



BOARD OF COMMISSIONERS OF THE COUNTY OF ALLEN

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NELSON PETERS LINDA K. BLOOM THERESE BROWN

MINUTES

**Commissioners' Legislative Session
10:00 a.m. Friday, August 19, 2011
Council Chambers Courtroom – Citizens Square**

Commissioners Present: Nelson Peters, Linda Bloom and Therese Brown

Others Present:	Chris Cloud	Commissioners Office
	Mike Green	Commissioners Office
	Bill Fishing	County Attorney
	Molly McCray	
	Amy Scrogam	Election Board
	Melanie Perry	Election Board
	Mike Thornson	Highway Dept.
	Zachary Klutz	Election Board
	Dan Bollinger	Voters Registration
	Randy Brown	Memorial Coliseum
	Vivian Sade	Journal Gazette

Commissioner Peters called the meeting to order at 10:06 AM. Commissioner Peters led the meeting with the Pledge of Allegiance and a moment of silence.

- 1. Approval of the minutes of August 5th, 2011.** Commissioner Bloom made a motion to approve the minutes. Commissioner Brown seconded the motion. Motion carried 3-0.
- 2. Update from Arts United.** Molly McCray gave this update.
- 3. Agreement between the Board of Commissioners and MSKTD for architectural services for on behalf of Memorial Coliseum.** Randy Brown, General Manager – Memorial Coliseum, presented this item. He stated this contract is at the suggestion of Attorney Fishing having to do with the arena high roof replacement for \$24,000 and for the roof frame reinforcement project for \$16,000. Total cost not to exceed \$40,000. The project is on schedule. The completion date is scheduled for September 20. Commissioner Bloom made a motion to accept the agreement between the Board of Commissioners and MSKTD for architectural services for on behalf of Memorial Coliseum. Commissioner Brown seconded the motion. Motion carried 3-0.
- 4. Agreement for interruptible natural gas service between the Board of Commissioners and NIPSCO.** Chris Cloud, Executive Assistant, stated this is our agreement with NIPSCO. Our per therm rate increased 5 cents but Dan Freck has accommodated that in his budget for next year. Commissioner Bloom made a motion to accept the Agreement for interruptible natural gas service between the Board of Commissioners and NIPSCO. Commissioner Brown seconded the motion. Motion carried 3-0.
- 5. Modification to Federal Lobbying and Governmental Relations Engagement with Barnes & Thornburg.** Beth Lock, Commissioners Office, stated this is our federal contract with Barnes & Thornburg. This is simply a modification to be able to do some work on a state level. They modified our engagement letter 2 years ago when some of the ARRA money was coming down and flowing through the state. This is a similar modification as we look at the transportation reauthorization bill, which has not been passed out of congress yet, but there is some movement in both the house and the senate. Part of the issue is that they feel that a lot of that transportation money, whereas in the past it has been earmarked, a

lot of that is going to flow down through the state and then the state will have to divide that amongst the local units of government on projects that they feel are appropriate. Barnes & Thornburg have said that they would like to be able to engage on the executive level at the state keeping a federal focus on federal issues but being able to have that ability to do some lobbying at the executive branch level at the state. There is no change in the dollar amount per month. Commissioner Bloom made a motion to accept the Modification to Federal Lobbying and Governmental Relations Engagement with Barnes & Thornburg. Commissioner Brown seconded the motion. Motion carried 3-0.

6. **Change Order # 1 – Spring Street Bridge # 524 over Norfolk Southern Railroad – Project # BR0197 - \$35,273.88 (Decrease)** Mike Thornson, Highway Department, stated this project is underway and this is the first change order on this project. This \$35,000+ decrease is due to the elimination of some field office charges. Commissioner Bloom made a motion to accept Change Order # 1 – Spring Street Bridge # 524 over Norfolk Southern Railroad – Project # BR0197 - \$35,273.88 (Decrease). Commissioner Brown seconded the motion. Motion carried 3-0.
7. **Warranty Deeds – Gump Rd – SR 3 to Coldwater Rd – Project # 03-296**
 - a. **Parcel 8 – Farmers & Merchants Bank**
 - b. **Parcel 11 – Andrews**
 - c. **Parcel 39 – Kaduk**
 - d. **Parcel 44 - & 44 A – Maines**

Commissioner Bloom made a motion to approve Warranty Deeds as read. Commissioner Brown seconded the motion. Motion carried 3-0.

8. **Warranty Deeds – Flutter Rd – St Joe Rd to Schwartz Rd, Project # 05-276**
 - a. **Parcel 2 – Blume**
 - b. **Parcel 84 – R. Buhr**

Commissioner Brown made a motion to approve Warranty Deeds as read. Commissioner Bloom seconded the motion. Motion carried 3-0.

9. **Discussion of HEA 1242-2011.** Chris Cloud, Executive Assistant, stated the Commissioners were in receipt of a letter dated August 5th from the Election Board indicating that they did not reach unanimous consent on the Commissioners questions to them which were twofold. One being would the Election Board be able to reorganize itself to handle taking on the duties of Voter Registration if the Commissioners acted on HEA 1242 and the second question basically being a timeline question if the Commissioners did decide to do something, what timeline would they be looking at. They did not reach unanimous consent on being able to incorporate those duties or a timeline and sent the Commissioners a letter to that effect. **Zach Klutz**, Allen County Election Board, stated that at the Commissioners request the Election Board met July 20 and again on August 3 to discuss a possible assumption of the Voter Registration duties that is an available option if the Commissioners were to act. The statute as enacted provided that Voter Registration could be abolished so to speak. You would still have Voter Registration at the county level but it would not be a separate Voter Registration body. The statute would allow that to go to the Clerk of the Courts. He thinks the Commissioners question was more perspective saying if we were to do this, would you then take or be willing to take the next step of assuming those duties from the Clerk of the Courts as you do with the Election Board duties. He stated that in the majority of the 92 counties in Indiana the Clerk of the Courts handles both Election Board duties and Voter Registration. Because of our size, the Election Board has assumed those duties from the Clerk of the Court and the question now is, if we were to take the duties to the Clerk of the Court via the Commissioners decision, would the Election Board then take those duties from the Clerk. He stated they met, himself as the Republican member, Lisa Borgmann as the Clerk of the Court and Beth Dlug the Executive Director, and all believe that they were ready, willing and able to take on those duties if the Commissioners took that step. Zach stated that the newest member, Andy Boxberger, did not believe that was the case for a variety of reasons which he (Andy) provided to the Commissioners under separate cover. Zach said he disagrees with Andy. To be clear this is not saying we are just going to take everything from you, Voter Registration and all you people who are very able, and give it to a new body. That is not the case. For a

significant portion of the tasks and the people who do those tasks, they will be doing those tasks again under a separate umbrella. Whether it's the Clerk of the Courts or the Election Board or structured as it is now. Those are the three options. He doesn't think the transition is overly complicated. It's under what umbrella will these folks be under. He thinks there are tremendous synergies that could be realized if they were with the Election Board. He stated the Election Board currently administers elections here in Allen County and there is no reason they can't also administer the voter registration duties. Voter Registration duties and responsibilities are diminishing to some extent each year. More and more people are registering when they get their drivers license and more and more are doing it online. The tasks of Voter Registration are very statutory. In terms of oversight there was some discussion on whether we needed bipartisan oversight. He stated it certainly wouldn't hurt and you would certainly realize those if they were under the Election Board because we are a bipartisan board. You would have that to an extent under the Clerk of the Court because she is an elected person and if the voters felt she was not handling her job responsibly, they could take action on election day. He stated this is from their (Election Board) perspective and their discussions. He stated he thinks Beth Dlug put a very good plan together if they were to assume these duties. We believe we would realize approximately \$100,000 in savings a year. He thinks those savings would be realized if it went to the Clerk of the Courts anyway just by the nature of the restructuring and in terms of fewer personnel at the upper end level. He stated he thinks the Commissioners would find that a majority of them believe they are ready now. It does take unanimous consent. He stated he does think Andy indicated in his letter that his primary concern was timing and being rushed into this and that he was very open to a January 1, 2013 effective date in terms of assuming the duties. He stated that Lisa Borgmann, if she were to receive these duties under her watch, was willing to do it as the Clerk of the Courts and willing to give it to the Election Board effective January 1, 2013 if we wanted them. He thinks Andy was open to a 2013 because he believed it gave them more time to plan and prepare. 2012 is no doubt a busy year for them because it is a presidential year. There will be more voters at the polls than any election in the 4 year cycle. 2013 is an off election year. It would be a great opportunity to make that transition. Whether it is now or whether it's 2013, the majority of us believe we are ready but it does require unanimous consent. **Commissioner Brown** asked him with County Council making its unilateral cuts before budget hearings have actually commenced, and the affect of that specific cut, not just to Voters Registration but also to the Election Board, what impact do you see in even being able to do those vote centers and satellite voting at this point? **Zach** replied that he sees that as a separate question as to the Voter Registration duties. If the specific question is vote centers, he stated they do not believe they will be doing early satellite voting next year as previously planned nor will they be taking advantage of vote centers which are on election day. Early satellite voting is for early voting and they are not considered vote centers. Vote centers are your variety of locations throughout the county on election day. He stated that they believe because of the cuts they will not be able to take advantage of either of those options. **Commissioner Brown** asked whether or not this decision had any impact on whether they had vote centers or operations in general. **Zach** replied no. Cuts in services they have made or intend to make will be realized with our without the Voter Registration decision. While the money is in the budget for 2011 to have early satellite voting, they would not be able to do it in 2012 and we think that would be very confusing to the voters to have vote centers in one election and then all of sudden not have them. Therefore, a preliminary decision has been made to not have them. Voters should not expect to see early satellite voting in 2011 or 2012. **Zach** stated the voters should also expect to see in 2012 approximately 200 fewer voting machines at the polls and significantly fewer election works to assist voters. Voters will not receive notification of precinct changes. Voters will not receive a variety of services that we provide now that are more luxury items that are not statutorily required. **Commissioner Brown** asked if the internet takes the place of some of that so there would be a redirection for people to find that information? **Zach** stated that the voters will still be well informed. The website is second to none. In fact, we will be announcing we received word last night that we won a national award for our website. **Commissioner Brown** asked that with the potential vote today, of whatever this board decides on how we move forward, there is no real impact to voter registration in the election process as he sees it by merging them, by vote centers or anything like that? We just make sure that voters are getting the information they need and everything should still run smoothly? **Zach** answered correct. He stated their decision today is strictly do you want to send the duties and responsibilities of Voter Registration to the Clerk of the Courts. As stated earlier, the Election Board has not reached unanimous consent to accept them, so to him that decision is between the Commissioners and the Clerk and the Commissioners and Voter Registration. **Zach** stated they will not dabble in how Voter Registration is run if it's with the Clerk of the Courts because they can't have those duties. He said they would stand by and would strongly look at the issue

again to see if they could reach unanimous consent for a 2013 assumption. **Commissioner Peters** stated that the letter we sent was fairly clear in that we were in agreement that the most sense for reorganization would occur under a bipartisan oversight of the Election Board. We heard from some other folks that might allow for the best transition. Failing at that I think it was our consensus that effective January 1, 2012 that that operation would fall under the Clerk's office. Commissioner Peters stated that he is sorry that Mr. Boxberger is not here and a little perplexed in hearing that decision and reading his subsequent letter that he wasn't more amenable to that. Because if the bipartisan cover, as I think was part of his issue was indeed a concern, for all intensive purposes that gets lost to some extent with a move to the Clerk's office. Commissioner Peters stated at this point, unless there is any change of mind here, that if it can be worked out to go under the Election Board by January 1, I think that would be our druthers, certainly my druthers, and if not I stand prepared to stand by the initial recommendation to put it under the Clerk effective January 1, 2012. **Commissioner Brown** stated that she concurs with Commissioner Peters in that our whole goal is to make sure that the voters are getting the fair representation by party as they have expected over the years. She would hope that we continue the dialogue, if this vote goes unanimously to put it under the Clerk, and that we hear back periodically from the Election Board and the Clerk of the Courts movement to get it to where it needs to be. **Zach** stated that to be as blunt as he can, he disagrees virtually with every point in Andy Boxberger's letter. Zach said he asked Andy to defer to Lisa Borgmann's advice that she was ready and thought the Election Board could take on these duties. She has previously served eight years under the Election Board and she knows what we can handle and she knows the savings that could be realized. Zach stated he asked Andy to defer to our Executive Director, who believes she is ready, willing and able to take this and asked him to defer to me when I say I think we can do this. Andy was not willing to. Zach stated that as the President he will bring this issue up again. For instance if the Commissioner's vote today to take this to the Clerk of the Courts, Zach stated he will readdress this again yet this year. Zach stated he will ask Andy, this is now under the Clerk of the Courts, can we do this January 1, 2012? The decision has been made to move it, why not realize these synergies? If you want bipartisan oversight, this is the only way to get it. If we still can't do in 2012, Zach pledged to the Commissioner's we will do it again and ask for a 2013 effective date. **Commissioner Peters** asked if there is a timeframe in which a vote needs to be taken to make this happen without affecting elections? Attorney Fishing stated there is a specific timeframe but he didn't remember what it was at the moment. Commissioner Peters asked if action had to be taken today. Fishing answered no. Commissioner Peters stated he didn't know that we needed to take a formal vote today and a letter that pretty much outlined our expectations going ahead was sent. He thinks it would certainly make sense to try to receive some public input on the entire initiative and then take a vote during the appropriate timeframe. **Zach** stated there are two timeframes. One that's more practical on how this is going to work and one that is statutory. He stated he believes the timeframe is not necessarily when you have to do it. It is more or less when you can't do it. For example, you couldn't do this within a certain period of time prior to an election. He thinks it is 90 days but it is in the statute. There is also a practical timeline. He stated in his opinion, the sooner the better. He said if he were assuming these duties as a member of the Election Board, which he is not, he would want as much time prior to 2012 as possible just from a planning and transition standpoint. **Commissioner Peters** stated we sent a letter with certain expectations and he thinks, although he could be wrong, that the decision has already been made. It's just a matter of additional input and formalizing a vote. He stated his fear is that even today, if it is 90 days, we are probably within that restricted timeframe now which means we probably couldn't take a formal vote until after the municipal elections. We need to find out what those restrictions are and then simply act accordingly. Commissioner Bloom made a motion to DEFER the vote on HEA 1242-2011. Commissioner Brown seconded the motion and stated that hopefully we can get this on the agenda so that we can have some public input and discussion. Motion to **DEFER** carried 3-0.

10. Amendment to the Allen County Purchase Card Policy. Commissioner Brown made a motion to approve the Amendment to the Allen County Purchase Card Policy. Commissioner Bloom seconded the motion. Motion carried 3-0.

11. Amendment to the Allen County Travel & Reimbursement Policy. Commissioner Peters stated that in his original draft he had struck out a number of things that got added back in. He had struck out the specific timeframes for meals because it is hard to track and because there are already some aggravating circumstances that might contribute to an exception here and an exception there. By eliminating the time frames he thought you might eliminate some of the other issues. Commissioner Brown asked was there

any concern by the auditor relative to this being broken out. Commissioner Peters responded during the initial discussions, no. But she has not seen this draft for the last couple of months. Commissioner Peters suggested that maybe the appropriate thing to do would be to run it by her and then take another shot at it this in a couple of weeks. Commissioner Bloom made a motion to defer the Travel and Reimbursement Policy until the next meeting. Commissioner Brown stated her only concern is does the majority of it match up with the P Card policy. Commissioner Peters stated that it is just a minor thing. It's right there in that return day of travel. Commissioner Peters stated he would just assume take the timeframes off and pass it. Commissioner Bloom withdrew her other motion and made the motion to accept the amendment to the County Travel & Reimbursement Policy taking the time frames out. Paying \$6 for breakfast, \$8 for lunch and \$16 for dinner. Commissioner Brown seconded the motion. Motion carried 3-0.

- 12. Change Order #1 for the Sheriff's Range House on Adams Center Road.** Chris Cloud, Executive Assistant, stated that when they did their range house project they had one change order for \$4,000 for additional pavement striping and added a small extension to the armory. Commissioner Bloom made a motion to accept Change Order #1 for the Sheriff's Range House on Adams Center Road. Commissioner Brown seconded the motion. Motion carried 3-0.
- 13. Appointment to the Three Rivers Ambulance Authority.** Chris Cloud, Executive Assistant, stated the Commissioners had made an appointment back in March for Dan Garman to fulfill someone else's term which has now expired. They are now requesting that Dan Garman be reappointed to a full term. Commissioner Bloom made a motion to approve the appointment of Dan Garman to the Three Rivers Ambulance Authority. Commissioner Brown seconded the motion. Motion carried 3-0.
- 14. Designation of ADA Coordinator.** Chris Cloud, Executive Assistant, stated Vanessa Miller will be the new ADA Coordinator. Commissioner Brown made a motion to accept the designation of Vanessa Miller as ADA Coordinator. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 15. Other Business:**
- 16. Approval to waive the 2nd Reading on any matter approved today and for which it may be deemed necessary for the Legislative Session of August 19th, 2011.** Commissioner Brown 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 August 19th, 2011. Commissioner Bloom seconded the motion. Motion carried 3-0.
- 17. Comments from the Public.**
- 18. Motion to Adjourn.** There being no further business, the meeting was adjourned at 11:03 a.m.

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