

HOWARD COUNTY COUNCIL REGULAR MEETING DECEMBER 14, 2010

The Howard County Council met in Regular Session on Tuesday, December 14, 2010 at 12:00 Noon in Hearing Room 338 of the Administration Center. Those in attendance included President Richard Miller, Vice President Paul Wyman, and members James Papacek, Stan Ortman, Leslie Ellison, Jeff Stout and Joseph Pencek. 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 Miller. Mr. Miller offered a word of prayer.

IN THE MATTER OF APPROVAL OF MINUTES:

The minutes of the November 23, 2010 minutes, having been previously submitted and reviewed, were approved on a motion made by Mr. Papacek and seconded by Mr. Ortman.

IN THE MATTER OF COUNCIL COMMENT:

President Miller opened the floor for Council comment as follows:

Vice President Wyman: Mr. Wyman expressed condolences to Commissioner Tyler Moore and his family in the recent death of Mr. Moore's Grandfather. Mr. Moore's Grandmother passed away just one month ago.

IN THE MATTER OF ORDINANCE NO. 2010-HCCO-33-ADDITIONAL APPROPRIATIONS:

President Miller read Ordinance No. 2010-HCCO-33 – Additional Appropriations through one time and it was acted upon as follows:

<u>001</u>	<u>Howard County General Fund</u>	AMOUNT REQUESTED:	APPROVED:
<u>009</u>	<u>Howard County Coroner</u>		
03263.02	Autopsy & Lab	\$ 20,000.00	\$ 20,000.00

Coroner Jay Price requested \$20,000.00 to cover the autopsy expenses. He reminded the Council members that if any bodies are transported to Marion County for services, Marion County bills Howard County. There are also a number of invoices that have not yet been submitted, as well as lab fees.

A motion was made by Mr. Papacek, and seconded by Mr. Pencek. Mr. Wyman asked Mr. Price if there has been a recent change in guidelines determining when an autopsy must be performed. Mr. Price replied that if the death, be it illness or accident, is clear cut, there would be no autopsy. But if it is not clear cut or if there is a death with no witnesses, depending on the medical history, an autopsy would be performed. Also, in some circumstances, especially in the instance of a double indemnity insurance case, the insurance company will not pay the claim unless an autopsy is performed. Trying to get the Insurance Company to reimburse the County for the costs of the autopsy is very difficult. Mr. Wyman believes that we should contact the Insurance Company and make a request. The motion on the table was carried.

<u>252</u>	<u>Howard County Jail & Juvenile COIT Fund:</u>		
<u>025</u>	<u>Howard County Jail</u>		
01122.00	Corrections Overtime	\$ 10,000.00	\$ 10,000.00

Sheriff Marshall Talbert informed the Council that this request is to help offset the expenses of several inmates with health related issues that required full time guards and trips to Indianapolis Methodist hospital. He believes these funds will be enough to cover the overtime expenses to the end of the year. In the year 2008, the Sheriff's Department had nine (9) Corrections Officers who left employment. That number was the same for 2009. In 2010, the number increased to nineteen (19). Seven officers quit; four were terminated; four left to be employed at police departments; two retired early for health reasons, and two retired. This means that the remaining Officers have to cover shifts, until new people are hired **AND** trained. Discussion ensued concerning the yearly overtime and the high population of inmates.

A motion was made by Mr. Papacek to approve the request of \$10,000.00 to line item 01122.00, Corrections Overtime. The motion was seconded by Mr. Ortman and carried.

Attorney Murrell suggested this would be a good time to reconvene the Criminal Justice Coordinating Board.

Sheriff Talbert added that the Correctional Officer position is usually a stepping stone to a career in law enforcement. People don't usually aspire to be a Corrections Officer. He also wanted the Council to understand that an Officer is terminated because he/she has done, or not done something that is a liability or puts the County at risk. It costs more to settle a lawsuit than it does to pay overtime.

TOTAL ADDITIONALS ALL FUNDS	\$ 30,000.00	\$ 30,000.00
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IN THE MATTER OF RESOLUTION NO. 2010-HCCR-26 – TRANSFERS:

Resolution No. 2010-HCCR-26 – Transfers was read in full one time by Auditor Wells and acted upon as follows:

	Transfer From:	To:	AMOUNT REQUESTED:	ALLOWED:
<u>001</u>	<u>Howard County General Fund</u>			
<u>002</u>	<u>Howard County Auditor</u>			
01113.00	First Deputy	01118.00 Overtime	\$ 5,500.00	\$ 5,500.00
01114.00	Second Deputy	01118.00 Overtime	\$ 750.00	\$ 750.00
01117.00	Part Time	01118.00 Overtime	\$ 300.00	\$ 300.00

Auditor Wells has about ten employees who have accrued many compensation hours and she would rather pay them than carry them over to 2011.

A second issue has to do with the possibility of a job share position. At the October meeting, Ms. Wells was given permission to re-hire a position in the Deduction portion of the Auditor's Office, to replace the employee that assumed the vacated payroll position in the Financial portion of the office (*please refer to page five, "In The Matter Of A Request To Replace A Position In The Auditor's Office", of the Regular meeting minutes dated October 26, 2010*). After interviewing nineteen people, there were two very good candidates and Ms. Wells talked about the possibility of job sharing the position (no benefits). At this time one of her Deputies in the Deduction side expressed interest in going to a job share position. With that in mind, Ms. Wells would like to hire one of the candidates to the re-hire position, then hire the second candidate to job share with the Exemption employee who expressed interest in sharing her job. Discussion ensued concerning the Auditor's Overtime line item and the policy of buying compensatory time.

A motion was made by Mr. Papacek and seconded by Mr. Ellison to approve the Auditor transfer request as submitted. The motion carried on five Aye votes with one Nay vote.

<u>005</u>	<u>Howard County Sheriff</u>			
01117.01	Lieutenant	01119.07 Deputy Overtime	\$ 28,500.00	\$ 28,500.00
01117.01	Lieutenant	01140.01 Overtime CH Security	\$ 164.42	\$ 164.42

<u>252</u>	<u>Howard County Jail & Juvenile COIT</u>			
<u>025</u>	<u>Howard County Jail</u>			
01119.01	Correction Officer	01120.00 Part Time Cook	\$ 6,200.00	\$ 6,200.00
01119.01	Correction Officer	01120.01 PT Correction Officer	\$ 11,000.00	\$ 11,000.00
01119.01	Correction Officer	01122.00 OT Correction Officer	\$ 30,000.00	\$ 30,000.00

Sheriff Talbert justified these transfer requests earlier in the meeting. The transfer requests in County General, Howard County Sheriff were approved as submitted on a motion made by Mr. Ortman and seconded by Mr. Stout.

A motion was made by Mr. Ortman to approve the transfer requests from fund 252, Howard County Jail & Juvenile COIT as submitted. The motion was seconded by Mr. Ellison and carried with five Aye votes and one Nay vote.

<u>001</u>	<u>Howard County General</u>			
<u>009</u>	<u>Howard County Coroner</u>			
03121.00	Beepers	04721.00 Equipment	\$ 1,000.00	\$ 1,000.00
03253.00	Equipment Repair	04721.00 Equipment	\$ 1,000.00	\$ 1,000.00
03243.00	Photography/Film Dev	04721.00 Equipment	\$ 300.00	\$ 300.00

Coroner Jay Price would like to transfer funds from the above mentioned line items in order to purchase an additional camera and accessories to be used as a backup camera, as well as a camera for the Deputy Coroners when needed. This purchase will include micro lenses that the current camera does not have. There are times when the cameras are needed to photograph evidence and autopsies.

A motion was made by Mr. Papacek to approve the transfer requests as submitted. The motion was seconded by Mr. Pencek and carried.

<u>186</u>	<u>Howard County Prosecutor Pre-Trial Diversion</u>				
01522.00	PERF	01523.00 Insurance	\$	700.00	\$ 700.00

Prosecutor Jim Fleming requested to transfer \$700.00 to the insurance line for the Drug Deputy.

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

<u>252</u>	<u>Howard County Jail & Juvenile COIT</u>				
<u>035</u>	<u>Howard County Kinsey Youth Center</u>				
01118.01	Nurse	01123.00 Overtime Nurse	\$	57.71	\$ 57.71
<u>037</u>	<u>Howard County Kinsey Youth Center</u>				
01118.01	Nurse	01123.00 Overtime Nurse	\$	61.66	\$ 61.66
<u>038</u>	<u>Howard County Kinsey Youth Center</u>				
01118.01	Nurse	01123.00 Overtime Nurse	\$	63.15	\$ 63.15

Kinsey Youth Center Director Brent Kelley informed the Council that this transfer request is to correct a clerical error in the amount of \$182.52.

The transfer requests were approved as submitted on a motion made by Mr. Ortman and seconded by Mr. Papacek.

IN THE MATTER OF ORDINANCE NO. 2010-HCCO-34 – SALARY ORDINANCE FOR 2011:

Auditor Wells submitted the 2011 Salary Ordinance for the Council's certification, with a Sheriff's salary reflecting the 2010 salary amount. A motion was made by Mr. Papacek to approve Ordinance No. 2010-HCCO-34 – Salary Ordinance for 2011. The motion was seconded by Mr. Ellison and carried.

IN THE MATTER OF PROSECUTOR PERSONNEL REQUESTS:

Prosecutor Elect Mark McCann submitted personnel requests as follows:

- 1) Mr. McCann requests authority to fill the Deputy Prosecutor position that he will be vacating. He would like to appoint Mr. Ron Byal as Deputy Prosecutor.
- 2) The part time Secretary position currently filled by Cynthia Fleming, will be vacant as of January 1, 2011. Mr. McCann requests authority to fill this vacancy.

Neither of these two positions are new positions or new money. A motion was made by Mr. Papacek to authorize Mr. McCann to refill the two positions as requested. The motion was seconded by Mr. Ortman and the motion carried unanimously.

IN THE MATTER OF THE PROSECUTOR'S VEHICLE:

The Prosecutor is relinquishing his current vehicle that was purchased from his Howard County Law Enforcement Fund. Prosecutor Elect McCann will not be using it and would like to sell the vehicle and is asking for authorization to return the proceeds to the 198 Law Enforcement Fund. Sheriff Talbert has a high mileage vehicle that would not start, this morning. He asked that the Prosecutor delay selling their vehicle, giving the Sheriff an opportunity to review his vehicle situation. In the past, Prosecutor Fleming has reviewed the account annually and distributed a portion of the funds to the Police Department and the Sheriff's Department. Discussion ensued and at its conclusion no official action was taken, giving the Prosecutor the opportunity to review the issue with the Sheriff's Department.

IN THE MATTER OF WEIGHTS AND MEASURES INTERLOCAL AGREEMENT:

President Miller opened the subject of a Weights and Measures Interlocal Agreement. The City of Kokomo and Howard County have been in the process of "...discussing, improving, changing and adjusting..." its Interlocal Agreement documents. The Weights and Measures agreement is the next in line. Mr. Murrell reported suggesting to the City's attorney that from a legal aspect a document was needed to support Howard County's continuation of contributing 45% of the operating costs. A motion was made by Mr. Wyman to encourage the Board of Commissioners to continue discussions with the City of Kokomo concerning a legal document for the Weights & Measures office. The motion was seconded by Mr. Ellison and carried.

IN THE MATTER OF RESOLUTION NO. 2010-HCCR-30:

Resolution No. 2010-HCCR-30 is a resolution of the Howard County Council approving the salary contract with Sheriff elects Steve Rogers. Sheriff elect Rogers has asked to enter into contract with Howard County for the same salary level as the current Sheriff. A recent change in the law specifies a sheriff is to receive a percentage of a full-time prosecutor's salary. However, in light of the current economic climate of Howard County and the fact that the employees have not received a salary raise in several years, Sheriff Rogers wishes to forgo this higher salary. Attorney Murrell called attention to several changes in Exhibit A from what he originally sent to the Councilmen. The first change is under #4 of Recitals, adding a provision that Sheriff Rogers wishes to defer operation of the portion of the statute that allows an amount of 80% of the Prosecutor's salary (\$110,500) for the year 2011. The second change is an addition to paragraph two of the agreement as follows: "Sheriff Rogers expressly waives and defers for the year 2011". Major Rogers holds open the option to review the salary during the 2012 budget session. A motion was made by Mr. Papacek to approve Resolution No. 2010-HCCR-30, the contract between Steve Rogers and Howard County. The motion was seconded by Mr. Stout and carried.

IN THE MATTER OF THE 2011 COUNCIL MEETING SCHEDULE:

The Howard County Council Scheduled Meeting Dates for 2011 was submitted. A motion was made by Mr. Ellison, seconded by Mr. Ortman and carried to accept the 2011 Meeting schedule.

IN THE MATTER OF COUNCIL APPOINTMENTS:

Personnel Director Wanda McKillip prepared and submitted Council appointments that expire December 31, 2010 as follows:

- 1) Howard County Alcoholic Beverage Commission – Brant Parry (1 year)
- 2) City of Firsts Automotive Heritage Museum Inc Board – Mike Ullery (3 years)
- 3) Property Tax Assessment Board of Appeals – Christine Clear (1 year) and Ralph Reddersdorff (1 year)
- 4) Kokomo/Howard County Emergency Management Advisory Council – Bob Lukes (3 years)
- 5) Howard County Economic Development Commission – James Miller (4 year)

Ms. McKillip suggests that the members from the Howard County Alcoholic Beverage Commission, the City of Firsts Automotive Heritage Museum Inc. Board, the Kokomo / Howard County Emergency Management Advisory Council, be reappointed. The Property Tax Assessment Board of Appeals appointments will be submitted by County Assessor Jamie Shepherd at the January Council Meeting. The Economic Development Commission appointment is actually an appointment by the Board of Commissioners, on the recommendation of the County Council. A motion was made by Mr. Ortman to approve the reappointments as submitted and to recommend to the Board of Commissioners the appointment of Mr. James Miller to the Howard County Economic Development Commission. The motion was seconded by Mr. Papacek and carried.

IN THE MATTER OF RESOLUTION NO. 2010-HCCR-29:

Resolution No. 2010-HCCR-29 was read in full one time by President Miller as follows:

**A RESOLUTION OF THE HOWARD COUNTY COUNCIL
HONORING COUNCILMAN JAMES T. PAPACEK**

WHEREAS, Councilman Jim Papacek has served with distinction as a member of this council for 28 years, from 1982 through 2010; and

WHEREAS, Councilman Papacek has also served as a member of the Howard County Plan Commission for 27 years and the Governmental Coordinating Council for 18 years; and

WHEREAS, in addition to his attendance at the regular meetings of these bodies, Councilman Papacek has attended hundreds of related meetings dealing with various issues vital to Howard County government; and

WHEREAS, Councilman Papacek regularly provided sound and conservative financial guidance to the Howard County Council, especially at the annual budget sessions where he was affectionately known as “Keeper of the Calculator;” and

WHEREAS, Jim Papacek is a man of character and conviction who is a model for all those who would aspire to government service; and

WHEREAS, his passionate and dedicated service to the citizens of Howard County will be sorely missed;

NOW, THEREFORE, BE IT RESOLVED that Councilman Jim Papacek is hereby recognized and honored for his 28 years of distinguished service to Howard County and its citizens.

AND BE IT FURTHER RESOLVED that this Council extends its sincere best wishes to Jim and his family.

ADOPTED THIS 14TH DAY OF DECEMBER, 2010.

A motion was made by Mr. Stout to approve Resolution No. 2010-HCCR-29. The motion was seconded by Mr. Ortman, Mr. Stout, Mr. Ellison, Mr. Wyman and Mr. Pencek, and carried.

On behalf of President Miller, Councilman Stan Ortman read the following Tribute to Jim Papacek, Member of the Howard County Council from 1982 – 2010, as follows:

“Jim was born in Berwyn, Illinois, and moved to Kokomo in 1949 when his father, who was a plant engineer, was transferred from Chicago to Kokomo to help open the Cuneo Press operation. Jim graduated from Kokomo High School and has a business degree from IUK.

Jim and his wife Brenda have been married for 42 years. His daughter, Leigh Rhoda, and her husband Matt live in Lafayette and have two children. Jim and Brenda are very proud of their two grandchildren, Dean (9) and Derek (15 months), who are future Boilermakers. He has a brother John who lives in Kokomo and a brother Jerry who lives in Indianapolis.

Jim has been a member of the First Presbyterian Church for 55 years where he serves as an Elder. He’s been involved in the financial business since 1961. He worked at Union Bank and Trust where he held several different positions and the State bank of Greentown where he was a cashier, Vice President, and a member of the Board of Directors. He served with the Community Federal Credit Unions for Solidarity as a Loan Officer and for Haynes in the position of President. He currently serves on the Board of Directors at Haynes Federal Credit Union.

Jim has been involved in politics for the City Council as well as the County Council. During his 8 years on the Kokomo City Council, representing the 5th District, he served on the Finance Committee and Traffic Commission. As a 28 year member of the Howard County Council, he served as Vice President for 26 years and was a member of numerous special council committees. From 1992-2010, he was a member of the Kokomo-Howard County Governmental Coordinating Council.

Jim has a wealth of knowledge in the workings of government which was enhanced by his financial background. It is evident that he was a highly valued Council member as he so willingly served the taxpayers of Howard County and the City of Kokomo. He was a team player in his role on the Council and used sound judgment in his decision

making. During budget time, Jim always carefully checked each line item and fondly became known as “Calculator Jim”!

Howard County will certainly miss the talent and dedication of Jim Papacek who is truly a man with a servant’s heart.”

President Miller presented Mr. Papacek with an award with the following caption:

James T. Papacek

In appreciation of the dedicated service as Howard County Councilman from
January 1, 1982 to December 31, 2010
Thank You on behalf the members of the Howard County Council and
the employees and citizens of Howard County.

A stirring round of applause was given by all in attendance.

Mr. Papacek took this opportunity to say a few words as follows:

“Thank you very much, fellow Councilman, I truly appreciate it. And I want to start out by thanking my wife. We’ve been married a little over 42 years and 35 years of that I’ve served in Public Office and that meant she served in Public Office, too. She got a lot of the phone calls that I didn’t get. And I think anyone who serves in any office knows that their spouse usually gets a lot of it. It has truly been an honor and a privilege to serve the people of this county. I’ve tried to serve to the best of my ability and I just hope that they say the same thing about me as my maker will one day say, “Thank You, good and faithful servant.” That’s what I tried to be, is a public servant. Thank you, all, I’ve enjoyed working with you and may God Bless you in the coming years. Thank You.”

President Miller called for comment and it was offered as follows:

Ted Cain, Highway Engineer / Superintendant: Mr. Cain always knew he would get an honest answer from Mr. Papacek. He’s always felt that Mr. Papacek was concerned about what was right. Mr. Papacek didn’t have a personal agenda to get what he wanted; he wanted what was right for everyone.

Councilman Les Ellison: Mr. Ellison first came onto the Council January 1, 1999. Mr. Papacek was always there to answer any questions I had. I knew I could always contact him if I needed him. Mr. Ellison wondered that first year, when he would stop being “green”.

Judge William Menges: Councilman Papacek was a brand new Councilman when Judge Menges became a County Attorney. Judge Menges went on to become an Elected Official, as Public Defender for Howard County. He came to especially appreciate Mr. Papacek’s treatment of County employees and department heads. And now, as a Judge, Mr. Menges appreciates the time Mr. Papacek takes to understand and represent the citizens of this County. “You will be missed.”

Judge Stephen Jessup: He and Mr. Papacek were childhood friends, who reconnected after Mr. Jessup moved back to Kokomo to set up his law practice. They’ve been friends ever since. Mr. Papacek has inspired Mr. Jessup to be a gentleman and a Christian.

Treasurer Martha Lake: Mr. Papacek was Ms. Lake’s supervisor at Union Bank. He has not changed and she appreciates his dignity and leadership.

Councilman Jeff Stout: When Mr. Stout was elected to the Council, ten years ago, President Miller assigned him the end seat. He felt like he wasn’t grasping information quickly enough and talked with Mr. Miller about it. A few months later he was assigned a seat by Mr. Papacek and it was the best seat because he has learned so much from Mr. Papacek.

Councilman Stan Ortman: Mr. Ortman came to the council the same time as Mr. Stout, and he was fortunate enough to sit beside Mr. Papacek. Not only the first year, but the nine following; Mr. Papacek has been a great help.

Auditor Ann Wells: The Auditor's Office appreciates everything Mr. Papacek does during the budget sessions (Calculator Jim). He and Chief Deputy Laurie Martin would balance the figures back and forth between each other. Jim volunteers in the Auditor's office to help them and she appreciates him.

Councilman Paul Wyman: As one of the newer folks in politics, Mr. Wyman believes that Mr. Papacek has been a good example of a public servant and it is appreciated. He also appreciates the work that Mr. Papacek does with his fellow parishioners as they hold a celebration to honor local elected officials, at the church he attends.

Personnel Director Wanda McKillip: She knows God has a plan for him, and she's quite sure Mr. Papacek will still be a part of Howard County. He's a go-getter and won't be happy not being involved.

Mr. Papacek introduced his wife Brenda, and friends Bob Massey, and Ron and Marie Flueger.

Bob Massey, friend of Mr. Papacek: he gets to see the genuine Jim. He's truly a gentleman no matter where he is. He's truly concerned about the citizens of Howard County and that's never going to change.

Ron Flueger, friend of Mr. Papacek: There've been a lot of good times. He confirmed that Mr. Papacek is always concerned about his job on the County Council.

President Miller respectfully recognized other office holders and department heads who are leaving employment from Howard County: Jim Fleming, Prosecutor: Dave Trine, Commissioner; Linda Koontz, Recorder: Mona Myers, Clerk: Stephen Jessup, Judge of Superior Court II: Marshall Talbert, Sheriff. Together they have given 157 years of service and dedication to Howard County.

There being no further business to come before the Council at this time, the meeting was adjourned at 1:33 p.m. on a motion made by Mr. Ellison and Mr. Papacek, and seconded by Mr. Ortman.

HOWARD COUNTY COUNCIL:

RICHARD A. MILLER, PRESIDENT

PAUL G. WYMAN, VICE PRESIDENT

JAMES PAPACEK, COUNCILMAN

STAN ORTMAN, COUNCILMAN

ATTEST:

LESLIE ELLISON, COUNCILMAN

ANN WELLS, AUDITOR
Howard County Council Meeting December 14, 2010

JEFF STOUT, COUNCILMAN

JOE PENCEK, COUNCILMAN