



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, February 18, 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
	Rhonda Rice	Commissioners Office
	Bob Bolenbaugh	Purchasing
	Bill Hartman	Highway Department
	Jeff Neumeyer	WPTA TV
	Kevin Leininger	News Sentinel

Commissioner Peters called the meeting to order at 10:02 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of February 11th, 2011.** Commissioner Brown made a motion to approve the minutes. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 2. Agreement between the Board of Commissioners and Fort Wayne Community Schools for print services.** Bob Bolenbaugh, Purchasing Director, presented this agreement which will outsource the County printing servicing needs to Fort Wayne Community Schools. They will take all of our work which is approximately 3.5 million images a year and produce that for us at the same cost that our internal shop is charging and they will provide free delivery also. Our equipment is very old and frequently breaking down. To upgrade the equipment it would cost approximately \$120,000. There is about \$155,000 in salary and benefit savings also. There is about \$19,000 paid for equipment repair. This contractual arrangement is for 5 years. Commissioner Brown made a motion to accept the Agreement between the Board of Commissioners and Fort Wayne Community Schools for print services. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 3. Warranty Deeds for Flutter Rd from St. Joe Rd to Schwartz Rd, Project # 05-276**

Bill Hartman, Highway Department, stated that these parcels take us another step closer to a September 2011 bid letting date. Commissioner Bloom made a motion to accept the Warranty Deeds for Flutter Road. Commissioner Brown seconded the motion. Motion carried 3-0.

 - a. Parcel 34 – Sheets**
 - b. Parcel 37 – Meyer**
 - c. Parcel 38 – Ulmer**
 - d. Parcel 54 – Hartman**
 - e. Parcel 58 – Nafziger**
 - f. Parcel 80A & 80 B – Buhr**
- 4. Warranty Deed and Quit Claim Deed for Dawkins Rd Bridge # 187 over Litzenberg Drain, Project # 04-237.** Bill Hartman, Highway Department, stated that this is 2 of 4 parcels and we still have 1 to go. Hoping to bid this project is July of this year. Commissioner Bloom made a motion to approve the Warranty Deed and Quit Claim Deed for Dawkins Rd Bridge # 187 over Litzenberg Drain, Project # 04-237. Commissioner Brown seconded the motion. Motion carried 3-0.
 - a. Parcel 1– Johnson**
 - b. Parcel 3 - Johnson**

5. **Warranty Deed for Diebold Rd – Phase I, from Dupont Rd to 1,100’ North of Norarrow Drive.** Bill Hartman, Highway Dept., stated we have 2 more parcels to go on this project. This marks the 7th with a November completion date. Commissioner Bloom stated that this project is speeding along because of Parkview’s deadlines. Commissioner Bloom made a motion to approve the Warranty Deed for Diebold Rd – Phase I, from Dupont Rd to 1,100’ North of Norarrow Drive. Commissioner Brown seconded the motion. Motion carried 3-0.

a. **Parcel 16 – NWLD Holding, LLC**

6. **Appointment to an Ivy Tech Community College Common Wage Committee.** Chris Cloud, Executive Asst., stated the name before the Commissioner’s is Cathy Serrano. Commissioner Bloom made a motion to accept the appointment of Cathy Serrano to the Ivy Tech Common Wage Committee. Commissioner Brown seconded the motion. Motion carried 3-0. the Ivy Tech Common Wage Committee. Commissioner Brown seconded the motion. Motion carried 3-0.

7. **Other Business:**

A. Appointment to Economic Development Commission. Chris Cloud stated this is a City Council recommended appointment and they recommend Nicholas Harter. Commissioner Brown made a motion to approve the appointment of Nicholas Harter. Commissioner Bloom seconded the motion. Motion carried 3-0.

B. Appointments to the Emergency Management Advisory Council. Chris Cloud stated that these are due to a couple of personnel changes. The Council would prefer Tom Harris to be the Council appointment and the Civil Air Patrol has a new person, 1st Lt. Steven M. Kirby as their appointment. Commissioner Brown made a motion to approve the appointments of Tom Harris and Steven M. Kirby to the EMAC. Commissioner Bloom seconded the motion. Motion carried 3-0.

C. Approval of Stipulation to Dismiss Case with Prejudice in the case of Fort Wayne Women’s Health v. Board of Commissioners, Allen County, Indiana. Commissioner Peters stated this as recently as last night we were working towards settling a lawsuit that was filed against us by Dr. Klopfer about 6 months ago after we approved the Patient Safety Ordinance. What the agreement allows us to do is continue to allow the itinerant medical provider to associate with a local physician to help with the peer review process to monitor patient safety. It continues to allow the provision to provide patients with emergency contact information so that they have a local physician they can call in the event there are any issues. It provides that information will be shared with local emergency rooms to continue to protect patients that are brought in for care. These are all things that when we first passed this ordinance in June of last year that he is heartened to say have stayed in the ordinance. These were the general tenets of what we were trying to do. What we don’t have the ability to do now through this ordinance is require that we are privy to the emergency contact information that is given to patients. He stated he doesn’t think that affects what it was that we wanted to do with this ordinance as long as patients are receiving the information, as long as emergency rooms are given contact information and as long as there are back up doctors that are actually being put into place. We lost very little. Commissioner Peters stated that the attorneys through the Allied Defense Fund in their response to us said that they think that this is a good deal because we kept 95% of the provisions that we were after to begin with. Commissioner Peters stated there is a requirement in this ordinance that he calls somewhat of a “nuisance fee” that we do ante up \$30,000 to the attorneys from the ACLU. He thinks that is a very very small price to pay for the allowance of healthy living in Allen County. He stated he believes this is an ordinance that will save lives in the days to come. He stated that we are still required to get the courts to agree to this agreement but everything he has been told indicates that if we agree and the other side agrees, then it is very unlikely that the courts would come back and do anything different than sign off on the agreement. This is a huge win for patients in Allen County. Commissioner Bloom made a motion to accept the Approval of Stipulation to Dismiss Case with Prejudice in the case of Fort Wayne Women’s Health v. Board of Commissioners, Allen County, Indiana. Commissioner Brown seconded the motion. Motion carried 3-0.

8. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of February 18, 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 February 18, 2011. Commissioner Brown seconded the motion. Motion carried 3-0.

9. Comments from the Public.

10. Motion to Adjourn. There being no further business, the meeting was adjourned at 10:22 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.