



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

City-County Building Room 200 · 1 East Main Street · Fort Wayne, IN 46802

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, January 21, 2011
Commissioners' Courtroom - City-County Building**

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Bill Fishering	County Attorney
	Lisa Borgmann	County Clerk
	Bill Hartman	Highway Director
	Phil Gutman	
	Susan Tate	Prosecutor's Office
	Mindy Waldron	Health Department

Commissioner Peters called the meeting to order at 10:04 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of January 07th and January 14th, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Agreement between the Board of Commissioners and Maximus, Inc for IV-D Federal reporting on behalf of the Clerk of the Allen Circuit and Superior Courts.** Lisa Borgmann, County Clerk, presented this contract. She stated that she had used Maximus in the Auditor's office. In 2010 we received 227,000 Federal IV-D in reimbursement. This contract will also be \$100 less a month than what we were formally paying. Commissioner Bloom made a motion to approve the Agreement between the Board of Commissioners and Maximus, Inc for IV-D Federal reporting on behalf of the Clerk of the Allen Circuit and Superior Courts. Commissioner Brown seconded the motion. Motion carried 3-0.
- 3. Amendment to Allen County Code Title 1 (General Provisions) – Article 16 (Vacation Pay Bank).** Chris Cloud, Executive Assistant, stated that the Prosecutors Office had approach us last week concerning one of their employees. Under Title 1 – Article 16 (Vacation Pay Bank) one of the provisions of the current code is that only employees in a department may contribute to one of their colleagues. We had said last week that it would probably be right to expand that to allow all County employees to contribute. The changes being made today allow any employee to contribute, not just someone in the department. We also fixed some language in the previous amendment that when I as an employee donate to the vacation bank I have no expectation of getting that back if it is unused. Also, a bank can only be set up if an employee has exhausted all of their own personal benefit time. Susan Tate, Chief Deputy of Operations for the Prosecutor's Office, addressed some questions that the Commissioner's had regarding expiration date. She explained that she spoke with the Auditor's Office regarding the expiration date and the answer was no. However, it is reasonably expected that on the employee's anniversary date they would be eligible to get their time back and they would no longer fit the eligibility requirements for this. Short-term disability and long term disability is only for the employee's personal medical condition. In this case, the FMLA allows this employee to tend to a service member for up to 6 months but you have to use all your own benefits. Commissioner Peters voiced concern about whether an employee receiving funds from this account at 100% for their own medical condition could also receive short or long term disability at 66%. Susan stated that their pay can never exceed 100%. Commissioner Brown made a

motion to accept the Amendment to Allen County Code Title 1 (General Provisions) – Article 16 (Vacation Pay Bank). Commissioner Bloom seconded the motion. Motion carried 3-0.

4. **Addition to the Allen County Code Title 12 (Financial) – Article 187 (Clinic Donation Fund).** Mindy Waldron, Administrator for the Department of Health, stated that they currently have 2 donation funds that in the past were set up for two separate locations. Now that they are in 1 location and in essence have a clinic with multiple services, they would like to create a new fund and roll the other two in the new fund. They also feel that they since they have started charging fees, the donations will probably be less and there really is no need to have two funds to deal with on a daily basis. Commissioner Bloom made a motion to approve the Addition to the Allen County Code Title 12 (Financial) – Article 187 (Clinic Donation Fund). Commissioner Brown seconded the motion. Motion carried 3-0.
5. **Recitals to provide goods and/or services for Bethel/Till/Huguenard Rd Intersection Improvements, Project # 1200207, in connection with a consulting contract by and between the Allen County Board of Commissioners and A & Z Engineering for the following firms:**
 - a. **Abonmarche**
 - b. **ASC Group, Inc.**
 - c. **GME Testing**
 - d. **Scheele Engineering**

Bill Hartman, Highway Director, stated these are the various other firms that A & Z Engineering will work with for the design of Bethel/Till/Huguenard. They have always worked with other firms and included that information in the contracts but there is now a new INDOT requirement with federal aid projects to disclose this information separately. Commissioner Brown made a motion to approve the Recitals to provide goods and/or services for Bethel/Till/Huguenard Rd Intersection Improvements, Project # 1200207. Commissioner Bloom seconded the motion. Motion carried 3-0.

6. **Warranty Deed for Parcel 22 – Emilian for Diebold Rd – Phase 1.** Bill Hartman, Highway Director, stated that this leaves 2 parcels left to have all the right of way for this. Hoping for an early February bid letting for this and they are going to combine both Phase 1 and Phase 2 and do that has one project. Commissioner Brown made a motion to accept the Warranty Deed for Parcel 22 – Emilian for Diebold Rd – Phase 1. Commissioner Bloom seconded the motion. Motion carried 3-0.

Commissioner Brown added that she had a question regarding something she heard on the radio earlier this week with all the snow and everything that they have been using beet juice and brine on the roads in southern Indiana and asked if we had ever done that? Bill Hartman stated that we have tried that and unfortunately it wasn't quite filtered well enough and it seemed to plug up the screens in the tanks on the trucks. He stated we use our calcium chloride mix exclusively and it seems to accelerate the salt quite well.

7. **Approval to replace fuel system and software for North/South Maintenance Facility and the Service Center. Cost - ±\$30,000.00 (Highway Department – 2/3 Purchasing Department – 1/3).** Bill Hartman, Highway Director, stated they will be paying 2/3 of this and Purchasing will paid 1/3. Our software is an old DOS based system and can't be serviced if it breaks done. This will be Access Windows based. Commissioner Bloom made a motion to accept the Approval to replace fuel system and software for North/South Maintenance Facility and the Service Center. Cost - ±\$30,000.00 (Highway Department – 2/3 Purchasing Department – 1/3). Commissioner Brown seconded the motion. Motion carried 3-0.
8. **Appointments to the Capital Improvement Board, Memorial Coliseum, iMap Board of Directors and the Allen County Community Corrections Advisory Board.** Chris Cloud, Executive Assistant, stated the names before the Commissioners today are Larry Brown for CIB, Al Frisinger, Therese Brown, Timothy Lee, Tom Harris and Tera Klutz for IMAP, County Councilperson Tom Harris for ACCC, and Maye Johnson for Memorial Coliseum. Commissioner Bloom made a motion to accept the appointments as read. Commissioner Brown seconded the motion. Motion carried 3-0.

9. Annual Meeting of the Allen County Community Development Corporation Board of Directors.

10. Other Business:

ACJC Refunding – Bill Fishing, County Attorney and Phil Gutman addressed this issue. **Mr. Fishing** handed out the most current information on the refunding of the Juvenile Center. He stated that we were finally able to obtain a rating from Moody's which was up 1 notch from what we were before and is probably as good as we will ever see again. As recently mentioned, the market is moving away from us. It is currently showing a gross savings of \$504,000 and a present value savings of \$460,000. Understand that present value is always worth a little less over a period of time. He stated they would like permission to move forward with the sale at this time. Originally you wanted \$750,000 worth of savings before you would approve it. You approved moving forward early in the year, maybe it was late last year when we knew numbers were going away but we didn't have the rating yet so we couldn't give you more precise numbers. These are more precise numbers. **Commissioner Peters** asked that as we embark upon this is there a prohibition against paying the bond off early? **Mr. Gutman** answered it is presently structured that they would not be paid off early. There is only a 6 year period left and if you would like to structure it that way it could be done but it would cost something in the marketplace. Usually we talk about a 10 year call. We have done some 5 year calls and some 1 year calls and in each instance the investor will demand a little more rate. Commissioner Peters stated the only reason he raised the issue is that current County Council had some discussions as of late regarding some of the outstanding bonds and being able to pay them off early to save on some of the interest. He doesn't want to put us in a position where we are going tie their hands but if we are only talking 6 years. **Mr. Gutman** stated that Commissioner Peters raised a good point and that when they had their due diligence call with Moody's analysts that was an important point. Both Bill Fishing and Tera Klutz sat in on the call and were very helpful. One of the things that the analyst was very curious about was the rainy day fund and was there any plans to use some of the rainy day fund and the issue of paying off prematurely. It was addressed very positively and that was very impressive to Moody's. First, that you had a fund that big, and second that you were balancing the interest that you earn on the fund from the banks vs. what you're paying to borrow. It was an extremely good meeting. He stated that he has sat in on a number of these due diligence meetings and our Allen County team did a "helluva" job. The other thing that has transpired here is that almost from time they began to talk about possibility of refunding, the market has moved away from us. Then there were some timing issues (holidays) and then a 3rd analyst at Moody's was brought on and we had to go back to base one and educate them about the quality of the debt from Allen County. Not a big deal but a time consuming deal. We just missed some of the good market but the market is still good. He stated that he believes that if they could save us at least \$460,000 over 4 years in actually reducing the lease rental payments then it would still be good and he would recommend that we give it serious consideration. He stated that he thinks if they would not be offended by reducing the lease rental payments by \$400,000 he would like to go ahead and proceed. He stated that the work is all done now. It's not everything that he would hope to save us but it is significant. **Commissioner Peters** asked if he would have any ballpark idea of what the additional costs would be if we paid off the bonds early. **Mr. Gutman** stated that off the top of his head he would say you could look to maybe somewhere from 1/16% to 1/8% increase in interest rate which would reduce the savings. He stated the other positive thing that Mr. Fishing alluded to is that we have long sought the AA2 rating for Allen County and it has made no sense to some of us why the City was an AA2 and the County was an AA3. He commended the Allen County team that did the due diligence and he thinks that we have eliminated the disparity. Commissioner Bloom made a motion for Allen County Juvenile Justice Center Building Corporation for refunding series 2011. Commissioner Brown seconded the motion. Motion carried 3-0.

Commissioner Brown brought up two things that she wanted to inform her colleagues of. One of those things was regarding the Endowment Program passed last week. She has since had some dialogue with a couple of County Council members and their concern about the use of economic development income tax dollars and how that process will work. She stated she sent an email to Council President Vogt and offered and is looking forward to solicitation of input on their part as we start embarking down this road. We in no way have an agenda to try to isolate those dollars for things that don't fall within the realms of economic development. We look forward to their input and vetting of these applications as they come in. Commissioner Peters stated he thought that was a great idea.

She also stated that she and Chris Cloud have been working with the Treasurer regarding the Board of Finance. The Board of Finance will be meeting the last of this month. In that discussion there was issue that was brought up in the December Council meeting regarding bank fees and the cost of service for banks and what it costs Allen County. Treasurer Orth is in agreement and we have drafted a draft letter asking department heads and other elected officials if they would be willing to forward information regarding accounts that they have, who they are having their interaction with and if there is a way the Board of Finance can help facilitate getting a better bang for the buck. The Auditor is on board as well.

11. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 21, 2011. Commissioner Bloom made a motion to approve waiving the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of January 21, 2011. Commissioner Brown seconded the motion. Motion carried 3-0.

12. Comments from the Public.

13. Motion to Adjourn. There being no further business, the meeting was adjourned at 10:52 a.m.

Allen County does not discriminate because of disability in the admission to, or treatment or employment in, its programs or activities. The Human Resources Director has been designated to coordinate compliance with nondiscrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided therein, and Allen County's ADA policy is available from the ADA Coordinator. Suggestions on how the County can better meet the needs of persons with disabilities may be submitted to the ADA coordinator at: Human Resources Department, 1 East Main Street, Room 300, Fort Wayne, IN 46802, or by phone at (260) 449-7217.