

**Owen County Council Regular Meeting
June 9, 2008 at 7:00 p.m.
Commissioners' Room 2nd Floor of the Owen County Courthouse
60 S. Main Street
Spencer, IN 47460**

Present: Irma Jean Franklin, Donnie Hall, Anton K. Neff, Nick Robertson, Patty Steward, Kristin Szczerbik, and Mike Wood.

Guests: Dave Newgent, Bob Siscoe, Don Taylor, Jr., Frank Cottengim, Vickey Freeland, Frank Nardi, Allan fountain, Michael Stanley, Chester Richardson

MEETING WAS OPENED WITH THE PLEDGE TO THE AMERICAN FLAG

IN THE MATTER OF APPROVAL OF MINUTES FOR MAY 12, 2008

Mr. Neff moved to approve the minutes. Ms. Steward seconded the motion. The motion passed 6-0 with Ms. Szczerbik having not yet arrived.

IN THE MATTER OF SIGNATURES AND EFFECTIVE DATE OF MILEAGE ORDINANCE

Mr. Wood requested the members sign the Mileage Ordinance 2008-17 which they passed at last month's meeting. Mr. Lawson reminded the members that mileage would not be paid at the new rate until 30 days from today making the effective date July 9. All mileage prior to July 9 will be paid at the current rate of 40 cents per mile.

IN THE MATTER OF ECS—DEMO ON DISPATCH CENTER SYSTEM

Mr. Wood moved the meeting to rotunda outside the meeting room for demonstration and information purposes of the Dispatch Center System by ECS. The project will be put out for bid.

IN THE MATTER OF THE OWEN COUNTY LIBRARY—Speaking Vickey Freeland & President of the Board Frank Cottengim

Mr. Wood referenced the meeting held last week with Library Officials and County Council members. He asked if there was any additional information she wanted to add and Ms. Freeland stated there are no changes from what was discussed. She continued that the project had already been advertised but according to the DGLF the Council is still the Fiscal body for Capital Projects proposed by the Library.

Irma Jean Franklin read aloud and moved to pass Resolution 2008-19 which is a Resolution of the Appropriate Fiscal Body of Action on Library Capital Projects Plan for 2009-2011. Kristin Szczerbik seconded the motion. Motion passed 7-0. (Motion # 36)

IN THE MATTER OF APPROPRIATIONS AND TRANSFERS

a. Dave Newgent, new President of Drug Free You and Me, was present in place of Jill Brush who was called out of town—Drug Free—Mr. Wood explained that the information concerning grants that have been approved by the Owen County Drug Free You and Me was in their packets and members had reviewed it.

Mr. Neff moved to approve the report that was presented outlining the amounts of all the Grants that the Drug Free You and Me Council have proposed. The appropriation in the Drug Free Fund 226 is for a total of \$16,754.69. Ms. Franklin seconded the motion. Motion passed 7-0. (Motion # 37)

b. Prosecutor—3 requests left out of 2008 budget—Mr. Fountain stated he has always had \$2,000 for transcripts and for some reason it was reduced to 0. He also requested \$150.00 for the P O Box (\$50.00) rented by the Prosecutor as well as stamps (\$100), and for the Contractual Services \$1,400.00. This request would be an additional appropriation and have to be approved by the State.

Nick Robertson moved to appropriate \$2,000.00 into Account number 100-108-4132 for Prosecutor's Transcript and Evidence, \$150.00 into 108-4212 for Post Office Box Rental and purchase of stamps, and \$1,400.00 into 108-4325 for Contractual Services for the Locator Program. Patty Steward seconded the motion. Motion passed 7-0. (Motion # 38)

c. Circuit Court—Part time and payment of Comp time—Judge Frank Nardi requested \$10,000 from the County General to Circuit Court Clerical Assistance to pay for the time acquired by a former employee who retired. He also explained that when the new person was hired, he reorganized his office so he was paying for two salaries out of one account.

Mr. Wood inquired as to how much comp time accrued during the changeover pertaining to the retirement. The Judge replied he couldn't state that it all accrued during the change. He explained that in February, the new person is already up to 26 or 27 hours of comp time which includes training on the job and overtime and the person training her now has accrued 67 comp hours.

Ms. Steward asked if comp time is submitted or paid. Mr. Wood then read from the Employee Handbook—
"Owen County recognizes that Employees may be compensated for overtime by comparable time off from work typically referred to as comp time. Employees will be afforded comp time in lieu of payment of overtime at the rate of one and one-half the regular hourly wage of an employee after 40 hours. Comp time may be accrued and accumulated up to 35 hours of regular time and must be used within the calendar year. Comp time should be approved by the department heads in advance."

Judge Nardi stated that quite frankly the problem is in doing that. When Staff does take comp hours there is a void in the office which normally requires more overtime or paying a part time person. The point Ms. Steward was trying to clarify was if comp hours are earned and not taken, then eventually the person is paid. Judge commented he believes that Federal law requires payment.

Ms. Szczerbik wanted clarification on what Mr. Wood read and what she heard Angie say about the Commissioners not wanting to payout overtime after several years ago of paying the former Health officer. She asked if the Commissioners and Council had not approved of paying comp time. Ms. Lawson explained that several years ago overtime payment was such a big issue that that is why they put a maximum of 35 accrued hours in the policy. However, she stated her staff has accumulated 163 hours because their work load has also increased.

Mr. Wood commented he is concerned that if this money is appropriated for comp time, there may be other offices coming before the Council requesting the same thing. He stated he has reservations in not following the Employee Handbook.

Mr. Neff commented that if the Council sets specific line item limit in a budget based upon the financial constraints of the County and if there are continuous additional approved here and there, it adds up and defeats the purpose of working within the limitations of the budget.

Mr. Robertson, former County Clerk, was also able to identify with this issue because he had the same type of problem that when any of his employees had to work over and take time off, that puts additional strain on the workers who were in the office that day. He also recommended that a committee be established to study comp time.

Ms. Franklin recommended that perhaps a quarterly report be generated and presented to the Council it may help them in determining the overtime hours worked by all employees. At budget time the Council then could decide whether or not to appropriate money specifically for overtime.

Ms. Lawson stated the current balance is \$4,966.09. There was no appropriation at this time for overtime payments to be made. The Judge was asked to return to a future meeting. Also it was determined that the Study of Comp Time will be added to the responsibilities of the Wage Committee.

d. Reassessment—2 requests in computer line item—Assessor Anderson was not able to be present.
Speaking—Auditor Lawson

Ms. Lawson reviewed the process of converting over the tax system from Manatron to RMS. She and the Treasurer have had a good working relationship with the company. The request tonight is for the final payment of \$67,850.00 to pay the remaining balance of the Nikish Software Tax System (RMS).

Nick Robertson moved to appropriate \$67,850.00 in the Reassessment Fund 254 to line item 4325, Computer Programs, to pay the remaining balance owed to RMS Property Tax System. Patty Steward seconded the motion which is Resolution 2008-23. Motion passed 7-0. (Motion # 39)

Ms. Lawson also explained that there was a request in the Reassessment Fund 254 for \$8,146.00. This amount was cut from the 2008 because it was more than what was advertised. The funds are needed to complete the 2008 financial year.

Anton Neff moved to appropriate \$8,146.00 in the Reassessment Fund 254 to line item 4325, Computer Programs, in order to complete the 2008 financial year which is Resolution 2008-22. Irma Jean Franklin seconded the motion. Motion passed 7-0. (Motion # 40)

e. EDIT-Re-appropriate money cut from DLGF—Ms. Lawson informed the members the same thing happened with this budget—because the amount appropriated was more than the advertised budget, a request has been made in EDIT Fund for \$8,750.00.

Mr. Neff moved to appropriate \$8,750.00 in EDIT Fund 247 to line item 4390.90, Landfill Testing, for the reason that this amount was cut from the original budget because it was over the advertised amount. Ms. Steward seconded the motion. Motion passed 7-0. (Motion # 41)

Ms. Lawson reminded the members that at last month's meeting they approved an appropriation of \$1,286.00 for Rope and Water Rescue in Rainy Day Fund 277 which is **Resolution 2008-20**. Also they approved

\$10,603.00 for Cameras for the Courthouse from the EDIT Fund 247 which is **Resolution 2008-21**. These resolutions were signed at this meeting.

**IN THE MATTER OF BIDS FOR THE KITCHEN AREA AT THE SHERIFF'S DEPARTMENT—
Speaking Sheriff Richardson**

Sheriff Richardson presented 3 proposals for Kitchen Cabinets to be put in the kitchen at the Sheriff's Department. The bids were as follows:

Quality Mill Supply Co., Inc., Bloomington, IN—total \$46,802.46

The original proposal called for a total of \$46,611.83—but \$3,049.37 for sales tax had been included and therefore deducted, \$1,650.00 was also deducted for wall cabinets because stainless steel cabinets were also included in the bid. A new dishwasher was added for \$4, 890.00. The \$46,802.46 includes stainless steel cabinets and a new dishwasher. Another \$1,800 was added for a total of \$48,602.46

Chrisco Restaurant Design & Supply, Marion, IN—total \$52,298.00

The company offered all stain steel cabinets—it would take more time to build this kitchen and does not include a dishwasher. Their original bid was for \$47,408.75 and with the \$4,890.00 added for the dishwasher, the bid totals \$52,298.00

B & B Foods Distributors located in Terre Haute, IN –total \$66,021.24

This company wanted to do everything new.

Sheriff Richardson stated each company had something different to offer. He recommended Quality Mill Supply Co., Inc.

Ms. Szczerbik moved to approve Quality Mill Supply Co., Inc. from Bloomington to provide the new kitchen cabinets, etc., for the Sheriff's Department kitchen and appropriate \$48,602.46 from cash in the River Boat Fund 267 to line item 4309 contingent on the fact that there is no charge for removal of old equipment. Mr. Neff seconded the motion. Motion passed 6-1 with Mr. Hall voting no. (Motion # 42)

**IN THE MATTER OF AN UPDATE OF THE COUNTY FROM THE SHERIFF'S PERSPECTIVE—
Speaking Sheriff Richardson**

Sheriff Richardson mentioned that from a Personnel standpoint, there would be overtime for his officers from the perspective of Public Safety. Some officers already have 36 overtime hours in addition to their regular shifts.

He stated the County is actually devastated and will be financially strapped as there are 40 bridges and culverts completely gone. One of the main problems is 46 W is closed and people traveling in or into this County are using other roads. He is hoping FEMA comes in and helps out a lot.

In referring to an earlier conversation about comp and over time, Sheriff stated it is a revolving door because when someone earns comp time, someone else has to be paid to cover the responsibilities and it is really a revolving circle. He commented that because overtime had been increased in this year's budget that would help.

Concerning the fuel, he thought they had water in the tanks but he found there was no water in the tanks so that was a good thing.

Ms. Szczerbik thanked the Sheriff and his department for all they had accomplished over the weekend. The Sheriff in turn stated that in his 20 years, this was really the first time that any EMA Director had been called upon to coordinate an emergency. Sheriff complimented EMA Director Jack White on the resources he was able to contact to get additional help for the Sheriff. Also, the Sheriff complimented all the volunteer fire departments as well as volunteers in general.

IN THE MATTER OF AN UPDATE PERTAINING TO THE COUNTY—Speaking Mike Wood

As President of the Council, Mr. Wood is a member of the EMA Board. There have been 2 meetings and the third is scheduled for tomorrow. He commented that EMA Director Jack White, Sheriff's Department, County Highway, EMS, Health Department have done and are doing things that will never be completely recognized. On Saturday, the President of the Commissioners declared the disaster. Market Street was determined to be the dividing street in Spencer and people were asked to leave their homes—some didn't want to leave which also presented concerns.

There was also a Coast Guard helicopter water rescue yesterday for 8 people.

The dam at Graybrook Lake was weak and eventually broke. Other lakes also were also affected.

Mr. Wood stated that as an EMA member and President of the Council he hopes to have total support from the rest of the Council members "do what it takes, we have to put our County back together". Looking at the cash balance, it is nickels and dimes compared to what they will have to figure out.

The recovery part has not yet begun. FEMA will be setting up and more information will be forthcoming.

The Armory was used briefly for shelter but the Red Cross set up at Spencer Elementary School and it provided immediate help concerning needed shelter, food and water.

The courthouse sustained minimal water damage—some to the roof and some in the Probation area.

IN THE MATTER OF A LETTER IN THEIR PACKET CONCERNING THE ARMORY

Mr. Wood announced that the Commissioners met last week and are working on a 3 – 5 year plan concerning the Armory. They would like help in what to do with the Armory. A preliminary plan from an engineering firm has been presented for using the Armory. However, the Commissioners have not authorized anything at this time. Council members were encouraged to express their ideas/concerns to the Commissioners.

IN THE MATTER OF COUNCIL COMMENTS

Ms. Szczerbik stated she and Angie went to the Legislative update at Barns and Thornburg and Kristin offered the information she brought back to the members if anyone wanted to review it.

Mr. Robertson will be going to the conference on the 14th.

Mr. Wood asked Kristin to help him understand the formation of the Courthouse Security Committee. He concern is the Open Door Policy and if the committee if following it. Ms. Szczerbik commented that there were enough attorneys in the room and no one felt they were in violation of the Open Door Law. She continued there were no decisions made as to action and she stated that security is one of those areas where you

are putting people in courthouse in jeopardy if there is too much information revealed. The group's purpose is to receive information. Mr. Wood suggested that the Attorney be contacted before another meeting is called.

Ms. Szczerbik was under the impression that the Commissioners had asked Dan to call a meeting. Mr. Wood stated that Mr. Truesdel and Mr. Williamson didn't have recollections of the Commissioners instructing a meeting to be called. Mr. Redenbaugh was out of town but Ms. Szczerbik stated it is Mr. Redenbaugh who attends their meetings. Ms. Lawson stated forming a courthouse security committee was not done in a Commissioners' meeting.

Mr. Neff stated that we need to be careful with the Open Door Policy. To be honest he thinks everyone may be a little over sensitive to the Open Door Rule. He did not believe this group that met actually violated any of the Open Door Policy concept. This group is not sanctioned by any official governmental agency such as the Council or Commissioners. He suggested that perhaps the committee should be sanctioned by the Council or Commissioners and therefore that committee would fall under the Open Door Law Policy. The Council sanctioned the Wage Committee to perform certain functions and therefore the Open Door applies.

Ms. Steward was concerned that the email she received from Ms. Szczerbik was in an official capacity. Ms. Szczerbik clarified that this was not an official meeting. She was trying to help Dan. She uses her title as part of her computer signature. Dan called the meeting and.

IN THE MATTER OF AN EMS UPDATE—Speaking Director Cris Lunsford

He reviewed the last few weeks concerning the flood. He assigned a third ambulance to set up on the other side of the "4-mile" bridge on 46 so that side of the county would have ambulance service. He also put an ambulance on 231 for the North half of the County. The EMS building as well as the Sheriff's department had some plumbing issues but they have since been corrected. The Porta John rented by EMS has been returned to the company.

Mr. Lunsford stated he had worked closely with the Emergency Management Agency (EMA) and that Jack White, EMA Director, had run the department as it should be run. He emphasized how the volunteers and emergency services worked well together.

Ms. Lawson informed the Council she was very proud of Cris because he put his life on the line to help someone in need in a water rescue situation. Mr. White stated how lucky we are to have Cris because if it hadn't been for Pete Hodge, Dale Clark and Cris being as strong as he is, we may be having a funeral tonight. They worked together to save a person's life. Mr. Lunsford also complimented other departments such as DOC that helped with radio clearances.

IN THE MATTER OF AN UPDATE FROM EMA—Speaking Director Jack White

In addition to remarks as stated in the foregoing paragraphs, Mr. White informed the Council that he had received about \$40,000 worth of radios from ECS which had been programmed so every law enforcement officer in the County should have an 800 Mhz radio. The money was from a grant provided by Task Force 7 for participating in various exercises.

Jack expressed his appreciation to the Council and especially Mike Wood in supporting the efforts of the EMA. He also announced that he and Bill Snodgrass will be touring in a Blackhawk helicopter tomorrow to observe the county and specifically the Graybrook Lake area.

IN THE MATTER OF DISTRIBUTING BUDGETS TO DEPARTMENTS—Speaking Angie Lawson

Ms. Lawson has to distribute budgets to the various departments with the next pay cycle. She wanted to be able to give the departments some direction concerning wages.

Ms. Steward commented that she liked the idea of putting a line item in the Commissioners' budget concerning wages for advertisement purposes because of the unknown factor as to how much money will be available.

The next concern addressed was that of the Sheriff who has 2 dispatchers that he needs to put back in his regular budget. He will be informed to place the compensations for 2 dispatchers into his regular budget.

Also departments will have to put the utilities back in their budgets because for the last 2 years utilities have been paid out of the Building Department Budget.

The utilities for the Armory will have to be put in the Courthouse budget.

Mr. Neff brought up the issue of training and seminars. Ms. Szczerbik suggested that each department request at least the minimum amount mandated for a particular office and then any additional they would like to attend and the number of staff that should attend.

Mr. Wood mentioned that in the Commissioners' recent workshop it was mentioned that they may float a Bond Issue for the Courthouse and Annex. They will prepare a plan and then get the Council involved. They also want to put in their budget for next year the possibility of having a Maintenance Supervisor to oversee all the buildings. Another item that may be in their proposed budget would be an Administrative Assistant, 21 hour per week person.

Ms. Szczerbik stated that if the Bond Issue moves forward, the procedure and documentation must be followed. Mr. Lorenz is involved and aware of the work that must be done before there can be a Bond Issue.

IN THE MATTER OF ADJOURNMENT

Ms. Steward moved to adjourn. Mr. Robertson seconded the motion. Motion passed 7-0. Meeting adjourned at 10:10 p.m.

Donnie Hall

Irma Jean Franklin

Anton Neff

Nick Robertson

Patty Steward

Kristin Szczerbik

Attest: _____
Angie Lawson

Michael Wood