
To: 116-440.0 – Office Equipment	\$ 100.00

MUSEUM – (125)

Sarah Rogers, Director, appeared to request a transfer of funds from clerical assistant to utilities.

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

From: 125-113.0 – Clerical Assistant	(\$ 1,400.00)
To: 125-342.0 – Utilities	\$ 1,400.00

COMPUTER SERVICES – (141)

Robert Norris, Computer Director, was not present however had spoke with Jan Richhart, Auditor and she explained the transfer of \$5,300 from office supplies to office equipment would be used to purchase a server for the GIS data.

Discussion was held on the need for the GIS server and the amount of funds that is still left in office supplies.

Mr. Price moved to approve the transfer as submitted. Mr. Canary seconded the motion that carried five to two, Mr. Mason and Mr. Reed.

From: 141-210.0 – Office Supplies	(\$ 5,300.00)
To: 141-410.0 – Office Equipment	\$ 5,300.00

Mr. Norris also submitted a request to transfer funds from professional services into overtime in the amount of \$1,000. Mrs. Richhart noted Mr. Norris commented if the Council would not approve \$1,000 he would need at least \$500.

There was no motion made for transferring \$1000 into overtime.

Mr. Canary moved to approve transferring \$500 into overtime. Mr. Price seconded the motion that carried unanimously.

From: 141-399.0 – Professional Services	(\$ 500.00)
To: 141-199.0 – Overtime	\$ 500.00

PROSECUTOR DEFERRAL – (327) & CHILD ADVOCACY FUND – (284)

Michelle Murray, Prosecutor’s Office Manager, appeared to request additional appropriations for books, printing, deferral program participants, and claims for the child advocacy fund.

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

327-220.0 - Books	\$ 500.00
327-221.0 – Printing	\$ 300.00
327-313.0 – Deferral Program Participants	\$ 2,445.00
284-200.0 – Claims	\$ 940.00

Mrs. Murray submitted a salary ordinance (144) amendment for the funds being paid to the Prosecutors for student loan forgiveness.

Mr. West stated they would sign the salary ordinance (144) at the end of the meeting.

ELECTION BOARD – (114)

Mr. McCarty moved to approve the following transfer as submitted. Mr. Price seconded the motion that carried unanimously.

From: 114-113.1 – Deputy Clerk	(\$ 750.00)
To: 114-111.0 – Election Board Members	\$ 750.00

REGISTRATION OF VOTERS – (115)

Mr. McCarty moved to approve the following transfer as submitted. Mr. Price seconded the motion that carried six to one, Mr. Reed voted nay.

From: 115-113.0 – First Deputy/Voter Reg.	(\$ 198.40)
To: 115-114.0 – Part-time	\$ 198.40

WHITE RIVER TOWNSHIP ASSESSOR – (113)

Susan Segó Wayman, White River Township Assessor, appeared to request transfer of funds for part-time and office supplies. She distributed a copy to the Council members outlining their duties and responsibilities of the office. She reviewed all the information she provided to the Council.

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

From: 113-114.1 – Deputy/Land Tech/Encoding	(\$ 1,466.69)
To: 113-115.0 – Part-time	\$ 1,466.69
From: 113-323.0 – Travel & Training	(\$ 17.81)
To: 113-210.0 – Misc. Office Supplies	\$ 17.81

Mr. Price moved to approve the following transfer that was tabled from last month. Mr. Reed seconded the motion that carried unanimously.

From: 113-410.0 – Office Equipment	(\$ 83.69)
To: 113-210.0 – Misc. Office Supplies	\$ 83.69

ENHANCED 911 FUND – (901) – Option 1

901-114.0 – GIS Director \$ 50,000 (Dec 7 – Dec 29)

REASSESSMENT – (265) – Option 2

265-114.0 – GIS Director \$ 50,000 (Dec 7 – Dec 29) \$ 3,270.00

Mr. Price explained this would be two options to fund the new GIS Director’s position that was discussed at the last council meeting. The individual would begin December 26th instead of December 7th. The amount for reassessment if that option is chosen would be \$769.23.

Mr. Price moved to approve option one 901-114.0 with a salary of \$50,000 starting December 26th. Mr. Canary seconded the motion that carried five to two, Mr. Mason and Mr. Reed voted nay.

BOARD OF COMMISSIONERS – (122)

Tom Kite, County Commissioner, appeared to request an additional appropriation in for professional services. He noted the additional money is needed for legal fees for the remainder of the year.

Mr. Price distributed and explained a break down on the expenses that have been paid from professional services.

Mr. Kite noted the original request was for \$40,000; however, it could be reduced to \$35,000.

Mr. Reed questioned the amount spent on litigation services and felt the Council should have been given a breakdown of the amount of hours and rates.

Several Council members would like to have had a copy of the litigation claims for 2006 to review.

Mr. Price moved to approve \$35,000 for professional services. Mr. Canary seconded the motion that carried four to three, Mr. Reed, Mr. McCarty, and Mr. Mason voted nay.

122-303.0 – Professional Services \$ 35,000.00

BYRNE JUSTICE ASSISTANCE GRANT (JAG) – (349)

Terry McLaughlin, Sheriff, appeared to request an additional appropriation in the amount of \$1,153 for printing for crime watch brochures.

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

349-310.0 – Printing \$ 1,153.00

ANIMAL SHELTER – (219)

Shawn Donovan, Animal Shelter Warden, appeared to request a transfer of funds for several line items for the remainder of the year. He distributed and reviewed a sheet showing the total number of animals that went to the animal shelter, the number returned to owners, animals adopted, put to sleep, total of runs, and bite cases.

Mr. Mason moved to approve the following transfers as submitted. Mr. Hollenbeck seconded the motion that carried unanimously.

From: 219-113.0 – Dispatcher	(\$ 4,000.00)
To: 219-113.3 – Part-time	\$ 4,000.00
From: 219-113.4 – Deputy Warden	(\$ 1,400.00)
To: 219-113.3 – Part-time	\$ 1,400.00
From: 219-113.1 – Dispatcher/Deputy Warden	(\$ 1,200.00)
To: 219-113.3 – Part-time	\$ 1,200.00
From: 219-113.2 – Lieutenant/Deputy Warden	(\$ 3,500.00)
To: 219-199.0 – Overtime	\$ 3,500.00
From: 219-112.0 – Admin. Assistant	(\$ 1,500.00)
To: 219-199.0 – Overtime	\$ 1,500.00
From: 219-115.0 – Senior Deputy Warden	(\$ 2,000.00)
To: 219-199.0 – Overtime	\$ 2,000.00
From: 219-323.0 – Travel & Training	(\$ 2,200.00)
To: 219-225.0 – Operating Supplies	\$ 2,200.00
From: 219-311.0 – Professional Services	(\$ 700.00)
To: 219-225.0 – Operating Supplies	\$ 700.00
From: 219-143.0 – Retirement	(\$ 3,000.00)
To: 219-221.0 – Vehicle Maintenance Supplies	\$ 3,000.00

MAINTENANCE

Jason Miller, Assistant Director of Maintenance, appeared to request a transfer of funds to pay the Vectren gas bill.

Mr. Canary moved to transfer the following request. Mr. Mason seconded the motion that carried unanimously.

From: 254-427.0 – Capital Improvement Buildings (\$ 2,100.00)
To: 123-351.0 – Utilities \$ 2,100.00

Note: A transfer from Cumulative Capital Development into General Fund is not an allowable transfer.

Discussion was on held on the travel and training expenses.

VIII. OLD BUSINESS

There was no old business to discuss.

IX. NEW BUSINESS

Discussion regarding Sheriff's Salary

Terry McLaughlin, Sheriff, along with Tom Jones, Sheriff's Attorney, appeared to discuss Sheriff's compensation. He explained that there is three ways a Sheriff can be paid one is a contract which he currently has, another is tax warrants that is 90% of the Prosecutor's salary and third is meal allowances. He would like to discuss the tax warrant Fees option.

Contract IC-36-2-13-2.5 Salary contracts for Sheriffs; required provisions

Sec. 2.5 (a) The sheriff, the executive, and the fiscal body may enter into a salary contract for the sheriff.

- (b) A sheriff's salary contract must contain the following provisions:
 - (1) A fixed amount of compensation for the sheriff in place of fee compensation.
 - (2) Payment of the full amount of the sheriff's compensation from the county general fund in the manner of salaries of other county officials are paid
 - (3) Deposit by the sheriff of the sheriff's tax warrant fees in the county general fund for use of general fund purpose.
 - (4) A procedure for financing prisoner's meals that uses one (1) of the following methods;
 - (A)The county fiscal body shall make an appropriation in the usual manner from the county general fund to the sheriff for feeding prisoners
 - (B)The sheriff shall pay for feeding of prisoners from meal allowance received under IC 36-8-10-7...After expenses of feeding prisoners are paid, the sheriff shall deposit any unspent meal allowance money in the county general fund for use for any general fund purpose
- (c) A salary contract is entered under this section when a written document containing the provisions of the contract is:
 - (1) approved by resolution of both the executive and the fiscal body; and
 - (2) signed by the sheriff

Tax Warrant Fees IC 36-2-13-2.8 Payment of compensation from county general fund

Sec. 2.8(a) In place of any other form of compensation, including salary contract entered into under section 2.5 of this chapter, a county may pay a sheriff's compensation as provided in this section from the county general fund in the manner that salaries of other county officials are paid. However, the sheriff may retain the sheriff's tax warrant collection fees (as described in IC 6-8.1-8-3).

(b) If a county pays a sheriff's compensation under this section, the county fiscal body shall make an appropriation in the usual manner from the county general fund for feeding prisoners.

(c) A county that pays a sheriff's compensation under this section shall pay the sheriff as follows:

(5) In a county having a population of

(A) more than 100,000; and

(B) not more than 200,000;

The county must pay the sheriff an annual salary that is equal to at least ninety percent (90%) of the annual minimum salary that would be paid by the state to a full time prosecuting attorney in the county.

Prosecutor's Salary

2006 \$110,500.00
 90% \$ 99,450.00 (sheriff)

Sheriff's Tax Warrant collection Fees

2006 \$ 24,941.64 (sheriff)

Meal Allowances IC 36-8-10-7 Prisoners; meal allowances

Sec. 7 (a) The state examiner of the state board of accounts shall fix the exact amount per meal that the sheriff of each county receives for feeding the prisoners in the sheriff's custody...The allowance may not exceed two dollars (\$2) per person per meal. The allowance shall be paid out of the general fund of the county after the sheriff submits to the county executive and itemized statement, under oath, showing the names of prisoners, the date that each was imprisoned in the county jail, and the number of meals served to each prisoner.

	Meals Served	\$ Spent	\$ / Meal	Profit
2006	311,111	\$195,115	1.16	\$165,773.54

Mr. Canary commented perhaps the Sheriff's contract could be negotiated instead of the tax warrant fee method.

Discussion was held on the amount of what the salary should be and the responsibility that the Sheriff has. There is cap on the amount of the Sheriff's pension of \$110,000.

Mr. Jones noted that if the Sheriff went with the traditional way by law the salary would be around \$230,000. The Sheriff would consider \$120,000 through a contract with the county.

Mr. West commented the Sheriff does a great job; however, he preferred for this issue to be brought back to the January meeting.

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