

## **HOWARD COUNTY COUNCIL REGULAR MEETING DECEMBER 9, 2008**

The Howard County Council met Tuesday, December 9, 2008 at 12:00 Noon in Room 338 of the Howard County Administration Center. Those present included President Richard Miller, Vice President James Papacek and members Stanley Ortman, Jeff Stout Leslie Ellison, Joseph Pencek and Paul Wyman.

The meeting was called to order by Sheriff Marshall Talbert and conducted by President Miller.

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

The minutes of the November 25, 2008 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Stout and seconded by Mr. Wyman.

### **IN THE MATTER OF OPENING COMMENTS:**

Mr. Miller invited comment by the Councilmen as follows:

1. Councilman Wyman reminded all those in attendance of the New Year's Eve on the Square event hosted by the Down Town Association. There will be fireworks at midnight and live music.
2. Councilman Papacek expressed appreciation for the faithful service of Commissioners Brad Bagwell and Paul Raver. "Their knowledge will be missed".

### **IN THE MATTER OF ORDINANCE NO. 2008-HCCO-38 – ADDITIONAL APPROPRIATIONS:**

Ordinance No. 2008-HCCO-38 – Additional Appropriations was read in full by Auditor Ann Wells and acted upon as follows:

<b><u>001</u></b>	<b><u>Howard County General Fund</u></b>	<b>REQUESTED:</b>	<b>APPROVED:</b>
<b><u>014</u></b>	<b><u>Howard County Superior Court I</u></b>		
04724.00	Law Books	\$ 1,500.00	\$ 1,500.00

Judge William Menges distributed copies of a Budget Comparison from 2004 – 2009 for items not related to Personnel. He led the Council's attention to the Law Books line item and gave explanation for the additional request. The bulk of this line item is to purchase six (6) licenses for "Premise" software. West Law has substantially increased their prices. The subscription will not be renewed in 2009 but he does need the additional amount to finish out this year's licensing.

A motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the request of \$1,500.00 to line item 04724.00, Law Books.

<b><u>150</u></b>	<b><u>Howard County Cumulative Capital Development Fund</u></b>		
04035.00	Equipment – Kinsey	\$ 14,000.00	\$ 14,000.00

Kinsey Youth Center Director Brent Kelley justified the need for additional funds to replace a much needed hot water heater. The estimated cost of the heater from Benchmark Mechanical is about \$24,000.00 and an additional amount of \$14,000.00 is needed in the fund that currently has \$11,000.00. The Maintenance Department will remove the old water heater and save Kinsey \$900.00 from the replacement costs.

A motion was made by Mr. Wyman, seconded by Mr. Ellison and carried to approve the request of \$14,000.00 to line item 04035.00, Equipment – Kinsey.

Mr. Kelley will withdraw his transfer requests.

<b>TOTAL ADDITIONALS ALL FUNDS</b>	<b>\$ 15,500.00</b>	<b>\$ 15,500.00</b>
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**IN THE MATTER OF RESOLUTION NO. 2008-HCCR-24 – TRANSFERS:**

Auditor Ann Wells read Resolution No. 2008-HCCR-24 – Transfers one time and it was acted upon as follows:

<b><u>001</u></b>	<b>TRANSFER FROM:</b>	<b>TO:</b>	<b>AMOUNT</b>	<b>ALLOWED</b>
<b><u>005</u></b>	<b><u>Howard County General Fund</u></b>		<b><u>REQUESTED</u></b>	
	<b><u>Howard County Sheriff Department</u></b>			
01117.00	Captain	01113.00 Deputies	\$ 6,401.00	\$ 6,401.00
01117.01	Lieutenant	01113.00 Deputies	\$ 7,170.00	\$ 7,170.00
01119.09	Civil Process	01113.00 Deputies	\$ 4,000.00	\$ 4,000.00
01123.00	Dispatch	01113.00 Deputies	\$ 2,500.00	\$ 2,500.00
01118.02	Corporal	01113.00 Deputies	\$ 3,700.00	\$ 3,700.00
01140.01	Court Security Overtime	01113.00 Deputies	\$ 4,700.00	\$ 4,700.00
01114.01	Clerical II	01115.02 Part Time Clerical	\$ 3,600.00	\$ 3,600.00

These requests for transfers are to balance the line items at the end of the year, according to Sheriff Talbert. Civil Process Server William Ice has been helping out with Courthouse Security and the transfer from Clerical II to Part Time Clerical reflects that.

The requests for transfers in the Sheriff's Department were approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Stout.

President Miller responded to an e-mail received from a citizen of Howard County concerning assistance she received from Deputy Cipriano on December 4, 2008 when her car slid on ice and ended up in a resident's yard. His reply is as follows:

"Many of us know the Departments' professional and courteous manner in addition to the often difficult tasks gone unnoticed or just expected by our citizens. As you well know, from our own opinions, we tend to only talk about what is wrong. Thank you for sharing the letter and THANK YOU to all, in the Howard County Sheriff's Department, that make that happen 365 days a year."

<b><u>011</u></b>	<b><u>Howard County Center Township Assessor</u></b>			
01112.00	Chief Deputy	01117.00 Part Time	\$ 166.00	\$ 166.00

This request is a bookkeeping request to put needed funds into the Part Time line item, as justified by Center Township Assessor Sheila Pullen.

The request for transfer of \$166.00 from line item 01112.00, Chief Deputy to 01117.00, Part Time was approved on a motion made by Mr. Papacek and seconded by Mr. Wyman.

<b><u>010</u></b>	<b><u>Howard County Health Fund</u></b>			
01114.00	Registrar	01116.01 Part Time Environ	\$ 2,500.00	\$ 2,500.00
02360.00	Office Supplies	01113.00 Administrator	\$ 500.00	\$ 500.00
02371.00	Other Supplies / Environ	01113.00 Administrator	\$ 2,500.00	\$ 2,500.00
02371.01	Other Supplies / Mosquito	01113.00 Administrator	\$ 1,200.00	\$ 1,200.00
03212.00	Postage	01113.00 Administrator	\$ 350.00	\$ 350.00
03212.00	Postage	01116.01 PT Environmental	\$ 650.00	\$ 650.00
03216.00	Communications	01116.01 PT Environmental	\$ 25.00	\$ 25.00
03321.00	Mileage	01116.01 PT Environmental	\$ 1,775.00	\$ 1,775.00

Health Department Director Kent Weaver informed the Council that these transfer requests are to balance the accounts at year's end.

The transfers were approved as submitted on a motion made by Mr. Ortman and seconded by Mr. Ellison.

<b><u>138</u></b>	<b><u>Howard County CASA Fund</u></b>			
03262.00	Professional Fees	01522.00 PERF	\$ 850.00	\$ 850.00

Casa Manager Shawna Pierson submitted the request for transfer as needed to balance for the end of the fiscal year.

A motion was made by Mr. Wyman to approve the transfer request of \$850.00 from line item 03262.00, Professional Fees to 01522.00, PERF. The motion was seconded by Mr. Ortman and carried.

<b><u>150-001</u></b>	<b><u>Howard County CCD Fund – Information Systems</u></b>				
03246.00	Computer Maintenance	01523.00	Insurance	\$ 3,600.00	\$ 3,600.00

Information Systems Director Terry Tribby requests this transfer to balance this account for the end of the year.

The transfer request of \$3,600.00 from line item 03246.00, Computer Maintenance to 01523.00, Insurance is approved on a motion made by Mr. Stout and seconded by Mr. Papacek.

<b><u>215</u></b>	<b><u>Howard County Master Tobacco Fund</u></b>				
03120.00	Contract Services	02371.00	Other Supplies	\$ 695.60	\$ 695.60

Director Mr. Weaver informed the Council that this request is to cover the extra expense of supplies for the Howard County Fair.

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

<b><u>252</u></b>	<b><u>Howard County Jail &amp; Juvenile COIT Fund</u></b>				
035 037 038	<u>Howard County Kinsey Youth Center</u>				
03213.00	Travel & Training	02371.00	Household	\$ 547.97	\$ Withdrawn
03111.00	Continuing Education	02371.00	Household	\$ 790.15	\$ Withdrawn
03220.00	Utilities	02340.00	Food	\$ 2,200.00	\$ Withdrawn
03263.01	Mental Health Diagnostic	02340.00	Food	\$ 2,000.00	\$ Withdrawn

President Miller reminded the Council Members that Kinsey Director Brent Kelley requested to withdraw the transfers as listed above. The request to withdraw was approved on a motion made by Mr. Papacek and seconded by Mr. Wyman.

**IN THE MATTER OF ORDINANCE NO. 2008-HCCO-37 – SALARY ORDINANCE FOR 2009:**

Auditor Ann Wells submitted Ordinance No. 2008-HCCO-37 – Salary Ordinance For 2009, previously approved at the September 2008 Budget Hearings for the 2009 Budget. Ms. Wells reminded the Council that MS4 salaries are not included in this Salary Ordinance. President Miller brought a Point Of Order to the Councilmen's attention concerning the Personnel Administrator and Administrative Assistant Line Items (01119 and 01120) in the Commissioners' Budget. Because the Personnel Administrator Position received a salary decrease and a promise to increase the salary at a later date, when Ms. McKillip was made the Administrator, that position increase, he feels, is justified. The salary request for the Administrative Assistant position reads \$31,195.00, but a review of positions with like-type tasks only shows a salary of \$28,884.00. This salary had been approved at the Budget Hearings in September but Mr. Miller would like the Council to consider this request carefully. Personnel Director Wanda McKillip believes this position request is justified because there are only two full-time positions in the Personnel Office. At the conclusion of ensuing discussion a motion was made by Mr. Pencek and seconded by Mr. Papacek to approve the 2009 Salary Ordinance with the change of the Administrative Assistant line item (1120) in the County General Commissioners Budget from \$31,195.00 to \$28,884.00. After a Point Of Order presented by Auditor Ann Wells that there are other issues in the Salary Ordinance to be considered, and with that in mind, Mr. Pencek amended the motion to accept the change in line item 1120, Administrative Assistant in the Commissioners Department of County General to read \$28,884.00 in lieu of \$31,195.00. The vote was recorded as follows:

**YES**

Joe Pencek  
Stan Ortman  
Jeff Stout  
James Papacek  
Paul Wyman

**NO**

Leslie Ellison

The motion carried with five yes votes. Councilman Wyman voiced his concern that a comprehensive wage / job study is needed and appropriate. Mr. Papacek agreed with the sentiments voiced by Mr. Wyman and discussion ensued concerning questions of an in-house study or outsourcing the study, as well as tasks comparable to like tasks in County government and

not comparisons to the private sector or to City government. Several Councilmen would like to see a study accomplished before the 2010 Budget Hearings next August.

On page two of the Ordinance, line item 01111.00, Surveyor, in the Surveyor Department (006) needs to be amended. Surveyor – Elect Dan Minor is a registered land surveyor. State statute requires that a full-time registered land surveyor be paid 1.5 times the fixed salary amount, raising the salary from the listed \$41,011.00 to \$61,516.50. A sitting office holder's salary cannot be adjusted mid-year, so any adjustment must be made at this time. A motion was made by Mr. Ortman, seconded by Mr. Wyman and carried to approve the required increase in salary for the Surveyor, in line item 006-01111-00 from \$41,011.00 to \$61,516.50. Clarification was made that the original salary request does not include benefits, nor does it include the extra \$10,000.00 for the MS4 Operator / Coordinator.

A motion was made by Mr. Papacek to approve Ordinance No. 2008-HCCO-37 - Salary Ordinance for 2009 as amended. The motion was seconded by Mr. Ortman and carried.

#### **IN THE MATTER OF DISCUSSION INVOLVING PROPOSED BUDGET DECREASES AND HIRING FREEZE FOR 2009.**

At the November 25, 2008 meeting, discussion pertaining to the 2009 Budget was tabled until the December 9<sup>th</sup> Meeting (*please refer to page six, "In The Matter Of Discussion Pertaining To The 2009 Proposed Budget", of the Regular Meeting dated November 25, 2008*). Mr. Miller took this issue off the table and discussion ensued concerning a three-fold proposal to decrease all County General budgets by five percent (5%), enforce a hiring freeze through attrition, requiring offices to justify to the County Council the need to replace a lost position, and to require all Part Time / Full Time Health Insurance Benefits to pay 30%. This three-fold proposal request was made into a motion by Mr. Wyman. Mr. Papacek voiced an opinion that a 5% decrease should not be done arbitrarily, or in the month of January. He believes that Office Holders and Department Heads should be made aware that a 5% decrease may be required and give them time to review their budgets as to where a decrease can be made. He's not sure how a hiring freeze can be instituted fairly for all departments. The Sheriff's Department and Kinsey Youth Center have to be staffed by a specific number of people; the County could be in danger of opening itself up to increasing liability claims. Mr. Miller and Mr. Wyman clarified that the proposed hiring freeze would not be a true freeze, but would give the Board of Commissioners and County Council, through attrition, the opportunity to hear justification for each position and give an opinion concerning the need for the position. This will give the Council the chance to be pro-active in 2009 instead of being re-active in 2010 when property tax changes are effected. Mr. Pencek believes that with 2009 tax monies in question, we should be asking department heads for a 10% decrease. Discussion ensued as follows:

Clerk Mona Myers – Believes Office Holders justify their salaried positions, first, allowing the Council to learn what the office does, then make the decision on staff positions. "... because right now you are making a decision and you don't even know what I do in my office."

Councilman Stout – He would be willing, as a Councilman, to call a special meeting with Office Holders and Department Heads, and the Board of Commissioners, having time to meet with them individually, similar to Budget Hearings, to learn about their offices and ask and answer any questions. This would help the Councilmen to make good decisions.

Councilman Ortman – Mr. Ortman wanted to add to what Councilman Stout had said. He knows all of the Office Holders and has been at the budget process for eight years. "At budget times, a lot of times we get lobbied late into the night and we make some really stupid mistakes." Mr. Ortman would like the budget process recorded in black and white where he can have a chance to review it before making a decision.

Shane Campbell – Mr. Campbell serves on the supervisory board of the Soil & Water Conservation District. He believes that a 5% decrease is harder on smaller offices. He has come from the technology sector and worked with many different districts and companies. He has never seen a budget so lean. As he has worked with this organization over the last several years, he assures the Council that this budget is not padded in any way: it is a true reflection, down to the last fifty cents, of what that office has to have. In an office with only two employees it is extremely difficult to try to find where to cut 5% to 10%.

Recorder Linda Koontz – She reminded the Councilmen that the services provided by the offices are "by law". In times of recession those services actually increase with the increase in deeds to record, lawsuits to file and arrests to process, so unlike a business you can't just say, since we cut business we have to cut personnel. The Council is "...looking at an employee base whose costs are also rising and who has had very few increases in pay. Howard County enjoys a good

reputation for getting work done in a timely fashion and leads the State in turn-around time in the return of recorded documents. Commissioner Bagwell and Information Systems Director Terry Tribby have worked with all the offices in providing technology to assist the offices and decrease the number of personnel needed.

Attorney Murrell asked for a Point of Order to clarify the effective date of the proposed Health Insurance Full Time/Part Time rate change. The effective date would be February 1, 2009: Anthem Open Enrollment ends December 12<sup>th</sup>. Mr. Wyman clarified that his motion states that all Full Time / Part Time personnel pay 30% of their health care insurance. This would include Public Defenders, Prosecutors, Commissioners and Council members. That would bring an immediate savings of \$60,000.00. To insure a savings of \$90,000.00 to \$100,000.00, Mr. Miller stated that each Full Time / Part Time employee would see a 15% increase (15% to 30% and 30% to 45%). Mr. Wyman then restated his motion as follows: that the Council approve a hiring freeze through means of attrition and each lost position would require justification to the Council and their approval to re-hire; that all Full-Time / Part-Time employees pay the 30% rate for their health insurance; that each department head have until January 27, 2009 to review their budgets for a 5% decrease. The motion was seconded by Mr. Stout. Mr. Papacek moved to amend the motion to increase all Full Time / Part Time employees' Health insurance rates by 15 % in lieu of the proposed across the board rate of 30%. Mr. Ortman seconded the amendment. The vote was taken as follows:

**YES**

Mr. Papacek  
Mr. Pencek  
Mr. Ortman  
Mr. Ellison

**NO**

Mr. Wyman  
Mr. Stout

The motion carried to amend Mr. Wyman's original motion as stated. As to the amended motion, a vote was taken as follows:

**YES**

Mr. Stout  
Mr. Papacek  
Mr. Ortman  
Mr. Ellison  
Mr. Wyman

**NO**

Mr. Pencek

At the conclusion of the vote Councilman Stout had to leave. He did ask that a meeting with office holders be scheduled this spring.

Buildings and Grounds Assistant Superintendent Scott Reed – He asked for clarification concerning the 5% decrease. Would this apply to the Agencies outside of Howard County Government? The County gives money to several agencies, from the Historical Society to the Economic Development Umbrella Organization. Would they have to review their budgets for 5% decreases as well? Mr. Miller assured him that the 5% decrease applies to all offices and organizations.

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

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

1. **Reimbursement Checks:** Sheriff Talbert submitted fourteen (14) checks from Selective Insurance Company, in the amount of \$20,910.00 to Auditor Wells as insurance reimbursement for hail damage to patrol vehicles in June, 2008. Sheriff Talbert does not plan to repair the damage to all the vehicles, and directed Ms. Wells to put the money back in County General. He appreciates the good service received from Miles & Finch.
2. **Risk Assessment From Miles & Finch:** Tomorrow Miles and Finch will come to the Criminal Justice Center to conduct a Risk Assessment in hopes of reducing insurance premiums. The Sheriff will be showing them the additional cameras, LED light conversions on patrol vehicles, new and uniform firearms, and AED devices. Addressing the 5% department budget decrease, it is expected these improvements will help reduce insurance premiums. Sheriff Talbert also talked of the possibility of going to a single paint color for any new vehicles, simplifying the insignia in the graphics package, etc.

3. **Increasing Inmate Care Costs:** Inmate food costs will be increasing by 6%, medical costs by 8 – 10%. There are five pregnant females being held at the present time. Three of the babies are due by March of 2009. The county will have to pay those medical costs that include prenatal care and delivery. If anything would happen to the women or their babies, the County would be faced with litigation. These are the kinds of expenses that are out of his control. Presently there are sixty-four (64) females in a facility built for thirty-two (32).

**IN THE MATTER OF COUNCIL APPOINTMENTS:**

Personnel Director Wanda McKillip submitted the following Council Appointments that expire December 31, 2008:

Howard County Alcoholic Beverage Commission	Kent Evans (D)	1 year
City of Firsts Automotive Heritage Museum, Inc. / Board Members	Dwight Singer	3 years
Howard County Assessment Board of Appeals	Tonya Stephenson (D)	1 year
	Ralph Reddersdorf (R)	1 year
Economic Development Commission	Norma Noland	4 years
Kokomo – Howard County Public Library Board Member	Bill Sahm	4 years
Howard County Redevelopment Commission	E. P. Severns, Jr.	1 year
	Brad Newton	1 year

A motion was made by Mr. Ortman to approve all the appointments as listed above with the exception of the Library Board. The motion was seconded by Mr. Papacek and carried.

A motion was made by Mr. Papacek, seconded by Mr. Pencek and carried to approve the appointment of Mr. Bill Sahm to the Kokomo – Howard County Public Library Board for a term of four years, ending December 31, 2012. Councilman Ortman abstained from the vote.

**IN THE MATTER OF RESOLUTION NO. 2008-HCCR-25:**

This resolution is declaring an interest in purchasing the property located at 2700 Dellwood Drive under Howard County's Mitigation Program, as a first step according to IC 36-1-10.5-5. This property will be purchased with funds received from the Flood Mitigation Program. Resolution No. 2008-HCCR-25 was approved on a motion made by Mr. Papacek and seconded by Mr. Ortman.

**IN THE MATTER OF A CONTRACT SERVICE AGREEMENT WITH PURDUE UNIVERSITY:**

This is an amendment to the Extension Contractual Services Agreement for the period of January 1, 2009 through December 31, 2009, in the amount of \$103,790.00. At the 2009 Budget Hearings the Council approved \$100,760.00 for the Contract Service Agreement. This issue will be on the agenda for the January 27, 2009 meeting.

Chief Deputy Laurie Roper clarified to the Council Members that the Salary Ordinance for MS4 will be amended in January, 2009, as well as a change in fund numbers. Payroll will be advanced for Mr. Greg Lake so there will be no interruption in receiving wages.

There being no further business to come before the County Council at this time, the meeting was adjourned at 1:56 p.m. on a motion made by Mr. Papacek and seconded by Mr. Pencek.

**HOWARD COUNTY COUNCIL:**

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RICHARD A. MILLER, PRESIDENT

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JAMES T. PAPACEK, VICE PRESIDENT

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PAUL G. WYMAN, COUNCILMAN

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LESLIE ELLISON, COUNCILMAN

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STANLEY ORTMAN, COUNCILMAN

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JEFFREY STOUT, COUNCILMAN

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JOE PENCEK, COUNCILMAN

ATTEST:

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ANN WELLS, AUDITOR

Howard County Council Meeting December 9, 2008