

HOWARD COUNTY COUNCIL REGULAR MEETING JULY 28, 2009

The Howard County Council met Tuesday, July 28, 2009 at 7:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those present included President Richard Miller, Vice President Paul Wyman, and Members James Papacek, Stanley Ortman, Leslie Ellison, and Joseph Pencek. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Major Steve Rogers and conducted by President Miller. Councilman Ellison led in prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the June 23, 2009 Regular Meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Papacek and seconded by Mr. Pencek.

IN THE MATTER OF COUNCIL OPENING COMMENT:

President Miller opened the floor for comment by Council Members as follows:

During the State's audit of the Auditor's office, it was brought to Auditor Wells' attention that her copy of the E911 Fee Ordinance, Ordinance No. 2008-HCCO-22, is not signed. Ms. Wells submitted a copy of that Ordinance for the Council members to sign, as well as a copy of the portion of the June 24, 2008 Council Meeting that reflects the approval given by the Council.

IN THE MATTER OF ORDINANCE NO. 2009-HCCO-22 – ADDITIONAL APPROPRIATIONS:

Auditor Ann Wells read Ordinance NO. 2009-HCCO-22 – Additional Appropriations in full one time, and it was acted upon as follows:

		AMOUNT REQUESTED:	APPROVED:
<u>105</u>	<u>Howard County Adult Probation Fund</u>		
03264.00	Urine Screens	\$ 6,000.00	\$ 6,000.00

A letter from Chief Probation Officer Don Travis was submitted to the Council Members outlining the reason for the Additional request in line item 03264.00, Urine Screens.

A motion was made by Mr. Papacek to approve the request of \$6,000.00 in line item 03264.00, Urine Screens as submitted. The motion was seconded by Mr. Ortman and carried.

<u>500</u>	<u>Howard County CREDIT Fund</u>		
03002.00	Reimbursement Travel	\$ 2,700.00	\$ 2,700.00

Auditor Wells and Commissioner Moore corrected the line item to say Reimbursement Travel in lieu of Reimbursement City of Kokomo, clarifying that reimbursement for expenses incurred for the trip to Italy was to be paid directly to the Travel Agency (*please refer to page five, "In The Matter Of Possible Trip To Italy By Commissioner Moore", of the Regular Council Meeting Minutes dated June 23, 2009*).

The additional request for \$2,700.00 in line item 03002.00, Reimbursement Travel, was approved on a motion made by Mr. Ortman and seconded by Mr. Ellison.

<u>508</u>	<u>Howard County Prosecutor STOP Grant</u>		
01111.00	Deputy Prosecutor (<i>Part Time to Full Time</i>)	\$ 7,320.00	\$ 7,320.00
01521.00	FICA	\$ 560.00	\$ 560.00
01522.00	PERF	\$ 714.00	\$ 714.00
01523.00	Insurance	\$ 5,100.00	\$ 5,100.00

Deputy Prosecutor Tracey Wilson offered explanation for the additional request. Since August of 2008, Ms. Wilson has been the Domestic Violence Prosecutor. It became evident that because of the heavy work load, and the need to do it

effectively, Ms. Wilson had to work more than the part time hours she was paid. The State reviewed the process to try these cases, and made the Prosecutor's office aware of an additional grant that was available. The grant was applied for and received effective July 1, 2009 to June 30, 2010, and this request is to appropriate the additional grant, in the amount of \$13,694.00

A motion was made by Mr. Papacek to approve the appropriation requests as submitted. The motion was seconded by Mr. Ellison and approved.

TOTAL STOP GRANT		\$ 13,694.00	\$ 13,694.00
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515 Howard County Sheriff – Misdemeanant Fund

04721.00	Equipment	\$ 13,518.00	\$ 13,518.00
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Major Steve Rogers explained the additional request for the purchase of two new upgraded dryers for the Criminal Justice Center. One of the old dryers was given to Kinsey Youth Center, and the other dryer is being retained for usable parts.

A motion was made by Mr. Ortman, seconded by Mr. Wyman and carried to approve the request of \$13,518.00 to line item 04721.00, Equipment.

932 Howard County Health Bio-Preparedness Grant

01117.00	Part Time Bio-Pandemic Preparedness Specialist	\$ 4,600.00	\$ 4,600.00
01521.00	FICA	\$ 351.90	\$ 351.90
02371.00	Other Supplies	\$ 1,000.00	\$ 1,000.00
03212.00	Postage	\$ 150.00	\$ 150.00
03213.00	Travel & Training	\$ 1,000.00	\$ 1,000.00
03216.00	Communications	\$ 1,200.00	\$ 1,200.00
03241.00	Printing	\$ 250.00	\$ 250.00
03321.00	Mileage	\$ 250.00	\$ 250.00
04720.00	Equipment	\$ 12,500.00	\$ 12,500.00

Health Department Administrator Kent Weaver submitted appropriation requests for the Bio-Preparedness Grant and explained some confusion concerning how the grant payments were made. The amounts as submitted are estimates and the biggest expense will be from the Equipment line item, for the future purchase of a trailer to store and transport the pod set-up for possible pandemic situations. The trailer would be housed at the new Emergency Management facility. The Part Time Bio-Pandemic Preparedness Specialist has not been filled, but Mr. Weaver believes the position is necessary to update the current Disaster Preparedness Plan, in order to meet the expectations of the Grant.

A motion was made by Mr. Papacek to approve the appropriations requests, in the amount of \$21,301.90, as submitted. The motion was seconded by Mr. Ellison and carried.

TOTAL BIO-PREPAREDNESS GRANT		\$ 21,301.90	\$ 21,301.90
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TOTAL ADDITIONALS APPROPRIATIONS ALL FUNDS		\$ 57,213.90	\$ 57,213.90
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001 Howard County General Fund

023 Howard County Commissioners

01111.00	Commissioners (3)	\$ (3,279.00)	\$ (3,279.00)
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Previously, Auditor Wells explained this request as the 5% reduction in salary approved by the Board of Commissioners at their January 20th meeting (*please refer to page eight, item three, of the Regular Commissioner Meeting minutes dated January 20, 2009*). Paperwork for this reduction had not been previously submitted.

This reduction in line item 01111.00, Commissioners, is approved as submitted on a motion made by Mr. Ortman and seconded by Mr. Papacek.

IN THE MATTER OF RESOLUTION NO. 2009-HCCR-11 – TRANSFERS:

Resolution No. 2009-HCCR-11 – Transfers was read in full one time by Auditor Wells and acted upon as follows:

	Transfer From:	To:	AMOUNT REQUESTED:	ALLOWED:
001	<u>Howard County General Fund</u>			
003	<u>Howard County Treasurer</u>			
02231.00	Tax Statements	03212.00 Postage	\$ 3,749.79	\$ 3,749.79

Howard County Treasurer Martha Lake explained that the request to transfer funds into postage is to return postage money that was previously transferred into 02231.00, to cover the costs needed to create tax statements.

The request to transfer \$3,749.79 from line item 02231.00, Tax Statements to line item 03212.00, Postage, was approved on a motion made by Mr. Papacek and seconded by Mr. Ortman.

044	<u>Howard County Superior Court IV</u>			
01119.00	Secretary	01113.00 Court Reporter	\$ 851.00	\$ 851.00

Judge George Hopkins explained that the request to transfer funds into the Court Reporter line item is needed to buy back the over 200 hours of accrued compensation time for employee Connie Cook. There were additional funds in the Secretary line item because the current secretary is just completing her first year and was not collecting the full 100% of the appropriated salary.

The transfer request was approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Ortman.

Mr. Wyman asked for clarification on the maximum number of compensation hours an employee is allowed to accrue. Personnel Director Wanda McKillip responded that the maximum number of hours is two hundred and forty hours (240), and explained the requirements for buying back comp hours.

IN THE MATTER OF SALARY ORDINANCE NO. 2009-HCCO-23 – AMENDING SALARY ORDINANCE FOR 2009:

	<u>Howard County General Fund</u>	REQUESTED:	APPROVED:
001	<u>Howard County Commissioners</u>		
023	<u>Commissioner (3) 5% Voluntary Pay Cut</u>		
01111.00		\$ (3,279.00)	\$ (3,279.00)
508	<u>Howard County Prosecutor STOP Grant</u>		
01111.00	Deputy Prosecutor	\$ 55,000.00	\$ 55,000.00
	<i>Using \$7,320.00 in Grant Funds to increase 1 Part Time Position to Full Time, Current Salary \$40,370.00</i>		

Salary Ordinance No. 2009-HCCO-23 – Amending Salary Ordinance for 2009 was approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Ellison.

IN THE MATTER OF HIRING REQUEST FROM CENTER TOWNSHIP ASSESSOR OFFICE:

In light of the current hiring freeze, Center Township Assessor, Sheila Pullen comes now before the Council to justify replacement of the 1st Deputy position that was recently vacated. Her office has employed only two full time positions since she became the Assessor, fifteen years ago, even amid an increasing work load. With Center Township having over half of the County's real estate parcels and two thirds of the businesses, it's important to have the staff needed to accomplish their duties. She assured the Council that even with just one other employee, the work would be done, "but it'll be impossible to meet State deadlines and that's our problem; because if we don't meet those deadlines, then there are repercussions for the County." In response to a question asked by Mr. Wyman, this position does the real estate and requires the most training, including the State's requirement of a Level II certification. At the conclusion of discussion a motion was made by Mr. Papacek to approve the replacement of the 1st Deputy position in the Center Township Assessor's Office. The motion was seconded by Mr. Ellison and carried.

IN THE MATTER OF THE PUBLIC DEFENDER HIRING REQUEST:

Public Defender Steve Raquet seeks permission to replace a vacated part time deputy position with a full time deputy position (Attorney Michael Bolinger resigned for health reasons). The remaining portion of the funds of the part time position total \$20,213.34, and with an additional \$7,073.30 it would create a full time position in lieu of two part time

positions. That saves the county \$13,000.00. Mr. Raquet informed the Council that the Public Defender Commission has received the full funding requested last year, and the next two years will see a full 40% reimbursement every quarter. At the conclusion of discussion, including a time of question and answer, a motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the replacement of two part time deputies' positions with one full time position.

IN THE MATTER OF RESOLUTION NO. 2009-HCCR-13:

Resolution No. 2009-HCCR-13 is a resolution of the Howard County Council authorizing the transfer of Excess Levy Funds (previously transferred excess Family & Children Fund and Children's Psychiatric Residential Treatment Services Fund) to the County's Rainy Day Fund, in the amount of \$683,210.06. In response to questions asked concerning when and why the Rainy Day Fund was established, Auditor Wells read a portion of the January 27, 2004 Commissioner Meeting Minutes, referring to their recommendation of the establishment of the Rainy Day Fund, as a directive from the State. Resolution No. 2009-HCCR-13 was approved on a motion made by Mr. Ortman and seconded by Mr. Papacek.

IN THE MATTER OF THE ANNUAL LOIT RATE DISCUSSION:

At the June Council meeting, President Miller asked Council Members to consider the effect of the .5% rate for LOIT taxes, and be ready for the possibility of submitting a recommendation (*please refer to page five, "In The Matter Of The Annual LOIT Rate Discussion" of the Regular Meeting minutes dated June 23, 2009*). There is a tentative agreement with the City of Kokomo to ask Mr. Tom Guevara, of Crowe Chizek, to advise us of the intricacies of any rate change. Mr. Miller clarified that the LOIT Tax is a dollar for dollar (.05%) income tax replacement of the Homestead Property Tax, and can fund certain portions of the property tax. Discussion ensued. Attorney Murrell reminded the Council members that even though the deadline for action on the LOIT Tax is October 31st, there are several things that must happen before any change can be approved (i.e., recommendation to Tax Council and Tax Council decision). He recommends that the Council come to a decision on this issue in the next thirty (30) days. It was the consensus of the Council to add this discussion to the August meeting agenda, in view of the time constraints.

IN THE MATTER OF RESOLUTION NO. 2009-HCCR-09:

Resolution No. 2009-HCCR-09 is the resolution of Howard County Council approving the first amended Interlocal agreement between Kokomo and Howard County concerning the County's utilization of the City's Weights and Measures Inspector. Mr. Miller respectfully suggested that the Council table this issue until the August meeting. Mr. Papacek does not have a problem with tabling the Resolution, but there is a chance he will not be able to attend the August meeting. He wanted to give his opinion concerning Section 5 B3 (a), "Consideration of the fact that city residents pay county taxes;" as a factor in determining the methodology to be used. Mr. Papacek believes it is not a factor and should be removed from the Resolution. Mr. Wyman was concerned that waiting until the August meeting to approve the agreement would not give them time to receive the figures needed to help direct them for the 2010 budget hearings. Mr. Miller believes the figures used last year would not change significantly enough to affect this year's budget hearings. Mr. Murrell reminded the Council that the cost allocation process has been time consuming under the Plan Commission Interlocal, and even if the Council made a decision on the Weights & Measures Interlocal Agreement, now, there would likely not be enough time to do a new Cost Allocation by budget time. A motion was made by Mr. Ortman to recommend Resolution No. 2009-HCCR-09 with the exclusion of Section 5 B 3(a). The motion was seconded by Mr. Wyman. Mr. Murrell informed the Council that the Plan Commission Interlocal Agreement, at the insistence of the City, also includes "Consideration of the fact that city residents pay county taxes," and it has greatly added to the complexity of computing the Cost Allocation. Both the City and the County has given great consideration to being fair to all residents. At the conclusion of ensuing discussion, the previous motion was not acted upon. A motion was made by Mr. Pencek, seconded by Mr. Ellison and carried to table Resolution No. 2009-HCCR-09 until the August meeting.

IN THE MATTER OF THE BUDGET REDUCTION COMMITTEE:

Councilman Wyman reported on the progress of the budget reduction for the 2009 Budget. Earlier in the year, it was the goal to try to cut \$500,000.00 from the 2009 budget. These are the current reductions:

- \$216,000.00 has been offered from the Department Heads' and Elected Officials' 2009 budgets.
- \$100,000.00 estimated by year-end, because of the current hiring freeze
- \$100,000.00 has been saved from increasing the part time receiving full time insurance from 30% to 45%
- \$ 12,000.00 has been saved from the Maintenance part time line item
- \$175,000.00 estimated, from several line items in the Sheriff's Budget 2009-2010

- \$ 36,000.00 from Kinsey not replacing a retiree, will see in 2010
- \$ 25,000.00 possible part time savings depending on 2010 budget

The Committee will recommend that there be two unpaid holidays in 2010, a possible savings of \$200,000.00. County Assessor Jamie Shepherd has agreed to pay at least one year of the Assessors' salaries from the Reassessment Fund, seeing a savings of \$50 - \$55,000.00. in County General. This Committee has been working diligently to try to offset the 2009 – 2010 short fall of taxes and income, with the added burdens of loss of jobs in Howard County and the Delphi and Chrysler bankruptcy matters. The Committee believes that "...we are in an unprecedented economic crisis, financially, from a tax standpoint, in our community." Mr. Wyman made it very clear that "everything is on the table". He also believes this is the right time to look at consolidation of services with the City of Kokomo. The Committee remains open to the suggestions of all Department Heads and employees.

IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Major Steve Rogers submitted the following issues for the Council's information and approval:

1. **Commissary Report:** The June 2009 Monthly commissary Report was submitted and reviewed.
2. **New Vehicles:** The six new Sheriff vehicles have been received and are in the process of being switched over.

Mr. Miller commented that he was able to see the one vehicle that was finished, complete with insignias, and feels it is a beautiful automobile. This is the first solid color Sheriff Vehicle. Major Rogers informed the Council that they were able to save over \$800.00 not having the two-tone paint job.

IN THE MATTER OF TOWNSHIP BUDGETS FOR THE CALENDAR YEAR 2010:

Auditor Ann Wells submitted copies of the 2010 budgets for a portion of the Howard County Townships and entities, for the Council's non-binding recommendation. Liberty Township Trustee, Ms. Linda Groves, was in attendance to answer questions concerning Liberty Township's request to raise their 2010 Levy to 66%. Mr. Wyman reminded the Council that October 17th is the deadline to review tax rates or budgets and the Township Councils cannot act on their budgets without the County Council's non-binding recommendations. Discussion ensued, including the following comment by a citizen from Clay Township.

Clee Oliver, 5768 West County Road 00 North South: Concerning the comment that the Department of Local Government Finance could catch a levy that was too high, Mr. Oliver reminded the Council of the event that happened several years ago, involving the DLGF not catching a \$15 million dollar mistake in the City of Kokomo's Budget. Expecting them to catch an error, may not happen.

At the conclusion of discussion the following recommendations were made:

- Clay Township: The Council gave their non-binding recommendation on a motion made by Mr. Papacek and seconded by Mr. Ortman.
- Liberty Township: A motion was made by Mr. Papacek and seconded by Mr. Pencek to give a non-binding recommendation to Liberty Township. A vote was taken reflecting two Aye votes and three Nay votes. The motion was denied.
- Howard Township: The Council gave their non-binding recommendation on a motion made by Mr. Papacek and seconded by Mr. Ortman.
- Honey Creek Twp: The Council gave their non-binding recommendation on a motion made by Mr. Papacek and seconded by Mr. Ellison.
- Taylor Township: The Council gave their non-binding recommendation on a motion made by Mr. Papacek and seconded by Mr. Ellison.

A motion was made by Mr. Wyman, seconded by Mr. Papacek and carried to authorize the President to sign the Non-binding Recommendations on behalf of the Howard County Council.

There being no further business to come before the Howard County Council at this time, the meeting was adjourned at 9:00 p.m. on a motion made by Mr. Papacek and seconded by Mr. Ortman.

HOWARD COUNTY COUNCIL:

RICHARD H. MILLER, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

JAMES T. PAPACEK, COUNCILMAN

LESLIE ELLISON, COUNCILMAN

STAN ORTMAN, COUNCILMAN

JEFF STOUT, COUNCILMAN

JOSEPH PENCEK, COUNCILMAN

ATTEST:

ANN WELLS, AUDITOR

Howard County Council Regular Meeting July 28, 2009