

## **HOWARD COUNTY BOARD OF COMMISSIONERS MEETING JUNE 20, 2011**

The Howard County Board of Commissioners met in Regular Session on Monday, June 20, 2011 at 8:30 a.m. in Hearing Room 338 of the Administration Center. Those in attendance included President Tyler Moore, Vice President Paul Wyman, and Member Bill Thompson. Also in attendance were County Attorney Larry Murrell and Auditor Ann Wells.

The meeting was called to order by Sheriff Steve Rogers and conducted by Board President Tyler Moore. Commissioner Thompson led in the Pledge of Allegiance and Vice President Wyman offered a word of prayer.

At this time President Tyler Moore offered condolences to former Commissioner Brad Bagwell in the death of his son, Jeremy Bagwell. "Our continued thoughts and prayers are with him".

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

The minutes of the June 6 Regular meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.

The minutes of the June 6 Administration Meeting were submitted. At this meeting the Board of Commissioners received information and recommendations from County Attorney Larry Murrell regarding the administrative and procedural aspects of responding to the Kokomo Common Council's Resolution No. 2579. A motion was made by Mr. Wyman to approve the minutes of the June 6, 2011 Administration Meeting. The motion was seconded by Mr. Thompson and carried.

The minutes of the June 16, 2011 Administration Meeting were submitted. The Board of Commissioners received information and recommendations from County Attorney Larry Murrell regarding the administrative and procedural aspects of responding to Kokomo Common Council Resolution No. 2579. A motion was made by Mr. Wyman to approve the minutes of the June 16, 2011 Administration Meeting. The motion was seconded by Mr. Thompson and carried.

### **IN THE MATTER OF DEPARTMENTAL REPORTS:**

#### **MAINTENANCE DEPARTMENT:**

Buildings and Grounds Superintendent Scott Reed submitted a request to purchase a new riding lawnmower from the Cumulative Capital Fund. This mower would be used for the occasions when the Sheriff's work crew is not available to assist with mowing County owned properties. Mr. Reed submitted copies of quotes from McGavic Outdoor Power Equipment and Dirt and Turf. He recommends the purchase of the mower from Dirt and Turf, in the amount of \$5,240.00 because it is about \$1,500 less, with a bigger motor. A motion was made by Mr. Wyman to approve the purchase of a riding mower from Dirt and Turf, in the amount of \$5,240.00 from the Cumulative Capital Fund, Equipment line item. The motion was seconded by Mr. Thompson and carried.

#### **PERSONNEL:**

1) Personnel Director Wanda McKillip submitted Ordinance No. 2011-BCC-14, an ordinance of the Howard County Board of Commissioners adopting a revised County Personnel Policies Handbook. The State of Indiana has enacted new legislation concerning the right to carry arms to the workplace. The current personnel policy states that, "No employee shall possess a deadly weapon in any Howard County Government building and/or upon the property immediately surrounding such buildings without having received written permission from the Howard County Sheriff". The policy is now amended to read, "However, effective on July 1, 2010 Ind. Code 34-28-7 allows employees who may lawfully possess a firearm to bring firearms and ammunition onto County property as long as the firearm and ammunition are locked in a glove box or trunk or stored out of plain sight in the employee's personal locked vehicle." This handbook policy amendment is effective July 1, 2011. A motion was made by Wyman to approve Ordinance No. 2011-BCC-14 as submitted. The motion was seconded by Mr. Thompson and carried. Ms. McKillip will submit amendments, and acknowledgement forms for the employees' signatures.

2) Wednesday, at 8:30 a.m., there will be a CPR / AED Training session in the basement of the Administration Center. Commissioner Thompson will be one of the participants.

#### **PROBATION:**

Chief Probation Officer Don Travis reminded the Board of Commissioners that in 2010 they approved the purchase of paint and supplies for the clean-up of graffiti on downtown buildings, in the amount of \$500 (*please*

refer to page four, item two, *“In The Matter Of Kinsey Youth Center Issues” of the Regular meeting minutes dated July 19, 2010*). Kokomo Police Department’s Officer Gunlite (identifies areas for clean-up) came to the Board of Commissioner’s meeting in December of 2010 and received an additional \$500 from the Cumulative Capital Fund, for paint and supplies. The paint was not purchased until 2011 and the \$500 had not been encumbered. Mr. Travis now requests the Board approve the \$500 that was approved in 2010 plus an additional \$500. Auditor Wells has agreed to underwrite the purchase of supplies from her Other Supplies line item in the Auditor’s budget (02371). Officer Gunlite stepped to the podium to confirm the request and stated that several homes and businesses have been identified for graffiti removal, and painting will continue throughout the summer months. A motion was made by Mr. Wyman to approve the request of \$1,000 for paint and supplies, to be paid from the Auditor’s account, other supplies. The motion was seconded by Mr. Thompson and carried.

**COMMUNITY CORRECTIONS:**

Community Corrections Director Steve Maus submitted a request to purchase a used vehicle to replace the 2007 Ford 500 that is in need of major repair. This vehicle has 80,500 miles on it and the transmission and the AC unit needs to be replaced. A new transmission is not currently available (\$4,000). A used part is available (63,000 miles) at \$3,000, including the labor. Mr. Maus feels it would be more cost effective to trade the vehicle. He offered three quotes as follows:

Brad Howell Ford	2010 Ford Focus, 25,600 miles	\$13,175 with trade-in
Kokomo Auto World	2011 Ford Focus, 6,299 miles	\$17,544 with trade-in
HE McGonigal	2009 Dodge Charger, 68,873 miles	\$17,911.13

Mr. Maus recommends the purchase of the 2010 Ford Focus from Brad Howell Ford, in the amount of \$13,175 which includes the trade-in and a 7-year / 100,000 mile extended warranty. The vehicle would be purchased from Project Income funds (user fee based). At the conclusion of Mr. Maus’ request, a motion was made by Mr. Wyman to approve the purchase of the used vehicle from Brad Howell Ford, in the amount of \$13,175.00. The motion was seconded by Mr. Thompson and carried.

**KINSEY YOUTH CENTER:**

Kinsey Youth Center Director Brent Kelley submitted a contract with the Indiana Department of Child Services to provide Functional Family Therapy Services out of the KYC facility. This agreement, that is renewed every two years, has become more stringent concerning their requirements. An addendum is included in the contract that prohibits the hiring of illegal aliens. Howard County is reimbursed \$161.55 per billable hour. There are four (4) therapists that travel to the family’s home to provide this service and Kinsey partners with Indiana University Bloomington to provide training. Kinsey Youth Center services five other counties as well as Howard County. This program helps the State save money, and it provides a service to a family that allows the offender to stay in their home and receive help. Mr. Murrell has reviewed the contract and gives his approval, providing the terms of the contract receive Mr. Kelley’s approval. A motion was made by Mr. Thompson to approve the contract between Howard County / Kinsey Youth Center and the Indiana Department of Child Services for Functional Family Therapy services, and authorize the President to sign on behalf of the Board of Commissioners. The motion was seconded by Mr. Wyman and carried.

**IN THE MATTER OF RESOLUTION NO. 2011-BCCR-17:**

A motion was made by Mr. Wyman to approve Resolution No. 2011-BCCR-17. Mr. Wyman read the resolution as follows:

FINDINGS AND DETERMINATIONS REGARDING PURCHASE  
OF KONICA-MINOLTA BIZHUB 601 COPIER BY HOWARD SUPERIOR COURT I

FINDINGS

1. IC 5-22-1-1 et seq. prescribes the laws and procedures for purchasing of equipment and supplies by county government.
2. Pursuant to this statute and beginning in 1998, this Board enacted various ordinances to implement purchasing practices for Howard County government, to wit: No. 1998 BCC-29; No. 1998 BCC-33; No. 1998 BCC-44; No. 1998 BCC-45; No. 1998 BCC-53; and No. 2008-BCCO-09. Under these ordinances the Board designated itself as the “purchasing agency,” with exclusive authority to make all purchases

exceeding \$10,000; designated the county Auditor as the “purchasing agent” with authority to make all purchases up to \$10,000; and designated county elected officials, including judges, as “limited purchasing agents” with limited authority to make small purchases not exceeding \$5000.

3. IC 5-22-4-3(c) provides that a purchasing agency established by a county shall be the purchasing agency for the circuit, superior and county courts of the county.
4. At the April 4, 2011 regular meeting of this Board, Howard Superior Court I Judge William Menges requested the Board to purchase for his court a Konica-Minolta Bizhub 601 copier from the Board’s Cumulative Capital Development account. In response, the Board declined to purchase the 601 copier, but authorized the purchase of a 501 model instead.
5. The Board’s action notwithstanding, on April 27, 2011, Judge Menges personally executed a sales agreement with Shearer Printing for the purchase of the 601 model at a total cost of \$11,377, to be paid for from the county general funds appropriated by the County Council.
6. Thereafter, on June 6, 2011, Judge Menges allowed a claim for \$11,377 in payment of Shearer’s invoice, and submitted this claim to the Auditor accompanied by a court order directing the Auditor to pay the claim.
7. IC 36-2-6-4(a) authorizes the Auditor to pay a claim “only if the executive [commissioners] or a court orders him to do so”.
8. Counsel has advised this Board that the cost of a legal challenge to the Judge’s purchase of the model 601 copier would likely exceed the cost of the copier.

#### **DETERMINATIONS**

BASED UPON THE FOREGOING FINDINGS, THE BOARD MAKES THE FOLLOWING DETERMINATIONS:

- A. Under IC 36-2-6-4(a), Judge Menges had the power to allow and order his own claim and the Auditor is authorized to rely on the Judge’s order in paying this claim.
- B. In purchasing the Bizhub Model 601 without the approval of this Board, Judge Menges exceeded his authority as a limited purchasing agent, thus violating the county purchasing ordinances.
- C. However, based solely on budgetary considerations and acting in the best interests of Howard County taxpayers, the Board declines to commit county funds and resources to pay for a court challenge to the Judge’s actions; provided, however, the Board reserves the right to challenge similar actions in the future should it be in the best interests of the county and taxpayers to do so.

At the conclusion of the reading of the Resolution, the motion to approve the Resolution was seconded by Mr. Thompson and carried.

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

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

1. **Salary Claims:** Commissioners’ Salary, Hourly and Overtime Claims payable June 24 and July 1, 2011, in the amount of \$352,254.24 each, were approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
2. **Operating Claims:** Commissioners’ Operating Claims payable today, in the amount of \$1,107,297.02, were submitted and approved on a motion made by Mr. Wyman and seconded by Mr. Thompson.
3. **Department Reports:** Ms. Wells submitted the Treasurer’s Monthly Report for the month ending May 31, 2011 and the Weights and Measures Monthly Report for the month of May 16 – June 15, 2011. Both reports were accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.

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

County Attorney Larry Murrell submitted the following issues for the Board’s information and approval:

1. **Status Of Pending Contracts:** Mr. Murrell is still working on several pending contracts. He will submit the Health Software Inventory contract at the next meeting. He will also submit the FSSA contract for Howard Haven at the July 5<sup>th</sup> meeting.
2. **Early Access Contract:** The Early Access Contract allowing IVY Tech to have access to the Kokomo Event Center, was approved at the June 6<sup>th</sup> meeting (*please refer to page four, item four, “In The Matter Of County Attorney Issues”, of the Regular Meeting minutes dated June 6, 2011*). Mr. Moore signed the agreement on behalf of the Board of Commissioners and this agreement has now been signed by the President of IVY Tech.
3. **GIS Contract:** At the June 6<sup>th</sup> meeting the Board of Commissioners approved a Client Representative Document from Schneider, subject to Mr. Murrell’s review (*please refer to page six, “In The Matter Of A Client Representative Document From Schneider” at the Regular meeting dated June 6, 2011*). Mr. Murrell has completed review of the agreement and finds it in order.

**IN THE MATTER OF COMMISSIONER ISSUES:**

**COMMISSIONER WYMAN:**

- 1) In looking at consolidation, there has been a lot of discussion on the Citizens Consolidation Coalition committee concerning government consolidation through the Modernization Act. They have approved a suggestion that the City of Kokomo and Howard County move in the direction of consolidation. The Board of Commissioners has had several administrative meetings to discuss the City of Kokomo’s Resolution 2579 and the Modernization Act. The Board would like to invite Greentown and Russiaville to be a part of the discussions, and send Howard County’s response to the City’s resolution. Mr. Wyman appreciates the work that the CCC has been doing, and that the Modernization Act gives them a pattern to follow. The Board of Commissioners likes the fact that any change has to be voted on by the citizens of Howard County.
- 2) The Haynes Apperson Festival is Thursday and Friday, June 30 and July 1, 2011. The downtown streets will be closed at 5:00 a.m. on Thursday the 30<sup>th</sup>, but the festival does not start until 5:00 p.m. both days, giving complete access to the Courthouse. The festival organizers will have golf courts available, when needed.

**COMMISSIONER MOORE:**

- 1) Mr. Moore thanked the Maintenance and Information Systems Departments for their work and efficiency during the recent power outage of several County buildings. He thanked the employees for cooperating with those departments. He also thanked Commissioners Thompson and Wyman for being available, as well.
- 2) Mr. Moore submitted a Notice from IDEM concerning approval of the set-up of a 30 foot by 8 foot mobile trailer at the existing Firearms Training Facility. The notice was accepted on a motion made by Mr. Wyman and seconded by Mr. Thompson.
- 3) Mr. Moore submitted and recognized Certificates of Appreciation to employees who have successfully completed years of employment as follows:

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|---------------------------------------|--|
| <b><i>Thirty-Five years (35):</i></b> | David Maynard  |
| <b><i>Thirty Years (30):</i></b>      | Richard Ferguson   |
| <b><i>Twenty-Five years (25):</i></b> | Terri Thompson   |
| <b><i>Twenty Years (20):</i></b>      | Jeff Lipinski<br>Mark Dabrowski<br>Don Travis<br>Connie Burton |

<i>Twenty Years cont.</i>	Diana Donnell Debra Bernard
<i>Fifteen Years (15):</i>	Connie Cook Michael Welker Dawn Griggs
<i>Ten Years (10):</i>	Stuart Lauterbach Josh Woodall Richard Cotterell Mike Ogle Raymond Tetrault Beverly Bernhardt Raymond Williams Christopher Biehn
<i>Five Years (5)</i>	Autumn Phillippe Scott McClelland Phillip Orndorff Tracy Comfort Katherine Noel

3) There is a Recycling District Meeting tomorrow afternoon at 10:00 a.m.

There being no further business to come before the Board at this time, the meeting was adjourned at 9:20 a.m. on a motion made by Mr. Wyman and seconded by Mr. Thompson.

**HOWARD COUNTY BOARD OF COMMISSIONERS:**

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TYLER O. MOORE, PRESIDENT

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PAUL G. WYMAN, VICE PRESIDENT

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WILLIAM THOMPSON, MEMBER

ATTEST:

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ANN WELLS, AUDITOR  
Howard County Board of Commissioners Meeting June 20, 2011