

HOWARD COUNTY COUNCIL REGULAR MEETING JANUARY 24, 2006

The Howard County Council met Tuesday, January 24, 2006 at 7:00 p.m. in Room 338 of the Howard County Administration Center. Those present included Council President Richard Miller, Council Vice President James Papacek, Council Members Stan Ortman, Leslie Ellison, Jeffrey A. Stout, Joseph a. Pencek and Dwight Singer. 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 Richard Miller.

The minutes of the December 13, 2005 meeting, having been previously submitted and reviewed, were approved as presented on a motion made by Mr. Singer and seconded by Mr. Ellison.

IN THE MATTER OF ORGANIZATION FOR 2006:

Vice President James Papacek nominated Councilman Richard Miller for President. The nomination was seconded by Mr. Stout. A motion was then made to close the nominations, by Mr. Singer, and seconded by Mr. Ellison. Mr. Miller was then duly elected.

A motion was made by Mr. Singer to nominate Mr. James Papacek to the office of Vice President. The motion was seconded by Mr. Ellison and carried. Mr. Papacek was then duly elected.

Mr. Richard Miller will serve as President and Mr. James Papacek will serve as Vice President of the Howard County Council for the year 2006.

IN THE MATTER OF RESOLUTION 2006-HCC-04:

Resolution 2006-HCC-04, a resolution ratifying and confirming the employment agreement of the Howard County Attorney, was approved on a motion made by Mr. Singer and seconded by Mr. Papacek.

IN THE MATTER OF ORDINANCE NO. 2006-HCC-02 - ADDITIONAL APPROPRIATIONS:

Ordinance No. 2006-HCC-02 was read in full by Auditor Ann Wells and acted upon as follows:

APPROPRIATIONS REQUESTED:

<u>001</u>	<u>Howard County General Fund</u>	REQUESTED:	APPROVED:
<u>008</u>	<u>Superior Court II</u>		
03212.00	Postage	\$ 1,500.00	\$ 1,500.00
04724.00	Law Books	\$ 5,000.00	\$ 5,000.00

Judge Jessup, Superior Court II, submitted the following requests for Council consideration. Judge Jessup prefers the use of books as opposed to computer searches, when it comes to law information.

A motion was made by Mr. Papacek to approve the request of \$1,500.00 to line item 03121.00, Postage and \$5,000.00 into line item 04724.00, Law Books. The motion was seconded by Mr. Stout and carried.

Total County General	\$ 6,500.00	\$ 6,500.00
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<u>150</u>	<u>Howard County Cumulative Capital Fund</u>		
04007.00	Equipment County Agent	\$ 6,000.00	\$ 6,000.00

Ms. Susan Neher, County Extension Director, requested additional funds for microphones and other equipment to add to their IP PolyCom program, as well as a new copy machine, including the Maintenance Agreement.

On a motion made by Mr. Papacek and seconded by Mr. Singer, the request for \$6,000.00 in line item 04007.00, Equipment for County Agent was approved.

<u>182</u>	<u>Howard County Sheriff LEEF Fund</u>		
03213.00	Travel & Training	\$ 1,017.00	\$ 1,017.00

The requested amount of \$1,017.00 reflects the three dollar fee collected from traffic warrants that is set aside for training purposes for the Sheriff's Department. Sheriff Talbert is requesting the funds be appropriated to the Travel and Training account of the LEEF, Law Enforcement Education Fund.

A motion was made by Mr. Singer, seconded by Mr. Ortman and carried to approve the appropriation of \$1,017.00 to line item 03213.00, Travel and Training.

<u>515</u>	<u>Howard County Sheriff Misdemeanant Fund</u>		
04721.00	Equipment	\$ 2,036.00	\$ 2,036.00

Sheriff Talbert requested funds from the Misdemeanant Fund to purchase bullet proof vests for the five Security officers in the Courthouse.

The appropriation request of \$2,036.00 for line item 04721.00, Equipment, was approved on a motion made by Mr. Papacek and seconded by Mr. Stout.

Mr. Miller commended Sheriff Talbert for his willingness to use his funds to "help the County in its entirety".

Total Additional Appropriations All Funds	\$ 15,553.00	\$ 15,553.00
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IN THE MATTER OF RESOLUTION NO. 2006-HCC-03-TRANSFERS:

Resolution No. 2006-HCC-03 was read in full by Auditor Ann Wells and acted upon as follows:

	TRANSFER FROM	TO	AMOUNT REQUESTED	ALLOWED
<u>001</u>	<u>Howard County General Fund</u>			
<u>023</u>	<u>Commissioners</u>	County Attorney		
01115.01	Part Time Legal Secretary	01115.00 Legal Secretary	\$ 11,044.00	\$ 11,044.00

Commissioner Brad Bagwell presented the request to transfer funds from Part Time Legal Secretary to County Attorney Legal Secretary. This puts the legal secretarial position in line with the part time salaried positions of the Public Defender and Deputy Prosecutors. The salary remains within the budget approved for 2006.

A motion was made by Mr. Papacek to approve the transfer request of \$11,044.00 from line item 01115.01 Part Time Legal Secretary to 01115.00, County Attorney Legal Secretary. The motion was seconded by Mr. Singer and carried.

<u>018</u>	<u>Maintenance</u>			
03253.00	Equipment Repair	02253.00 Equipment Repair Supplies	\$ 19,000.00	\$ 19,000.00

Buildings & Grounds Supervisor, Art Fross, explained the need to transfer funds from a line item seldom used to a line item that had been omitted from the original budget request. It is more likely that the Maintenance Department will buy repair supplies to do their own repairs.

On a motion made by Mr. Papacek and seconded by Mr. Singer, the request to transfer \$19,000.00 from 03253.00, Equipment Repair to 02253.00, Equipment Repair Supplies was approved.

IN THE MATTER OF SALARY ORDINANCE NO. 2006-HCC-03, AMENDING SALARY ORDINANCE FOR 2006:

Auditor Ann Wells read Salary Ordinance No. 2006-HCC-03 in full and it was acted upon as follows:

<u>001</u>	<u>Howard County General Fund</u>	REQUESTED	APPROVED
<u>023</u>	<u>Howard County Commissioners</u>		

01115.00 County Attorney Legal Secretary \$ 11,964.00 \$ 11,964.00

A motion was made by Mr. Singer, seconded by Mr. Ellison and carried to approve the Salary Ordinance No. 2006-03, Amending Salary Ordinance for 2006.

IN THE MATTER OF APPROPRIATION ORDINANCE NO. 2006-HCC-04:

Public Defender Steve Raquet presented Appropriation Ordinance No. 2006-HCC-04, an ordinance to appropriate the funds collected by the Auditor in the Public Defender Supplemental Fund, to be used to supplement the existing budget of the Howard County Public Defender's office for the year 2006. A motion was made by Mr. Papacek to approve Appropriation Ordinance No. 2006-HCC-04. The motion was seconded by Mr. Ortman and carried.

IN THE MATTER OF RESOLUTION NO. 2006-HCC-05:

Resolution 2006-HCC-05 was presented by Commissioner Bagwell, a joint resolution of the Howard County Council and the Howard County Board of Commissioners in support of the State of Indiana's Major Moves Initiative. The State has approved the Major Moves Initiative and accepted a bid for the lease of the Indiana Toll Road, in the amount of \$3.85 billion dollars. These funds would be placed in a trust fund for various highway projects and \$150 Million from the trust fund will be distributed to counties and their cities for local road projects. A motion was made by Mr. Pencek, seconded by Mr. Singer and carried to approve Resolution 2006-HCC-05.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

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

1. **Jail Inmate Population:** The current jail population is 291 inmates. Fourteen inmates were transported to the Department of Corrections.
2. **Checks submitted to the Auditor:** Two Department of Corrections reimbursement checks (\$9,100.00 and \$15,855.00) were submitted to the Auditor. Two \$50.00 rebate checks were also submitted.
3. **Food Safety Training:** The three cooks at the Criminal Justice Center will be trained in food safety operations to be Certified Food Handlers. This brings them into compliance with Health Department requirements.
4. **Dental Care Fees:** Dr. Alan Wilhere, dental provider for the inmates housed in the Criminal Justice Center, submitted a new fee schedule effective January 1, 2006. Dr. Wilhere provides inmate dental care for nineteen other counties and brings his services to the Criminal Justice Center. Though some of his rates have increased, Sheriff Talbert would like to retain Dr. Wilhere's services.
5. **Clarification of Returned Claim:** The Sheriff's Department submitted a claim for training fees. Because the language of the paperwork referred to the fees as membership fees, the claim was returned because that particular organization was not on the list of approved membership organizations for payment of dues. Sheriff Talbert clarified that this is not a membership organization and the payment required was for a training seminar and not membership dues. The claim was re-submitted for payment.
6. **Accident Report Fees:** Sheriff Talbert would like permission to spend \$6,000.00 from the Accident Report Fund on three new LED light bars for the squad cars, replacing the old style lights. A motion was made by Mr. Stout, seconded by Mr. Ortman and carried to approve the expenditure of \$6,000.00 for three new LED light bars out of Accident Report Fund (020).
7. **Holiday Buyout:** Sheriff Talbert would like to open discussions to approach the subject of establishing a fund to pay holiday hours in lieu of accruing compensatory time or holiday time off. Mr. Talbert submitted a copy of a memo to the staff of the Pike County Detention Center showing how the Deputies sign up for Christmas Holiday pay. He reminded the Council that the Sheriff Department must provide man hours around the clock, everyday of the year.
8. **Commissary Report:** Sheriff Talbert informed the Council that the Commissary balance is about \$26,000.00. He will have reports to submit at the next Council meeting.

9. **Cumulative Capital and Edit Funds:** Sheriff Talbert asked for request clarification pertaining to Cumulative Capital and Edit funds. President Miller reminded the Sheriff that both the Cumulative Capital and Edit Fund requests do not carry over from year to year, but must be re-appropriated each year.

IN THE MATTER OF PENDING ISSUES:

President Miller made reference to the following pending issues:

1. **Opposition to proposed Library location:** Correspondence was received from the Sycamore Reformed Presbyterian Church regarding its opposition to the Library acquiring its site for the proposed expansion. No official Council action was taken. Individual Councilmen could become involved at their discretion.
2. **House Bill 1124:** House Bill 1124, being authored by Representative Buck, at the County's request, is making its way through the House. If adopted it will allow local taxing units to borrow from the State's Rainy Day Fund, interest free, with a ten year possible repayment schedule. This will benefit Howard County should there be any shortfalls resulting from Delphi's non-payment of 2006/2007 taxes.
3. **Sunset Clause of the Innkeeper's Tax:** An Amendment to the Howard County Innkeepers Tax is also moving through the Legislature to remove the sunset cap so that the Johanning Civic Center mortgage can be retired.
4. **Brown County Tour:** Sheriff Talbert, Councilmen Miller and Singer, and Buildings & Grounds Supervisor, Art Fross, toured the Criminal Justice facility in Brown County for expansion information purposes.

IN THE MATTER OF COUNTY ATTORNEY ISSUES:

County Attorney Larry Murrell presented the following issues for Council information and approval:

1. **Joint Plan Commission Staff Interlocal Agreement:** It was necessary to file a claim for Declaratory Relief with Howard Circuit Court, asking the Court to interpret the Interlocal Agreement to determine that it has been extended for three years, under the terms of the agreement and the applicable law. That claim was filed on January 18, 2006, being authorized by the Board of Commissioners. The Commissioners are asking that the Council ratify and approve the filing of this lawsuit. A motion was made by Mr. Ortman to ratify and approve the filing of the claim for Declaratory Relief with Howard County Circuit Court. The motion was seconded by Mr. Ellison and carried.
2. **Conference Committee Commendation:** Mr. Murrell expressed appreciation to the Conference Committee for their work with the Joint Plan Commission Interlocal Agreement, and especially Councilman Papacek for his capable leadership as President of the Committee during some contentious moments. Mr. Murrell commends him for his work. Mr. Papacek recalled that all the amendments made by the Committee were unanimous and commended the Committee members for their willingness to make decisions in the best interest of the city and the county.

At the close of the meeting, Mr. Miller read a letter received from Superior Court IV Judge Hopkins. He expressed thanks and "deepest appreciation to all who contributed to the creation and establishment of Howard Superior Court 4." "The citizens of Howard County are well served by these knowledgeable and dedicated officials and employees. I am privileged to be a part of this team."

There being no further business to come before the Council at this time, the meeting was adjourned at 8:12 p.m. on a motion made by Mr. Papacek and seconded by Mr. Singer.

HOWARD COUNTY COUNCIL:

RICHARD H. MILLER, PRESIDENT

JAMES PAPACEK, VICE PRESIDENT

DWIGHT SINGER JR., COUNCILMAN

LESLIE ELLISON, COUNCILMAN

STANLEY ORTMAN, COUNCILMAN

JEFFREY STOUT, COUNCILMAN

JOE PENCEK, COUNCILMAN

ATTEST:

ANN WELLS, AUDITOR

County Council Minutes, January 24, 2006