

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING MARCH 1, 2010**

The Howard County Board of Commissioners met in Regular Session on Monday, March 1, 2010, at 4:00 p.m. in Hearing Room 338 of the Administration Center. Those in attendance included President David Trine, Vice President William Thompson and Member Tyler Moore. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Trine. The Pledge of Allegiance was led by Commissioner Moore.

### **IN THE MATTER OF APPROVAL OF MINUTES:**

Four sets of minutes were submitted to the Board for their approval as follows:

The minutes of the February 15, 2010 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

The minutes of the February 22, 2010 Administrative Meeting were submitted and reviewed. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the February 22, 2010 Administrative Meeting minutes.

The minutes of the February 9, 2010 Special Session, having been previously submitted and reviewed, were approved on a motion made by Mr. Thompson and seconded by Mr. Moore.

The minutes of the February 24, 2010 Special Meeting (Group Buying Meeting sponsored by Cass County Commissioners) were submitted and reviewed. A motion was made by Mr. Thompson to approve the February 24, 2010 Special Meeting. The motion was seconded by Mr. Moore and carried.

### **IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:**

Highway Department Superintendent / Engineer Ted Cain submitted the following issues for the Board's information and approval:

1. **Acceptance Of Bridge Contracts:** Mr. Cain submitted an Acceptance Letter for Bridge Contract approvals of Contracts SRS-32152, SRS-32196, SRS-32332, SRS-32336, and SRS-32338. These bridges have been completed and inspected by Mr. Cain, who now gives his recommendation for acceptance. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to accept the contracts as submitted, on the recommendation of Mr. Cain.
2. **Temporary And Permanent Right-Of-Way Purchases:** Mr. Cain submitted the Temporary Right-of-Way Purchase in the amount of \$180.00 for a portion of property located at 2516 East Boulevard, owned by Roger L. Colter and Marjorie L. Katzenmeyer as Successor Co-Trustees of the Lewis and Charlotte Colter Revocable Trust under a trust agreement dated March 13, 1992. A motion was made by Mr. Moore, seconded by Mr. Thompson and carried to approve the Temporary Right-Of-Way purchase for a portion of property located at 2516 E. Boulevard Street.

Mr. Cain also submitted a Permanent Right-Of-Way purchase for property located at 2516 East Boulevard, Kokomo, Indiana, in the amount of \$20,000.00. This property is also owned by the co-trustees of the Lewis and Charlotte Colter Revocable Trust. A motion was made by Mr. Moore to approve the Permanent Right-of-Way purchase of property located at 2516 East Boulevard Street, Kokomo, Indiana, and authorize President Trine to sign the Sales Disclosure and Warranty Deed documents on behalf of the Board of Commissioners. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:**

Sheriff Marshall Talbert submitted the following issues for the Commissioners' information and approval:

1. **Jail Population:** The current inmate population is three hundred thirteen (313), with forty-seven (47) being female.
2. **Carpeting Project:** The installation of new carpet in the jail offices is progressing. The Inmate Work Crew is doing the preliminary work as well as assisting the professionals with the installation. They hope to have the project completed this week.
3. **Health Incident At Western High School:** Sheriff Talbert reported on an incident that happened at Western School, last Wednesday, when a seventeen year old student collapsed and went into cardiac arrest. Had it not been for the CPR administered and the use of the Automated External Defibrillator (AED), the incident would not have had a happy ending. Sheriff Talbert commended Howard County Deputy / School Liaison Wayne Ives for his assistance in reviving the student. Using this incident to show the need for the AED units, Sheriff Talbert would like to purchase one for the Courthouse, out of his Commissary Funds. The unit, when purchased, would be housed in the Security Office. Sheriff Talbert is also researching meritorious medals for duty above and beyond the call. At the conclusion of ensuing discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to authorize Sheriff Talbert to proceed in the research and purchase of an AED for the Courthouse.

#### **IN THE MATTER OF PLAN COMMISSION ISSUES:**

Plan Commission Director Glen Boise submitted the following issues for the Board's information and approval:

1. **Case No. 1-CP-09:** Three lots in Rome Downs Subdivision located at 1970 South County Road 1100 East, were submitted and approved on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Flood Mitigation:** Mr. Boise is waiting for the State's response concerning his inquiry into funding opportunities for Local Match grants.
3. **US 31 Corridors Plans:** The US 31 Steering Committee met last week and made changes to the Consultant's plans. The next meeting will be Thursday, March 18<sup>th</sup>, in the Plan Commission Office. Plans are moving forward quickly.

#### **IN THE MATTER OF MAINTENANCE DEPARTMENT ISSUES:**

Buildings and Grounds Superintendent Scott Reed submitted the following issues for the Board's information and approval:

1. **Howard Haven:** There were several issues at Howard Haven that were addressed by the Maintenance Department last week and been remedied.
2. **Retirement:** Mr. Reed informed the Commissioners that employee Don Irwin retired last Friday after twelve years of service to Howard County.
3. **County Office Recycling Efforts:** Mr. Reed and Howard County Recycling District Director Mikki Jeffers have been working on ways that the County offices can be more effective in recycling efforts. Mr. Reed submitted copies of handouts he would like to distribute to Department Heads and Office Holders, outlining what can be recycled and how they should be prepared. Recycling efforts will improve the environment and help save in trash removal expense. A motion was made by Mr. Thompson to take this issue under advisement for further review. The motion was seconded by Mr. Moore and carried.

#### **IN THE MATTER OF COMMUNITY CORRECTIONS APPOINTMENT:**

President Trine submitted the name of Jackie Thomas-Miller as a possible appointment to the Community Corrections Advisory Board. At the conclusion of discussion, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to appoint Ms. Jackie Thomas-Miller to the Community Corrections Advisory Board for the term of four years and ending December 31, 2013.

### **IN THE MATTER OF INFORMATION SYSTEMS ISSUES:**

Information Systems Director Terry Tribby submitted the following issues for the Commissioners' information and approval:

1. **Phase II Certification:** Mr. Tribby made a trip to Indianapolis to talk with the Department of Local Government Finance concerning the change in data certification. Mr. Tribby continued to explain the changes and assure the Board that Howard County is still on line to certify by July 1, 2010.
2. **Network Virus:** Mr. Tribby reported that the network in the Administration Center was inflicted by a virus. It's the first virus in the last five to six years. Every work station in the Administration Center and Government Center was tested and it was found that the virus was isolated to three work stations. The IT Department researched the virus and found the weakness. They were able to resolve the issue in six hours. The IT Department will be researching different anti-virus solutions.

Mr. Moore expressed appreciation to the Information Systems Department.

### **IN THE MATTER OF DISCOUNT PRESCRIPTIONS:**

Ms. Lola Materna, Indiana Representative of the Patient Assistance Program made a presentation to the Board of Commissioners concerning a Discount Prescription program for uninsured patients. This program is for the uninsured of all ages and all incomes, assisting them with prescription savings of up to seventy-five percent. Ms. Materna submitted a letter from Owen County endorsing the program. She asked the Board of Commissioners to consider endorsing the program and making the prescription cards available to Howard County citizens. At the conclusion of the presentation a motion was made by Mr. Thompson to take this request under advisement for further review. The motion was seconded by Mr. Moore and carried.

### **IN THE MATTER OF A NEW COPIER PURCHASE FOR THE CENTER TOWNSHIP ASSESSOR OFFICE:**

On behalf of Center Township Assessor Sheila Pullen, County Assessor Jamie Shepherd submitted a request for a new copier purchase from the Reassessment Fund. The present copier is ten years old and for the last three years it has been in disrepair. The warranty has expired and any needed repairs will be very expensive. The Assessors' offices will be sending out Form 11's (Notice of Assessed Value) this year and those forms will be printed and mailed in house. Ms. Pullen has obtained quotes and the most reasonable and responsive quote is for a Cannon Image Runner from Beckley Office Equipment. Ms. Shepherd continued to explain the Form 11 process and the need to send them out this year. She also spoke briefly of the Certification process and commended Mr. Tribby for his diligence in this process. At the conclusion of the presentation, a motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the purchase of the Cannon Image Runner from Beckley, out of Reassessment Funds, and authorize President Trine to sign on behalf of the Board.

### **IN THE MATTER OF CLAIMS AND REPORTS:**

Auditor Ann Wells submitted the following claims and reports for the Board's information and approval:

1. **Salary Claims:** The Commissioners' Salary, hourly and overtime claims payable March 5 and 12, 2010, in the amount of \$338,210.16 were approved for payment on a motion made by Mr. Thompson and seconded by Mr. Moore.
2. **Operating Claims:** The Commissioners' Operating Claims payable March 1, 2010, in the amount of \$297,886.38, were submitted and approved on a motion made by Mr. Moore and seconded by Mr. Thompson.

### **IN THE MATTER OF COUNTY ATTORNEY ISSUES:**

County Attorney Larry Murrell submitted the following issues for the Commissioners' information and approval:

1. **Barnes & Thornburg Invoice:** Mr. Murrell submitted an invoice from Barnes & Thornburg in the amount of \$29,735.50, for services rendered in connection with Chrysler Corporation matters, for the

period ending January 31, 2010. The invoice was approved for payment on a motion made by Mr. Moore and seconded by Mr. Thompson.

2. **Alan Wilson Invoice:** An invoice for Alan Wilson, Attorney, in the amount of \$1,313.00 was submitted by Mr. Murrell. This invoice is for service rendered in the case of Mark Miller V Greg Davis, et al, in Federal Court. This comes as a settlement that falls within our deductible. A motion was made by Mr. Thompson, seconded by Mr. Moore and carried to approve the Alan Wilson Invoice, in the amount of \$1,313.00.
3. **Prosecutor Vehicle:** At the February 1<sup>st</sup> Commissioner Meeting, Mr. Trine asked Attorney Murrell to review applicable statutes to determine if it was proper for Prosecutor Fleming to purchase a vehicle from the Prosecutor's Discretionary Funds (*please refer to page seven, "In The Matter Of Commissioner Issues", of the Regular Meeting minutes dated February 1, 2010*). Mr. Murrell submitted a memo for the Commissioners' information, stating that it is his opinion that the proper purchasing requirements were met by the Board and Mr. Fleming used the Discretionary Funds in a lawful manner. Further, Mr. Murrell suggested the following **Procedural Consideration:** "Commissioner Trine's signature of what appears to be a non-time sensitive offer ("Document B") as an accommodation to the Prosecutor demonstrates a need to establish a clear policy on "advance signatures." From time to time in the course of conducting County business, you are asked to sign so called time-sensitive documents which are then ratified at the next regular meeting. Historically, you have used this procedure sparingly and only in unusual circumstances. However, no uniform rule exists to guide you when such requests are made. Had such a rule existed, Commissioner Trine would have had the benefit of a clear standard by which to judge Mr. Fleming's request to sign the offer." Mr. Murrell submitted a proposed Rule to be considered for adoption as an amendment to the current Rules for Transaction of Business. A Resolution will be submitted for consideration at the March 15<sup>th</sup> meeting. In reference to an unsolicited comment, Mr. Murrell informed the Board that a purchase's legality is not the only consideration. Being "appropriate" is also a consideration that has to do with policy; "...appropriateness of a purchase requested by an officeholder or department head is strictly a policy decision to be made by the Board."
4. **Purchasing Question:** In response to a purchasing question asked by Commissioner Thompson, Mr. Murrell reminded the Board that we do not have a Purchasing Agent. According to Ordinance No. 1998-BCC-33, Howard County Board of Commissioners is designated as the Purchasing Agency for the County; the Auditor is the designated Purchasing Agent and all Department Heads and Elected Officials are Limited Purchasing Agents. Prior to this Ordinance the Board of Commissioners had little say in the purchases and there was no uniformity. The Board still relies on its Department Heads and Elected Officials to do purchasing research, but ultimate authority for and supervision of purchasing lies with the Board.

#### **IN THE MATTER OF OPENING OF BIDS FOR INTERIOR DESIGN OF THE ADMINISTRATION CENTER AND GOVERNMENT CENTER;**

The Interior Design Bids for the Administration Center and Government Center were opened as follows:

DLZ	\$39,800.00
French Associates	\$ 6,970.00 + reimbursable costs
krM Architecture +	\$15,000.00

A motion was made by Mr. Thompson to accept all bids and take them under advisement for further review. The motion was seconded by Mr. Moore and carried.

#### **IN THE MATTER OF COMMISSIONER ISSUES:**

**Commissioner Moore:** Mr. Moore and Mr. Trine attended the Special Meeting sponsored by the Cass County Board of Commissioners concerning the benefits of group purchasing. Mr. Moore expressed concern for supporting the local economy and suggested the possibility of partnering with the City of Kokomo for purchases.

**Commissioner Thompson:** Mr. Thompson and Mr. Moore attended a Supporters of Scouts meeting. Mr. Moore read a proclamation prepared by Mr. Thompson.

**Commissioner Trine:** Mr. Trine received a letter from Indiana Department of Environmental Management concerning a receipt of an Air Permit Application from Hollingsworth Sawmill, Inc. in Russiaville.

Mr. Trine submitted a letter received from the Indiana Department of Environmental Management informing the Board of Commissioners that IDEM has received a Sewer Permit application from the City of Kokomo, allowing them to construct US 31 and Faith Road Sewer Extension in Kokomo.

Mr. Trine submitted the EMA Calendar and Activities Report for February 2010. The report and calendar were accepted on a motion made by Mr. Moore and seconded by Mr. Thompson.

The Weights And Measures Monthly Report for the month of January 16, 2010 – February 16, 2010, was submitted and accepted on a motion made by Mr. Thompson and seconded by Mr. Moore.

The minutes of the January 19, 2010 Soil & Water Conservation District Supervisors' Meeting and the Agenda for the February 23, 2010 meeting were submitted.

The Annual Jail Report was submitted by Sheriff Talbert for the Board's review. Captain Vincent will review the report with the Board at their March 15<sup>th</sup> meeting.

Mr. Trine will be attending the Road School next Tuesday, Wednesday and Thursday.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 5:30 p.m. on a motion made by Mr. Thompson and seconded by Mr. Moore.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

---

DAVID A. TRINE, PRESIDENT

---

WILLIAM THOMPSON, VICE PRESIDENT

---

TYLER O. MOORE, MEMBER

ATTEST:

---

ANN WELLS, AUDITOR

Howard County Board of Commissioner Meeting March 1, 2010