

**HOWARD COUNTY COUNCIL REGULAR MEETING DECEMBER 13, 2005**

The Howard County Council met Tuesday, December 13, 2005 at 12:00 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 November 22, 2005 meeting, having been previously submitted and reviewed, were approved on a motion made by Mr. Papacek and seconded by Mr. Pencek.

When Mr. Miller invited comment from the Council members, Mr. Joe Pencek asked about the amount of un-appropriated monies left in all the funds. President Miller and Auditor Wells explained that there was more than enough funds to cover the Additional Appropriations request, but she would not have an exact figure until after the Council had decided which requests would be approved. Mr. Pencek expressed concern that Elected Officials and Department Heads understand the need to adhere closely to their approved budget and keep Additional Appropriation requests to a minimum. Mr. Miller agreed with the sentiment, stating that the Auditor's Office would have updated information once the books are closed for the year 2005.

**IN THE MATTER OF ORDINANCE NO. 2005-HCC-69 - ADDITIONAL APPROPRIATIONS:**

Ordinance No. 2005-HCC-69 was read in full by Auditor Ann Wells and acted upon as follows:

**APPROPRIATIONS REQUESTED:**

<b><u>001</u></b>	<b><u>HOWARD COUNTY GENERAL FUND</u></b>	<b><u>REQUESTED</u></b>	<b><u>APPROVED</u></b>
<b><u>023</u></b>	<b><u>Commissioners</u></b>		
01521.00	FICA	\$ 70,000.00	\$ 70,000.00
01523.00	Group Insurance	\$ 240,000.00	\$ 240,000.00
01116.00	Coroner Supplemental Part Time Pay	\$ 675.00	\$ 675.00

Auditor Ann Wells reminded the Council that the FICA and Insurance requests were the annual end-of-the-year requests to balance the fund.

Councilman Stout explained that due to the increase of the number of autopsies and the locations the Deputy Coroners had to travel to, the Commissioners' fund would support the additional requests.

On a motion made by Mr. Papacek and seconded by Mr. Singer, the requests for \$70,000.00 in line item 01521.00, FICA, \$240,000.00 in line item 01523.00, Group Insurance and \$675.00 in line item 01116.00, Coroner Supplemental Part Time Pay were approved.

<b>Total County General</b>		<b>\$ 310,675.00</b>	<b>\$ 310,675.00</b>
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<b><u>185</u></b>	<b><u>Adult Probation - Alcohol &amp; Drug</u></b>		
01523.00	Insurance	\$ 1,896.38	\$ 1,896.38

Adult Probation Director, Gary Conwell presented the request for additional funds in the Insurance line to balance funds for the end of the year.

A motion was made by Mr. Ortman, seconded by Mr. Ellison and carried to approve the request of \$1,896.38 to line item 01523.00, Insurance.

<b><u>213</u></b>	<b><u>Health Department Bioterrorism Fund</u></b>		
02360.00	Supplies	\$ 2,911.15	\$ 2,911.15
03120.00	Contracts	\$ 3,000.00	\$ 3,000.00
03213.00	Training	\$ 2,500.00	\$ 2,500.00

		<u>REQUESTED</u>	<u>APPROVED</u>
03216.00	Communications	\$ 3,000.00	\$ 3,000.00
04720.00	Equipment	\$ 5,000.00	\$ 5,000.00

Ms. Kris Conyers presented this request as an appropriation of the balance of the money provided by this grant. This is not new monies and Ms. Conyers does not know if additional grant monies will be available.

A motion was made by Mr. Papacek to approve the additional requests in the Bioterrorism Fund as read by the Auditor. The motion was seconded by Mr. Stout and carried: \$2,911.15 in line item 02360.00, Supplies, \$3,000.00 in line item 03120.00, Contracts, \$2,500.00 in line item 03213.00, Training, \$3,000.00 in 03216.00, Communications, and \$5,000.00 in line item 04720.00, Equipment.

<b>Total Bioterrorism Fund</b>		<b>\$ 16,411.15</b>	<b>\$ 16,411.15</b>
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<u>215</u>	<u>Health Department Master Tobacco Settlement Fund</u>		
03120.00	Contracts & Contributions	\$ 30,000.00	\$ 30,000.00
04720.00	Computers / Equipment	\$ 8,916.58	\$ 8,916.58

Over \$36,000.00 was received for this grant, this summer, but has not yet been appropriated. Project Access has requested \$20,000.00 of this money, and last month, the Board of Health agreed to the request. The \$8,916.58 is money left over from the Imaging Project for Vital Records; it is needed for Computers and Equipment.

On a motion made by Mr. Papacek and seconded by Mr. Singer, the requests of \$30,000.00 in line item 03120.00, Contracts & Contributions, and \$8,916.58 in line item 04720.00, Computers / Equipment, were approved.

<b>Total Master Tobacco Fund</b>		<b>\$ 38,916.58</b>	<b>\$ 38,916.58</b>
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<u>508</u>	<u>Prosecutor STOP Grant</u>		
01523.00	Insurance	\$ 2,800.00	\$ 2,800.00

In the absence of Prosecutor James Fleming, Auditor Wells made the request for an appropriation of \$2,800.00 into the Insurance Line item to balance the Insurance account line for the STOP Grant.

The Additional Appropriation request of \$2,800.00 to line item 01523.00, Insurance, was approved on a motion made by Mr. Papacek and seconded by Mr. Ellison.

<b>Total Additional Appropriations All Funds</b>		<b>\$ 370,699.11</b>	<b>\$ 370,699.11</b>
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**IN THE MATTER OF RESOLUTION NO. 2005-HCC-35 - TRANSFERS:**

Auditor Ann Wells read Resolution No. 2005-HCC-35 in full and it was acted upon as follows:

	<b>TRANSFER FROM:</b>	<b>TO:</b>	<b>AMOUNT REQUESTED</b>	<b>ALLOWED</b>
<b><u>001</u></b>	<b><u>Howard County General Fund</u></b>			
<b><u>005</u></b>	<b><u>Howard County Sheriff</u></b>			
01119.01	Correction Officer	01115.02 Clerical Part Time	\$ 2,150.00	\$ 2,150.00
01119.01	Correction Officer	01120.02 Road Gang Super	\$ 540.00	\$ 540.00

Sheriff Talbert presented the request to transfer to insure enough money to pay his workers to the end of the year.

On a motion made by Mr. Papacek and seconded by Mr. Singer the requests to transfer \$2,150.00 from line item 01119.01, Correction Officer to line item 01115.02, Clerical Part Time and \$540.00 from line item 01119.01 Correction Officer to 01120.02, Road Gang Supervisor, were approved.

	<b>TRANSFER FROM:</b>	<b>TO:</b>	<b>AMOUNT REQUESTED</b>	<b>APPROVED</b>
<b>013</b>	<b><u>Circuit Court</u></b>			
02360.00	Office Supplies	03212.00 Postage	\$ 370.00	\$ 370.00
02360.00	Office Supplies	03263.00 Maint Contracts	\$ 175.00	\$ 175.00

Judge Lynn Murray requested transfers from the Office Supply line for postage and computer cleaning needs.

A motion was made by Mr. Stout, seconded by Mr. Ellison and carried to approve the transfer request of \$370.00 from line item 02360.00, Office Supplies to 03212.00, Postage and \$175.00 from line item 02360.00, Office Supplies to 03263.00, Maintenance Contracts.

<b>014</b>	<b><u>Superior Court I</u></b>			
01115.00	Part Time Clerical	01119.00 Secretary	\$ 912.00	\$ 912.00

A motion was made by Mr. Papacek, seconded by Mr. Singer and carried, to approve the transfer request of \$912.00 from 01115.00, Part Time Clerical to 01119.00, Secretary.

<b>023</b>	<b><u>Commissioners</u></b>			
01115.01	Part Time Legal Secretary	01114.00 Assist Attorney	\$ 675.00	\$ 675.00
01115.01	Part Time Legal Secretary	01120.00 Personnel Part Time	\$ 160.00	\$ 160.00
03243.00	Copy Machine	01512.03 Unemployment	\$ 900.00	\$ 900.00
03546.00	Care of Inmates	01523.00 Group Ins	\$ 20,000.00	\$ 20,000.00
03543.00	Judge Pro Tempore	01512.03 Unemployment	\$ 2,500.00	\$ 2,500.00
03513.00	Work Comp Insurance	01523.00 Group Ins	\$ 70,000.00	\$ 70,000.00
03592.00	Change of Venue	01523.00 Group Ins	\$ 1,800.00	\$ 1,800.00

Auditor Ann Wells presented the requests for transfers from the Commissioners Department. The first request for a transfer of money into the Assistant Attorney line item, is to rectify a mistake made by the Auditor's Office when transferring funds at the time Attorney Larry Murrell went from a part time position to full time. The remainder of transfers requested, are to clean up line items for the end of year 2005.

On a motion made by Mr. Ortman and seconded by Mr. Papacek, the transfers in the Commissioners' budget were approved as follows: \$675.00 from line item 01115.01, Part Time Legal Secretary to 01114.00, Assistant Attorney; \$160.00 from 01115.01, Part Time Legal Secretary to 01120.00, Personnel Part Time; \$900.00 from 03243.00, Copy Machine to 01512.03, Unemployment; \$20,000.00 from 03546.00, Care of Inmates to 01523.00, Group Insurance; \$2,500.00 from 03543.00, Judge Pro Tempore to 01512.03, Unemployment; \$70,000.00 from 03513.00, Workman's Compensation Insurance to 01523.00, Group Insurance; \$1,800.00 from 03592.00, Change of Venue, to 01523.00, Group Insurance.

<b>020</b>	<b><u>Howard Haven</u></b>			
01111.00	Superintendent	01117.00 Part Time	\$ 980.72	\$ 980.72
03252.00	Repair Equipment	01118.00 Overtime	\$ 506.49	\$ 506.49
01112.00	Assistant Superintendent	01118.00 Overtime	\$ 93.51	\$ 93.51
03213.00	Travel & Training	02331.00 Food	\$ 178.14	\$ 178.14
03252.00	Repair Equipment	02331.00 Food	\$ 93.51	\$ 93.51
03214.00	Telephone	02331.00 Food	\$ 280.00	\$ 280.00
03251.00	Building & Structure Repair	02331.00 Food	\$ 264.47	\$ 264.47

In the absence of Howard Haven representatives, Mrs. Wells presented the transfers for Howard Haven.

On a motion made by Mr. Papacek and seconded by Mr. Pencek, the transfers were approved as follows: \$980.72 from 01111.00, Superintendent to 01117.00, Part time; \$506.49 from 03252.00, Repair Equipment to 01118.00, Overtime; \$93.51 from 01112.00, Assistant Superintendent to 01118.00, Overtime; \$178.14 from 03213.00, Travel & Training to 02331.00, Food; \$93.51 from 03252.00, Repair Equipment to 02331.00, Food; \$280.00 from 03214.00, Telephone to 02331.00, Food; \$264.47 from 03251.00, Building & Structure Repair to 02331.00, Food.

	<b>TRANSFER FROM:</b>	<b>TO:</b>	<b>AMOUNT REQUESTED:</b>	<b>APPROVED:</b>
<b>033</b>	<b><u>Superior III</u></b>			
01118.00	Clerk/Civil	01114.00 Clerk/Criminal	\$ 3,020.00	\$ 3,020.00

A motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve the transfer of \$3,020.00 for Superior III from line item 01118.00, Clerk/Civil to 01114.00, Clerk/Criminal.

<b>035</b>	<b><u>Kinsey Youth Center</u></b>			
01120.02	Cooks	01119.02 PT Shift Super	\$ 1,000.00	\$ 1,000.00
02340.00	Food	03215.00 Beepers	\$ 36.00	\$ 36.00
02340.00	Food	03220.00 Utilities	\$ 424.24	\$ 424.24
02340.00	Food	03265.00 Activities	\$ 1,000.00	\$ 1,000.00

<b>037</b>	<b><u>Kinsey Residential</u></b>			
01120.02	Travel & Training	01119.02 PT Shift Super	\$ 1,000.00	\$ 1,000.00
01112.01	Maintenance	01117.00 Youth Managers	\$ 100.00	\$ 100.00
01113.01	Residential Program Director	01117.00 Youth Managers	\$ 1,500.00	\$ 1,500.00
01116.01	Secretary / Clerk	01117.00 Youth Managers	\$ 900.00	\$ 900.00
02340.00	Food	03220.00 Utilities	\$ 1,000.00	\$ 1,000.00
02374.00	Resident Needs	03251.00 Rpr Bldg & Struct	\$ 471.35	\$ 471.35
02350.00	Clothing & Toiletries	03214.00 Telephone	\$ 250.00	\$ 250.00

<b>038</b>	<b><u>Kinsey Secure Detention</u></b>			
01120.02	Cooks	01119.02 PT Shift Super	\$ 1,000.00	\$ 1,000.00
02340.00	Food	03220.00 Utilities	\$ 1,000.00	\$ 1,000.00
02340.00	Food	03214.00 Telephones	\$ 500.00	\$ 500.00
02340.00	Food	03265.00 Activities	\$ 1,000.00	\$ 1,000.00
02340.00	Food	03252.00 Equipment Repair	\$ 1,000.00	\$ 1,000.00
02340.00	Food	03251.00 Rpr Bldg & Struct	\$ 750.00	\$ 750.00

Kinsey Center Director, Janet Weaver, began her transfer requests with the statement that the \$24,900.00 put into her residential contract services account has not been used and will go back into County General. The requests made are to clean up the accounts for end of year balances. Ms. Weaver also pointed out that several transfers are out of the food line item. She has been able to reduce her food budget due to their participation in the federal breakfast and lunch reimbursement programs. Ms. Weaver voiced her support for the change in Maintenance programs for the County, but reminded the Council that she must observe regulations concerning even maintenance personnel.

A motion was made by Mr. Papacek to approve the transfers, as requested, in Kinsey, Kinsey Residential and Kinsey Secure Detention. The motion was seconded by Mr. Ellison and approved as listed above.

<b>002</b>	<b><u>Highway Fund</u></b>			
12160.00	Part Time	14140.00 Overtime	\$ 10,000.00	\$ 10,000.00
12130.00	Laborers	14140.00 Overtime	\$ 20,000.00	\$ 20,000.00

Due to the unusual severity of this December's weather, Mr. Cain, Highway Engineer / Supervisor, needs extra funds in overtime. The Department used \$6,000.00 in overtime just over the weekend. He believes these transfers will get the Highway Department through the month of December.

On a motion made by Mr. Singer and seconded by Mr. Stout, the transfer of \$10,000.00 from line item 12160.00, Part Time to 14140.00, Overtime and the transfer of \$20,000.00 from 12130.00, Laborers to 14140.00, Overtime, were approved.

<b>010</b>	<b><u>Howard County Health Fund</u></b>			
02252.00	Nursing Supplies	03321.00 Mileage	\$ 816.74	\$ 816.74

Department of Health Director, Kris Conyers, presented the need for a transfer from Nursing Supplies to Mileage to cover an unusual amount of mileage claims turned in for the month of November.

A motion was made by Mr. Papacek, seconded by Mr. Singer and carried to approve the transfer of \$816.74 from line item 02252.00, Nursing Supplies to 03321.00, Mileage.

<b>186</b>	<b><u>Pretrial Diversion</u></b>					
02360.00	Office Supplies	01523.00	Insurance	\$	895.00	\$ 895.00

A motion was made by Mr. Papacek, seconded by Mr. Singer, and carried to approve the transfer of \$895.00 from line item 02360.00, Office Supplies, to 01523.00, Insurance.

**IN THE MATTER OF FAMILY AND CHILDREN PLACEMENT REPORT:**

Family and Children Director, Roger Suhre, began his presentation by thanking the Council for their approval of the Family & Children 2006 Budget. He presented statistics particular to the placement of children and response to alleged abuse calls. Mr. Suhre informed the Council that there were three new services to be implemented January 1, 2006; Intensive Family Preservation, Intensive Family Reunification, and a statewide foster care per diem increase to \$25.00 per day. The implementation date has been delayed to May 1, 2006. The State has given counties the option to change their 2006 budgets and levy to reflect this delay, however, Howard County Family & Children's 2006 budget has decreased, along with their levy. Mr. Suhre does not see the need to make a change. By consensus, the Council decided not to take any action.

**IN THE MATTER OF RESOLUTION 2005-HCC-36:**

County Attorney, Larry Murrell, presented Resolution 2005-HCC-36, a resolution of the Council approving the proposal of the County Commissioners concerning the Joint Plan Commission Office Interlocal Agreement (*please refer to item six, page two of the Regular Meeting Minutes dated December 5, 2005*). In response to a letter received from Corporation Counsel, Ken Ferries, concerning the Joint Plan Commission Office Interlocal Agreement, the Board of Commissioners directed Mr. Murrell to draft a letter stating the following proposals:

1. The City and County agree that the Conference Committee review the current Agreement and recommend any amendments or revisions necessary to clarify or improve the Agreement. Any recommendations would be non-binding upon the respective parties. However, the Commissioners pledge to accept any Committee recommendations unless there is a clear and convincing reason to not accept them.
2. To allow the Conference Committee time to conduct such a review, the Commissioners and Mayor would agree to toll the pending notification and time issues for ninety (90) days. If an agreement is not reached on or before April 1, 2006, the Mayor's right to pursue unilateral termination and the County's right to challenge such action is preserved for purposes of any court proceeding.

Council Vice President, James Papacek, spoke as Chairman of the conference Committee, stating that the Committee has agreed to "take on the task" of reviewing the current Agreement for necessary revisions or amendments for clarification or improvement.

Council Member Joseph Pencek stated that he had talked with Mayor McKillip, and the Mayor reinforced his desire to continue discussions to resolve any existing problems. He is in receipt of the Interlocal Agreement but has not made a response.

Mr. Dave Wallace, Conference Committee member and City employee, responded with information that Mr. Ferries is on a medical leave, at this time, and that this proposal has been taken under advisement until Mr. Ferries returns. He reiterated the committee's dedication to assure the best agreement for the city and county.

On a motion made by Mr. Ortman and seconded by Mr. Singer, Resolution No. 2005-HCC-36 was approved.

**IN THE MATTER OF SHERIFF ISSUES:**

Sheriff Marshall Talbert presented the following issues for Council information:

1. **Commissary Reports:** Sheriff Talbert submitted the Commissary reports for September and October, 2005.

2. **Unclaimed Property:** To reduce the amount of unclaimed property being sent to the Attorney General's office, The State Board of Accounts has suggested the following procedure. When an inmate leaves and they are given a check for the amount of funds left in their commissary account, often those checks are not cashed, causing unclaimed monies to report to the Attorney General's office. It was suggested that an amount of money (suggested \$50.00) be kept as cash and when an inmate is given a check for an amount of \$5.00 or less, they sign the check and be given cash, reducing the amount of unclaimed property. This money could be moved from the Commissary Fund, and the Sheriff would like to have Council approval. A motion was made by Mr. Papacek, seconded by Mr. Singer and approved to authorize the Sheriff to move funds from the Commissary monies to a cash fund.
3. **Jail Population:** The current jail inmate population is 319, the increase being caused by weekend drug raids.
4. **Out-of-State Fugitives:** The Sheriff's Department has fugitives in Clearview, Florida, and Canton, Illinois. A fugitive was returned from Tavares, Florida.
5. **Inmate Gift Distribution:** Sheriff Talbert informed the Council of an inmate gift distribution program sponsored by "The Christmas Behind Bars Ministry", under the direction of Doug and Merrill Wolf. They have received permission to distribute Christmas Gift bags to the inmates on December 23, 2005. This is a trial program and the Sheriff has received positive comments from other county's that have been a part of this program. Captain Vincent, and his staff, has screened the contents of the bags; the gift bags and literature will be available on separate tables, for pick-up on a voluntary basis.
6. **Four-Wheel Drive Vehicles:** Sheriff Talbert expressed appreciation to the Council for the four-wheel drive vehicles the Department was allowed to purchase, especially in light of the current weather situation.
7. **Department of Corrections Privatizing Food Service:** Because of high fuel costs and the privatizing of the food service providers, Pen Products, which has been providing milk, bread and produce items grown on state farms, is downscaling their delivery routes, doing away with individual county delivery systems. The Sheriff's Department does not have the freezers or storage capacity available to get the food from regional sites for one or two weeks at a time. Captain Vincent will be looking into alternative measures and is confident a solution will be found.

Council Member Dwight Singer took the opportunity to thank Sheriff Talbert and his staff and Ted Cain and his staff for their hard work and the fine job they did during the snow situation in Howard County.

**IN THE MATTER OF COUNCIL APPOINTMENTS:**

A motion was made by Mr. Papacek to approve the following Council appointments:

1. **Howard County Alcoholic Beverage Commission** - Mr. Kent Evans for a one - year appointment to expire 12/31/06.
2. **City of Firsts Automotive Heritage Museum, Inc. / Board Members** - Mr. Dwight Singer for a three-year appointment to expire 12/31/08.
3. **Howard County Assessment Board of Appeals** - Ms. Marilyn Beroshok for a one-year appointment to expire 12/31/06 and Mr. Ralph Reddersdorf for a one-year appointment to expire 12/31/06.
4. **Howard County Solid Waste Management District** - Mr. Joseph Pencek for a four-year appointment to expire 12/31/09.

The motion was seconded by Mr. Ellison and carried.

There being no further business to come before the Council at this time, the meeting was adjourned at 2:05 p.m. on a motion made by Mr. Papacek and seconded by Mr. Singer.

**HOWARD COUNTY COUNCIL:**

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RICHARD H. MILLER, PRESIDENT

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JAMES PAPACEK, VICE PRESIDENT

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DWIGHT SINGER JR., 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

County Council Minutes, December 13, 2005