

**HOWARD COUNTY COUNCIL REGULAR MEETING MAY 22, 2007**

The Howard County Council met Tuesday, May 22, 2007, at 7:00 p.m. in Room 338 of the Howard County Administration Center. Those present included Council President Richard Miller, Vice President James Papacek, and Members Stanley Ortman, Leslie Ellison, Jeffrey Stout, Joseph Pencek and Paul Wyman. Also in attendance were Attorney Larry Murrell and Auditor Ann Wells.

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 March 27, 2007 and April 24, 2007 minutes, having been previously submitted and reviewed, were approved on a motion made by Mr. Ortman and seconded by Mr. Ellison.

**IN THE MATTER OF OPENING COMMENTS:**

President Miller welcomed City Councilman Mike Wyant to the meeting and thanked him for coming.

**IN THE MATTER OF ORDINANCE NO. 2007-HCCO-20 - ADDITIONAL APPROPRIATIONS:**

Ordinance No. 2007-HCCO-20 - Additional Appropriations was read in full by Auditor Ann Wells and acted upon as follows:

<b>APPROPRIATIONS REQUESTED:</b>		<b>REQUESTED:</b>	<b>APPROVED:</b>
<b><u>001</u></b>	<b><u>Howard County General Fund</u></b>		
<b><u>001</u></b>	<b><u>Howard County Clerk</u></b>		
03121.00	Maintenance & Service Contracts	\$ 850.00	\$ 850.00

Howard County Clerk Mona Myers informed the Council that this request is for a Maintenance Contract on a newly purchased Risso machine. This was not included in the 2007 budget request.

A motion was made by Mr. Ortman, seconded by Mr. Papacek and carried to approve the request of \$850.00 in line item 03121.00, Maintenance & Service Contracts.

<b><u>013</u></b>	<b><u>Circuit Court</u></b>		
04721.00	Equipment	\$ 1,029.00	\$ Withdrawn

Judge Lynn Murray requests a replacement lapel microphone for the Circuit Court, in the amount of \$1,029.00. This request was also advertised under Cumulative Capital Fund requests, where equipment is often funded.

A motion was made by Mr. Papacek to approve the request of \$1,029.00 in line item 04721.00, Equipment, in the Cumulative Capital Fund. The motion was seconded by Mr. Wyman and carried.

A motion was then made to withdraw the requested amount of \$1,029.00 from line item 001-013-04721-00 on a motion made by Mr. Stout and seconded by Mr. Pencek.

<b><u>030</u></b>	<b><u>Public Defender</u></b>		
03614.00	Investigator / Court Ordered	\$ 6,000.00	\$ 6,000.00

Public Defender Steve Raquet clarified the request that was originally submitted at the meeting dated April 24, 2007 (*please refer to page two, Howard County Public Defender, of the Regular Meeting minutes dated April 24, 2007*). Although this is not a Court mandated request, it could be, according to Attorney Murrell. This order is for additional investigative work on a Life Without Parole case. A new line item is to be created and the amount of the Order (\$6,000.00) to be put into the account. There was an issue concerning the original amount of \$5,000.00 requested, and the \$6,000.00 ordered. Mr. Raquet informed the Council that \$5,000.00 has already been used for the investigation that is still in progress.

A motion was made by Mr. Ortman, seconded by Mr. Stout and carried to approve the request of \$6,000.00 in line item 03614.00, Investigator / Court Ordered.

The Public Defender's office is now operating according to State Guidelines, which entitles them to quarterly reimbursements (40%) from the State Public Defender Fund. The most recent quarterly reimbursement was the State's final quarter and the funds were low. Howard County only received 18.3% (over \$60,000.00). Even with the lower reimbursement, it was more than enough for the account to break even. The State has increased the Public Defender Fund and Howard County will be receiving quarterly payments in excess of \$130,000.00 per quarter. Mr. Raquet wanted to share the positive news with the Council. Mr. Murrell informed the Council that Mr. Raquet also included the costs of insurance and PERF in the reimbursement amount.

<b>TOTAL GENERAL FUND</b>		<b>\$ 7,879.00</b>	<b>\$ 6,850.00</b>
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<b>105</b>	<b><u>Howard County Adult Probation</u></b>		
03260.00	Drug Testing	\$ 3,000.00	\$ 3,000.00

At the beginning of the year, Chief Probation Officer Gary Conwell received a past due billing from Witham Toxicology for unpaid Drug Testing fees since the year 2002. Mr. Conwell turned the report and billing over to the Auditor's Office. Upon investigation, it was determined that several invoices were not paid. Those invoices have since been submitted for payment. That leaves a shortfall in the 2007 budgeted amount and Mr. Conwell is asking for additional funds in his Drug Testing line item.

A motion was made by Mr. Papacek, seconded by Mr. Ortman and carried to approve \$3,000.00 to line item 03260.00, Drug Testing.

<b>185</b>	<b><u>Howard County Drug &amp; Alcohol Program Fund</u></b>		
02361.00	Drug Testing Supplies	\$ 2,500.00	\$ 2,500.00
03213.00	Travel & Training	\$ 2,500.00	\$ 2,500.00
03570.00	Dues & Subscriptions	\$ 500.00	\$ 500.00

This fund is now in the black and Mr. Conwell is taking Drug & Alcohol expenses from this fund. He underestimated how much would be needed. These amounts should cover expenses for the remainder of the year.

The requests were approved as listed, above, on a motion made by Mr. Papacek and seconded by Mr. Ellison.

<b>TOTAL DRUG &amp; ALCOHOL PROGRAM FUND</b>		<b>\$ 5,500.00</b>	<b>\$ 5,500.00</b>
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<b>150</b>	<b><u>Cumulative Capital Fund</u></b>		
04721.00	Equipment	\$ 1,029.00	\$ 1,029.00

This request was previously addressed by Judge Lynn Murray and the Council (*please refer to page one, Additional Appropriations request, Circuit Court of Council Meeting minutes dated May 22, 2007*).

**IN THE MATTER OF APPROPRIATION OF FUND 137 - AIDS GRANT:**

Auditor Wells informed the Council that this is an appropriation of the Aids Grant which is a mid-year grant that does not need to be advertised. She then invited Ms. Kristine Conyers to the podium to explain the appropriations as follows:

<b>137</b>	<b><u>HIV AIDS FUND GRANT</u></b>		
01111.00	Nurse / RN	\$ 8,250.00	
01521.00	FICA	\$ 632.00	
02337.00	HIV Testing Supplies	\$ 3,000.00	
03260.00	Dues & Subscriptions	\$ 15.00	
03212.00	Postage	\$ 303.00	
03213.00	Conferences / Workshops	\$ 150.00	
03241.00	Printing	\$ 200.00	
<b>TOTAL HIV AIDS FUND GRANT</b>		<b>\$ 12,550.00</b>	

A motion was made by Mr. Ortman to approve the appropriations for Fund 137 HIV AIDS Grant, as submitted. The motion was seconded by Mr. Wyman and carried.

As an observer and practice "patient" of the latest Disaster Drill in preparation for a possible Flu Pandemic, Councilman Wyman congratulated Ms. Conyers on a job well done in the coordination of the Emergency Agencies. It was discovered that the Health Department radios are not on the same radio frequency as the Sheriff Department and City Police. Mr. Wyman requested that the June Agenda include addressing that issue. Sheriff Talbert and Commissioner Bagwell informed the Council that because of the Wireless Project that the Information Systems Department as been conducting, all the radios for Howard County Emergency agencies can be on the same frequency. They directed Ms. Conyers to take the Health Department radios to Integrity Communications to have them reprogrammed to the County's frequency.

**IN THE MATTER OF RESOLUTION NO. 2007-HCCR-13 - TRANSFERS:**

Resolution No. 2007-HCCR-13 - Transfers was read in full by Auditor Ann Wells and 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>			
<u>017</u>	<u>Voter Registration</u>			
03213.00	Travel & Training	03260.00 Dues & Subscriptions - <i>New Line Item - 2007 Budget</i>	\$ 20.00	\$ 20.00

Voter Registration Directors Carol Shallenberger and Shirley McCoy submitted the request for transfer to create a line item new to the 2007 budget for their association fee.

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

<b><u>104</u></b>	<b><u>Howard County Juvenile Probation</u></b>			
03300.00	Vehicle Repair	03251.00 Building & Structure Repair - <i>New Line Item - 2007 Budget</i>	\$ 300.00	\$ 300.00

Chief Juvenile Probation Officer Don Travis informed the Council of flooring that needed to be replaced in the Juvenile Probation Offices (carpeting was installed in place of tile). Mr. Travis did not anticipate needing a Building & Structure Repair line when the 2007 budget was set. He asks for the new line item to pay for the repair.

A motion was made by Mr. Stout to approve the transfer request of \$300.00 from line item 03300.00, Vehicle Repair to line item 03251.00, Building & Structure Repair. The motion was seconded by Mr. Pencek and carried.

**IN THE MATTER OF SALARY ORDINANCE NO. 2007-HCCO-21 - AMENDING SALARY ORDINANCE FOR 2007:**

Salary Ordinance No. 2007-HCCO-21 - Amending Salary Ordinance for 2007, was read in full by Auditor Wells and acted upon as follows:

	<b>Howard County General Fund</b>	<b>REQUESTED:</b>	<b>APPROVED:</b>
<b><u>001</u></b>	<b><u>Howard County Sheriff</u></b>		
<u>005</u>	<u>Howard County Sheriff</u>		
01140.00	Court Security Officer (2) <i>(\$28,574 each)</i>	\$ 57,148.00	\$ 57,148.00
<u>034</u>	<u>Howard County Adult Probation</u>		
01112.05	Line Probation Officer <i>Added for Superior Court IV</i>	\$ 27,588.00	\$ 27,588.00
<b><u>105</u></b>	<b><u>Howard County Adult Probation Fund</u></b>		
01117.00	Part Time	\$ 6,000.00	\$ 6,000.00

Auditor Wells reminded the Council that these requests had been previously approved by the Council but had not been put in the form of a Salary Ordinance.

Salary Ordinance No. 2007-HCCO-21 - Amending Salary Ordinance for 2007 was approved as submitted on a motion made by Mr. Papacek and seconded by Mr. Stout.

#### **IN THE MATTER OF THE NEW JAIL COIT TAX:**

Attorney Larry Murrell submitted copies of a memo to the Council Members, outlining the following points of discussion to aid the Council in its work toward a decision on whether to lower the Jail COIT rate, as follows:

1. If you do nothing, collections will begin October 1, 2007 at the .25% rate you adopted March 27, 2007.
2. As confirmed by Department of Revenue Commissioner Eckart, you can adopt an ordinance before July 31, 2007 to reduce the .25%. If you elect this option, collections at the lower rate would commence October 1, 2007.
3. Whatever rate you implement, you will receive distributions in 2008 for the entire year 2007. (Tom Guevara, Crowe Chizek, is confirming this with Commissioner Eckart.)
4. Recommendation: Before making a final decision, you will need hard financial data showing anticipated revenues at different rates vs. anticipated increased expenses for operation of the Jail and Kinsey Center. I will have a draft amendatory ordinance to reduce the tax ready for your June meeting.

Discussion ensued concerning the issue of what collections would be received in 2008, as well as what expenses the new COIT tax can be used for.

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

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

1. **Annual Inspection Report:** Sheriff Talbert submitted a copy of the Annual Inspection Report for Council record. Though he didn't explain the entire report, Sheriff Talbert highlighted comment number 9, of page 14 as follows:

"All of the required documentation was presented for review, and was very well organized. Jail staff were very cooperative, and open to recommendations and suggestions. The jail was very well maintained."

Sheriff Talbert commended the Correction Staff concerning the fine job they did in preparing for the inspection. He informed the Council that Mr. Murrell will be forwarding the report to our insurance carrier for their records. Sheriff Talbert also commended the Maintenance Department and the job they do in making sure the facility and its equipment are in good working condition. Sheriff Talbert continued to express appreciation to members of the Council who were able to attend the luncheon and inspection. They were able to view, first hand, the projects that were completed by the Inmate Work Crew.

2. **Sheriff's Employees Deployed To Iraq:** Both Deputy Mike Ogle and Officer Jared Kirkpatrick have been deployed to Iraq, in the last ten days. Mr. Ogle will serve for fourteen months and Mr. Kirkpatrick is serving fifteen months. There is a possibility of losing two more officers to the war in Iraq. Deputy Ogle was the dog handler for the newest K-9, Kanto. Kanto has been transported back to Von Liche Kennels where he will be cared for, and trained for the new handler, Paul Cherry. The training for Officer Cherry will be \$4,000.00; he will be the handler through the career of the K-9. The department also has a Corrections Officer with a broken arm and a Deputy awaiting a kidney transplant.
3. **Court Security Officers:** Interviews for these positions were scheduled for May 30 - 31, 2007. Sixteen people, four women and twelve men applied. That process is moving forward.
4. **Knox County Jail Open House:** The Open House for the new Knox County facility is scheduled for June 7<sup>th</sup>. The Council and Board of Commissioners are invited to this private Open House, as well as representatives from the Sheriff's Department. The design of the Knox County facility, as well as the designs of the Marshall County and Miami County facilities, is all very similar, and known as the Knox County Modified Plan.

5. **Deputy Testing:** Fifty-two Deputy Program applications were received; twenty-seven applicants attended and twenty-two applicants survived. Deputies will be needed to replace Captain Leal and Deputy Jerry Jumper upon their retirements. The critical component in the selection process will be background investigations.
6. **The Sheriff Department's Riso Machine:** Sheriff Talbert submitted copies of certificates made by the machine and issued to graduates of the Dare Program in Western, Northwestern and Catholic schools. Certificates were previously produced at a print shop. The machine has saved them much in printing costs. He doesn't know how the Department got by without one!
7. **Inmate Medical Costs:** The Evansville Courier newspaper is doing an extensive news article on Inmate Medical costs. They sent a document to the Criminal Justice Center, requesting information under the Public Records Act. "This story has generated national media attention". Howard County is a classic example of the rising costs. Five to six years ago, Howard County was spending about \$100,000.00 for medical costs for inmates. That cost jumped to over \$306,000.00 in 2006. The goal of the Evansville Courier news article is to stimulate legislation requiring inmate medical costs to be billed at Medicare / Medicaid reimbursement rates.
8. **The Fire At The Emergency Management Agency Building:** The fire that burned the EMA building and contents, has negated EMA vehicle service. Sheriff Talbert publicly thanks County Highway Engineer/Supervisor Ted Cain for allowing the EMA mechanic to "set up shop" in the Highway Department's Garage so that Sheriff's vehicles can be serviced at a reasonable cost.
9. **High Cost Of Fuel:** Sheriff Talbert informed the Council that he will have to request additional funds in the fuel account. Also of concern is the decrease in Patrol vehicles on the streets, because of a shortage of officers due to war deployment and illness or injury. These officers cannot be replaced - their jobs must be held for them. The money that was appropriated for the salaries can be transferred to the overtime line item, but the overtime that is paid is at time-and-a-half. When officers no longer volunteer for overtime, mandatory overtime must be enforced; that hurts morale. It's also difficult to hire officers for fourteen or fifteen months.

**IN THE MATTER OF SENATE BILL 400 UPDATE / DEPARTMENT OF CHILD SERVICES:**

Marilyn Robinson, Department of Child Services, presented a Senate Bill 400 Report. She distributed packets to the Council that included the purpose of the report, as well as a 2007 Family and Children Fund Budget and a Case Practice Reform for 2007. The following excerpt is from the Report:

"Activity in child welfare in Howard County has remained consistent in the last three years with 1,856 reports of alleged abuse and/or neglect in 2005, 1,713 in 2006, and a projected 1,785 reports for 2007. Currently there are 27 children in residential placement: 10 CHINS children and 17 probation children. Five of the 27 children are in Kinsey Youth Center programs. Howard County DCS has a total of 68 children who are wards. Forty one of these children are in foster homes, another 11 are in relative homes, and six are in their own homes. Besides those in residential placements, juvenile probation has one child in a foster home and five in their own homes for whom services are being paid from the Family and Children Fund. It is important to note that the total number of CHINS is down from an average of 90 over the past four years."

Ms. Robinson led the Council through the remainder of the report and a time of questions and answers.

There being no further business to come before the Council at this time, the meeting was adjourned at 8:30 p.m. on a motion made by Mr. Papacek and seconded by Mr. Stout.

**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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STANLEY E. ORTMAN, COUNCILMAN

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LESLIE ELLISON, COUNCILMAN

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JEFFREY A. STOUT, COUNCILMAN

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JOSEPH A. PENCEK, COUNCILMAN

ATTEST:

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ANN WELLS, AUDITOR  
County Council Meeting May 22, 2007