

## HOWARD COUNTY BOARD OF COMMISSIONERS MEETING OCTOBER 15, 2007

The Howard County Board of Commissioners met in Regular Session on Monday, October 15, 2007, at 8:30 a.m. in Hearing Room No. 338 of the Howard County Administration Center. Those in attendance included Board of Commissioner President Paul J. Raver, Vice President Bradley J. Bagwell, and Member David A. Trine. 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 Paul Raver.

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

The minutes of the October 1, 2007 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.

### IN THE MATTER OF HIGHWAY DEPARTMENT ISSUES:

Highway Department Supervisor/Engineer Ted Cain informed the Board of Commissioners that he would like to reject the bid for the new Highway Department Grader, and entertain bids for a **New or Used Grader**. The submitted bid was much more than Mr. Cain expected, so he would like to bid for the possibility of a Used or New Grader, putting specific requirements on a used vehicle. The bids would be submitted on or before Monday, November 5, 2007, 8:15 a.m., to be opened at 8:30 a.m. on November 5<sup>th</sup>. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to reject the previous Grader Bid and to authorize Mr. Cain to entertain bids for a New or Used Grader.

### IN THE MATTER OF SHERIFF DEPARTMENT ISSUES:

Sheriff Marshall Talbert presented the following issues for Board information and approval:

1. **Jail Population:** The current inmate population at the Criminal Justice Center is three hundred twenty-four inmates.
2. **Installation of Commissary Kiosks:** All the Kiosks are installed and operational. This should help relieve Central Control (*please refer to page two, item nine, "In The Matter Of Sheriff Department Issues", of the Regular Meeting minutes dated April 2, 2007*). Money can be added to a prisoner's account through the kiosk in the form of cash, credit, or debit card. Sheriff Talbert commended Mr. Fross and the Criminal Justice Center's Maintenance Workers, for the fine job of installing the equipment. Mr. Talbert would also like the media to do a story concerning the equipment and the new way to apply money to an inmate's Commissary Fund. Attorney Larry Murrell noted that the contract with Keefe has not been signed by the Board of Commissioners. Sheriff Talbert will submit the contract at the next Commissioner meeting.
3. **Inmate Work Crew:** The Inmate Work Crew has completed the painting of the former Community Corrections Offices.
4. **Recruit Graduates From Academy:** Deputy Mike Miller graduated from the Law Enforcement Academy and will begin training in another week. Another recruit is currently attending the Academy for the next sixteen weeks. Deputy Jerry Jumper is retiring in January, 2008. Sheriff Talbert will replace that position.
5. **Purchase Agreement With Xybix Systems, Inc:** E-911 Assistant Coordinator Gary Bates presented the Purchase Agreement with Xybix Systems, Inc., in the amount of \$74,808.00, for Dispatch Consoles and related equipment. A motion was made by Mr. Bagwell to approve the Purchase Agreement with Xybix Systems, Inc. for the purchase of consoles, in the amount of \$74,808.00, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Trine and carried.

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

Plan Commission Director Glen Boise presented the following issues for Board information and approval:

1. **Unsafe Property In West Liberty:** Mr. Boise informed the Board that the owner of the property located at 320 South County Road 1250 East would like to find someone to remove the building at a lesser cost. A neighboring property owner, Deb Gatti, 3340 South County Road 1250 East was in attendance to add her concerns. Attorney Murrell suggested that if Mr. Boise has not received word from the owner, Mrs. Scott, by November 5, 2007, the Board of Commissioners should proceed with an unsafe building enforcement action (*please refer to page three, item five, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated October 1, 2007*).
2. **Unsafe Property South Of Center:** Mr. Boise has sent two letters to two different addresses but has not received a response from the owners of property located at 3662 South County Road 350 East. If he has not heard from the owners within the allotted time frame, Mr. Boise will begin the removal process.
3. **Unsafe Property West Of State Road 19:** Commissioner Bagwell informed Mr. Boise of an Unsafe Property located at 300 South County Road 475 East. Mr. Boise will follow up on this property.
4. **Possible Illegal Landfill On Touby Pike:** This complaint was originally heard at the September 17, 2007 Commissioner meeting (*please refer to page two, item seven, "In The Matter Of Plan Commission Issues", of the Regular Meeting minutes dated September 17, 2007*). The concern is that construction material is being dumped in an area that is to be a transfer site, only. Mr. Boise's office will follow up on this complaint.

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

Building and Grounds Superintendent Art Fross presented the following issues for Commissioners' information and approval:

1. **Trane Company Reimbursement:** Trane Company, the service providers for the Courthouse HVAC System informed Mr. Fross that one of four inspections was not conducted on the HVAC system of the Courthouse, incurring a credit with the company. Mr. Fross recommends that the County choose a reimbursement check in lieu of a credit. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to authorize Mr. Murrell to request a reimbursement check from Trane Company.
2. **Integrity Communications Invoice:** Mr. Fross re-submitted an invoice that was originally presented by the E-911 Communications Coordinator, Tony Ramsey, at the October 1, 2007 meeting (*please refer to page six, item one, "In The Matter Of E-911 Concerns" of the Regular Meeting minutes dated October 1, 2007 meeting*). This invoice is for battery back-up at the new emergency tower. Mr. Ramsey was directed to contact Integrity Communications to confirm if this service was part of the installation agreement. Payment of this invoice would require an Additional Appropriation Request to go before Council at their November Meeting. The Board of Commissioners would like Mr. Murrell to verify this invoice with the original contract. A motion was made by Mr. Bagwell to forward an Additional Appropriations Request, in the amount of \$6,000.00 to the Howard County Council. Attorney Murrell will verify that battery back-up was not a part of the original installation agreement. The motion was seconded by Mr. Trine and carried.
3. **Carpet Replacement Request:** The Information Systems Department (4<sup>th</sup> floor of the Administration Center) has carpet panels that need to be replaced. Mr. Fross has a quote with Gooch and Company in the amount of \$4,818.23, for which Mr. Fross has funds to pay. Mr. Murrell will prepare a standard Purchase Agreement for signatures. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to authorize the purchase of the carpet tiles from Gooch and Company and authorize the President to sign on behalf of the Board of Commissioners.
4. **Additional Dryer For Criminal Justice Center:** The new dryer for the Criminal Justice Center has been ordered, but the Company that has manufactured the dryer is requiring payment before the item is shipped. Because payment of a claim before an item is received is against the regular Claims procedure,

Ms. Wells has brought the Claim Voucher to the Board of Commissioners for their authorization. Also, any purchase of equipment \$500.00 and above requires an Asset Ledger form to be completed with the serial number. A motion was made by Mr. Bagwell to approve the payment of the dryer, subject to obtaining the serial number and shipping information, prior to the check being sent. The motion was seconded by Mr. Trine and carried. President Raver commended Auditor Wells for her ability to follow the correct statutory auditing procedure

5. **Civic Center HVAC Situation:** The Maintenance Department was asked to look at the HVAC system at the Johanning Civic Center. Siemens was able to look at the system and determine repairs needed. The Civic Center paid for the parts and our Maintenance Department was able to do the repairs. The system is old and needs constant monitoring. Their volunteer maintenance person, though good, is in Florida for several months out of the winter. He is able to turn the system on and off by computer, from Florida, but Mr. Fross feels it needs to be monitored more closely or replaced. Mr. Bagwell will take that recommendation to the Civic Center Board.
6. **Howard Haven Roof Project:** It is Mr. Fross' recommendation to reject all bids, at this time (*please refer to the top of page three of the Regular Meeting minutes dated October 1, 2007*). All bids were about \$26,000.00 more than Mr. Fross anticipated. He believes the situation is not yet critical and can wait until spring of 2008. A motion was made by Mr. Trine to reject the bids from Love Contracting and Arnie Cook, and to suspend the Howard Haven Roofing Project until spring of 2008. The motion was seconded by Mr. Bagwell and carried.
7. **McAllister Service Agreement:** Mr. Fross and Mr. Murrell presented a Service Agreement with McAllister for the generator at the new Emergency Tower. This agreement includes inspections and an annual "load test". Mr. Fross recommends the three year contract and Mr. Murrell has some changes that need to be made to the agreement. Mr. Murrell also recommends an expiration date of December 31, 2010. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the Service Agreement with McAllister for the New Emergency Tower, with the three-year option, subject to the suggested changes by the Attorney, and authorize the President to sign on behalf of the Board of Commissioners.
8. **A T & T Courthouse Situation:** The project with A T & T to install new lines at the Courthouse has been in progress for well over a year, and we have yet to sign a final contract for Centrex lines to the Courthouse. Mr. Fross and Mr. Murrell were contacted by the A T & T serviceman that there may be a problem with the number of lines going into the building, and that the engineers did not follow his design. Mr. Murrell and Mr. Fross will set up a meeting with County Officials, the serviceman involved, and the top supervisors of A T & T. Mr. Fross also advised that we have reached the limit of centrex lines for the Administration Center. Mr. Fross was directed to look into the possibility of different vendors.
9. **Government Center Painting Project:** Mr. Fross has contacted Officer Don Leffert to have the Inmate Work Crew paint the first floor hallway of the Government Center. That project will be scheduled after the outdoor work for the County has been completed.
10. **Memo Concerning County Employee Parking Lots:** Mr. Fross submitted a memo to distribute, concerning the County Employee Parking Lots being for the use of County Employees only. Discussion ensued concerning complaints the Board of Commissioners have received of county employees parking in metered spaces, taking needed parking space away from area business clientele. It was suggested a memo be prepared and circulated to Department Heads and Office Holders concerning discouraging the parking of employees in the metered parking spaces on the street. A motion was made by Mr. Trine, seconded by Mr. Bagwell and carried to authorize the distribution of the notice declaring that the County owned parking lots are for County employees only. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to authorize Auditor Wells to generate a memo to Department Heads and Elected Officials, notifying them to discourage the use of metered parking spaces by County employees during work hours.

**IN THE MATTER OF THE KOKOMO DOWNTOWN ASSOCIATION REQUEST:**

Mr. John Wiles of the Kokomo Downtown Association submitted a request for the use of the Courthouse roof for their New Year's Eve pyrotechnic display. Along with the request letter is the notice of Insurance, as well as a request to waive the fees to unlock and lock the building. Mr. Fross commented that the County has to pay a maintenance worker overtime to be on hand to unlock and lock the building. In the interest of not setting a precedent, Commissioner Bagwell made a motion to approve the request for use of the Courthouse roof for the pyrotechnic display on New Year's Eve, but not to waive the fees. The motion was seconded by Mr. Trine and carried.

**IN THE MATTER OF RESOLUTION NO. 2007-BCCR-26:**

County Assessor Jamie Shepherd and Councilman Paul Wyman submitted a resolution prepared by Mr. Murrell, Resolution No. 2007-BCCR-26, a resolution of the Howard County Board of Commissioners supporting the United Way of Howard County 2008 Campaign. Ms. Shepherd and Mr. Wyman also asked for authorization to sponsor two lunch hour pizza parties for County employees, to give information and answer any questions concerning United Way and the 2008 Pledge Campaign. The third request is for authorization to distribute an employee memo and Commitment Card to each employee through payroll distribution. Resolution No. 2007-BCCR-26 is approved on a motion made by Mr. Trine and seconded by Mr. Bagwell. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the distribution of the employee memo and Commitment Card through the payroll process, and any other activities they deem appropriate in the interest of the United Way 2008 Campaign.

**IN THE MATTER OF AN INCREASE IN PER DIEM FOR KINSEY YOUTH CENTER'S DIAGNOSTIC SERVICES:**

Kinsey Center Director Jan Weaver and Assistant Director Jeff Lipinski were in attendance to submit a request to increase, for two weeks, the service fee for Kinsey's Secure Care and Detention to cover diagnostic services that Kinsey Youth Center currently provides without fee. Ms. Weaver is looking at enhancing to two levels of service in Shelter Care and Secure Detention. When Kinsey would receive a request for diagnostic services, they would immediately contact Family Psychiatric Services for an appointment for diagnostic care. Then for a two-week period the per diem would be increased to cover the cost of the diagnostic service for both Kinsey Youth Center and Family Psychiatric. Kinsey would enter into a contract with Family Psychiatric to guarantee the diagnostic service within two weeks, and a verbal report given. The rate for those two weeks would be \$300.00 to \$310.00 per day. Any costs that Family Psychiatric recoups through insurance companies or Medicare will be reimbursed to Kinsey Youth Center. Kinsey Youth Center would in turn reimburse the County General fund. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to authorize Kinsey Youth Center to proceed with this enhanced diagnostic service plan. Ms. Weaver will also take this plan to the Howard County Council for their approval.

**IN THE MATTER OF A FAX/COPY MACHINE PURCHASE FOR THE COUNTY ASSESSOR'S OFFICE:**

County Assessor Jamie Shepherd submitted a Purchase Agreement from Shearer Printing and Office Solutions for a Muratec F520 Fax Machine / Copier. The total price for the fax/copier is \$1,650.00 which includes a Maintenance Agreement with full coverage with supplies. This will be purchased with Reassessment funds. A motion was made by Mr. Trine to approve the purchase of a Fax/Copier, with a yearly Maintenance agreement for \$1,650.00, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Bagwell and carried.

**IN THE MATTER OF CONCERNS OF A HOWARD COUNTY TAXPAYER:**

Mr. Harold Hjelmeland of 914 West Sycamore Street, Kokomo, Indiana, stepped to the podium to speak to the Board concerning taxing ideas to replace the current property tax. He is deeply concerned about the tax situation in Howard County, and has distributed his suggestions to County and State officials. He encouraged the Board of Commissioners to band together with either some of his suggestions, or ideas of their own, and forward their concerns and ideas on to the State House.

**IN THE MATTER OF A PORTABLE RADIO REQUEST FROM CHIEF OF POLICE, KOKOMO, INDIANA:**

Chief of Police for the City of Kokomo Gary McKay informed the Board of Commissioners there is a need for new portable radios. He wondered if radios could be purchased from the E-911 fund. All radios that could be re-banded as part of the Sprint/Nextel Re-banding Project. All radios that couldn't be re-banded were replaced. Mr. Bagwell informed

Mr. McKay that because this is communication equipment and not specifically E-911 equipment, that he believed E-911 funds could not be used. He does agree that the City and County need to work together to ascertain whether future EDIT funds could be used for this project. Mr. Trine confirmed the need for new radios. Mr. Murrell will review the E-911 Statute to determine if E-911 funds can lawfully be used to purchase portable police radios.

#### **IN THE MATTER OF A COMMUNITY CORRECTIONS DEPARTMENT ISSUES:**

Community Corrections Director Steve Maus submitted the following issues for Commissioners' information and approval:

1. **Replacement Vehicle Request:** Mr. Maus submitted a request for a used vehicle to replace the vehicle that was totaled. He has received a quote from Brad Howell Ford for a 2007 Ford Five Hundred Limited with 11,648 miles, for a total price of \$12,788.00, including the insurance settlement. Mr. Murrell confirmed that this purchase met the requirements to be considered a "small purchase", not requiring quotes or bids. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve the purchase of a 2007 Ford Five Hundred Limited from Brad Howell Ford, in the amount of \$12,788.00.
2. **Community Corrections Board Annual Report:** Mr. Maus submitted a copy of the Community Corrections Annual Report for Commissioners' review. He will return to the November 5<sup>th</sup> Commissioner Meeting to answer any questions the Board may have. Commissioner Bagwell is the new Chairman of the Advisory Board.
3. **Salary Increase Requests:** Mr. Maus asked for authorization from the Board of Commissioners to take salary increase and job description modifications to the next PAC Committee meeting. A motion was made by Mr. Trine, seconded by Mr. Bagwell, and carried to authorize Mr. Maus to present the salary issues to the PAC Committee at their next meeting.

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

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

1. **Commissioners' Salary Claims:** Salary, hourly, and overtime claims payable October 19, 26, and November 2, 2007, in the amount of \$313,019.77 each, were approved on a motion made by Mr. Trine and seconded by Mr. Bagwell.
2. **Commissioners' Operating Claims:** Operating claims payable October 15, 2007, in the amount of \$314,143.73, were approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.
3. **Treasurer's Monthly Report:** The Treasurer's Monthly report for the month ending September 30, 2007, was submitted, and accepted on a motion made by Mr. Trine and seconded by Mr. Bagwell.
4. **Insurance Checks:** Ms. Wells submitted insurance checks received from Selective Insurance Company. These checks were issued for claims made as a result of the EMA Building fire, earlier in the year, and need to be endorsed by the Board of Commissioners. The check in the amount of \$728.00 is for repairs to the golf cart belonging to the Sheriff's Department, and will reimburse the Commissary Fund. The check in the amount of \$434.25 is for additional expenses resulting from the loss.
5. **Reimbursement Check To Family And Social Services:** The Auditor's Office received notice of a possible discrepancy in ARCH payments for a resident of Howard Haven (*please refer to page seven, item six of the Regular Meeting minutes dated October 1, 2007*). After investigation it was found that \$567.00 was paid to Howard Haven for a resident that had been moved to a nursing facility. The Auditor's Office has sent a reimbursement check to Indiana Family & Social Services in the amount of \$567.00.
6. **Proposed 2008 Meeting Schedule:** Ms. Wells submitted the proposed 2008 Commissioner Meeting Schedule for Board review and approval. The 2008 Meeting Schedule was approved as submitted on a motion made by Mr. Bagwell and seconded by Mr. Trine.

7. **Proposed 2008 Holiday Schedule:** Ms. Wells submitted the proposed 2008 Holiday Schedule for Board review and approval. July 3, 2008 will be designated as Haynes day. December 31, 2008 (Thursday) will not be designated as a paid Holiday. January 1, 2009 falls on Thursday and January 2<sup>nd</sup> on a Friday. Those two days will be addressed with the 2009 Holiday Schedule. The proposed 2008 Holiday Schedule is approved as amended on a motion made by Mr. Bagwell and seconded by Mr. Trine.

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

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

1. **Ordinance No. 2007-BCCO-42:** Mr. Murrell submitted Ordinance No. 2007-BCCO-42, an Ordinance of the Howard County Board of Commissioners amending Ordinance No. 1970-9, prohibiting diving and jumping from county bridges. This amendment prohibits **fishing** from any bridge located in Howard County outside of the corporate limits of the City of Kokomo, Town of Greentown, or the Town of Russiaville, as well as jumping and diving. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to approve Ordinance No. 2007-BCO-42, amending Ordinance No. 1970-9.
2. **Verizon E-911 Issue in Galveston:** At the October 1<sup>st</sup> meeting the Board of Commissioners was made aware of a reception problem with the Galveston 699 exchange. There was a failed E-911 call in northern Clay Township (*please refer to page six, item three, "In The Matter Of E-911 Concerns" of the Regular Meeting minutes dated October 1, 2007*). Verizon is the service provider for that area and were responsible for the interruption in service. That issue has been addressed and Mr. Murrell had previously prepared a letter to Verizon asking them to address the problem and issue a rebate for services not rendered. A motion was made by Mr. Bagwell, seconded by Mr. Trine and carried to direct Attorney Murrell to request a rebate from Verizon for services not rendered.
3. **Komputrol GASB Contract:** Auditor Wells submitted a proposed contract with Komputrol for the GASB Inventory software. Mr. Murrell requested the contract be put on the agenda to be addressed at the November 5<sup>th</sup> meeting.
4. **Barnes & Thornburg Invoice:** An invoice from Barnes & Thornburg in the amount of \$22,790.44 was submitted for payment. This invoice is for services rendered concerning L.O.I.T. resolutions, Continental Steel and Delphi Bankruptcy matters. The invoice, in the amount of \$22,790.44 was approved on a motion made by Mr. Bagwell and seconded by Mr. Trine.
5. **Integrity Invoice For New Tower Backup:** Earlier in the meeting the Commissioners had approved an Additional Appropriation request for the possible payment of a battery backup for the new emergency tower (*please refer to page two, item two, "In The Matter Of Maintenance Department Issues" of these Regular Meeting minutes*). Mr. Murrell has reviewed the original quote for the new emergency tower and confirmed that there was no inclusion of a battery backup. Mr. Fross will check his files before final approval for payment is given.
6. **Animal Control Ordinance:** A proposed amendment to the existing Animal Control Ordinance will be presented at the November 5<sup>th</sup> meeting.
7. **Button Building Lease:** At the October 1<sup>st</sup> meeting, the Proposed Lease for Button Motor Downtown Property was approved subject to the approval of Mr. Murrell and Miles & Finch Insurance (*please refer to page seven, item two, "In The Matter Of County Attorney Issues", of the Regular Meeting minutes dated October 1, 2007*). Mr. Murrell reported that the suggested changes were made by Mr. Button and approved by Mr. Murrell and Miles & Finch Insurance, with the required signatures.

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

1. **L.O.I.T. Presentation:** Commissioner Bagwell reported that the L.O.I.T. presentation has been given to the Greentown Town Council and the Kokomo Common Council. Tonight a presentation will be made to the Russiaville Town Council. Greentown unanimously voted **against** the proposed tax and Kokomo Common Council voted unanimously **for** the tax.

2. **Economic Development Umbrella Plan:** The Kokomo/Howard County Development Corporation's discussions concerning the Economic Development Umbrella Plan have focused on the need for a transition and mediation group. Mr. Bagwell also suggested that all members and contributors be informed of the process and are in agreement with the actions, and not just the minority who have been leading the plan.
3. **Signage At Fatal Crash Site:** Sheriff Talbert informed the Commissioners of a fatal crash that took place at the intersection of County Roads 500 East and 200 South. Sheriff Talbert believes that the fact that the majority of intersections on 200 South, from Highway 31 eastward are four-way stops, was a contributing factor to this accident. He believes that signage on the two-way stop intersections declaring "Cross Traffic Does Not Stop" would be an effective deterrent. Sheriff Talbert is drafting a letter to INDOT asking them to place additional signage at designated intersections.
4. **Property Owners Notified:** Mr. Raver received a letter from Butler Fairman and Seufert informing the Board of the listed property owners that have been notified concerning the commencement of roadwork on Boulevard Road from Goyer Road to the 31 Freeway interchange.
5. **Russiaville Noise Ordinance:** The Commissioners' were in receipt of a complaint from a Mr. Brad Koon concerning a possible Noise Ordinance infraction. Mr. Koon was informed that he would need to contact the Russiaville Town Board.
6. **Needed Record Storage Space:** The Board of Commissioners continued discussions concerning the need for Records Storage Space for the Clerk's Records (*please refer to page four, item seven, "In The Matter Of Maintenance Department Issues" of the Regular Meeting minutes dated October 1, 2007*). The Board is still in discussions concerning moving the Maintenance Department Office and Voter Registration Offices to another building.

There being no further business to come before the Board of Commissioners at this time, the meeting was adjourned at 11:13 a.m. on a motion made by Mr. Bagwell and seconded by Mr. Trine.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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PAUL J. RAVER, PRESIDENT

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BRADLEY J. BAGWELL, VICE PRESIDENT

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DAVID A. TRINE, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Board of Commissioners Meeting October 15, 2007