

**ALLEN COUNTY COUNCIL MEETING MINUTES
THURSDAY, JUNE 16, 2005
8:30 AM**

The Allen County Council met in the County Council Chambers/Commissioners Courtroom on Thursday, June 16, 2005 at 8:30 am. The purpose of the meeting was for additional appropriations and transfer of funds in excess of the budget for the current year; also Economic Development, Grants and any other business to come before Council.

Present: Darren E. Vogt, President; Paula S. Hughes, Vice President, Michael W. Cunegin II, Calvert S. Miller, Paul G. Moss, Roy A. Buskirk and Paulette L. Kite.

Also Present: Lisa Blosser, Auditor; Tera Klutz, Chief Deputy Auditor; Jackie Scheuman, Financial Advisor, Susan Whetstone, Administrative Assistant; Lin Wilson, Grant Administrator, Linda K. Bloom and F. Nelson Peters IV, County Commissioners.

President Darren Vogt called the meeting to order at 8:30 am with the Pledge of Allegiance.

APPROVAL OF MINUTES:

Cal Miller made a motion to approve the May 16, 2005 and the June 1 & 2, 2005 minutes as printed. Mike Cunegin seconded it. Motion passed 7-0.

FINANCIAL REPORT:

Lisa Blosser, Auditor: The actual cash balance in the County General Fund is \$6,905,639 we collected 26% of property tax in May. Before you today for your consideration we have requests of \$1,023,211 this would leave \$8,032,369 for appropriation. We will be getting final numbers of collections from the Treasurer next week and we will have a final collection number for you next month.

Cal Miller made a motion to accept the financial report as presented. Mike Cunegin seconded it. Motion passed 7-0.

ECONOMIC DEVELOPMENT:

Mark Royce, Deputy Director/Economic Development: This request is consideration of a LEDGE Agreement with General Motors. This is a formal agreement between Allen County and GM regarding the \$2,000,000 incentive

that is being financed through the 2005 GM TIF Bond issue. This goes back to last fall when they were pursuing an investment of \$176,000,000 and 200 new jobs. This is only the second time they have requested any thing in addition to tax abatement with the previous investments. Since that time we have worked to put together a funding strategy which involves refunding the 1995-97 GM Bond issue and it will amount to a \$2.1 million lease agreement for equipment at the plant.

Paula Hughes made a motion to approve the LEDGE Agreement for General Motors. Mike Cunegin seconded it. Motion passed 7-0.

Item 4: Mark Royce requested an additional appropriation in the CEDIT Fund in the amount of \$526,644 for economic development. In 1998 when CEDIT was increased from two tenths to four tenths the city and the county committed to \$500,000 a year for incentives.

Mike Cunegin made a motion to approve the additional appropriation in the CEDIT Fund in the amount of \$526,644. Paula Hughes seconded it. Motion passed 7-0.

Scott Harrold, Sr. Economic Development Specialist requested consideration of a Resolution increasing the amount of the pledge of CEDIT funds as a backup for the debt service on the Allen County Redevelopment District Tax Increment Revenue Bonds of 2005. This will be used for a backup for the debt service on the 2005 GM TIF Bond Issue. At the last meeting, Council approved a pledge of up to \$1.1 million per year. However, following that meeting we were informed that we had been turned down for an investment grade rating for this bond issue. As a result, the cost of the issue has increased substantially.

The resolution for Council consideration will do two things. First, it will increase the CEDIT pledge to a maximum of \$1.5 million per year. Note that the pledge is to cover each year's debt service, which is currently estimated to range from about \$620,000 in 2006 to \$1.45 million in the last few years. It isn't until 2013 that the debt service amount exceeds the \$1.1 million. Second, the resolution has some additional "moral obligations" language, which the rating agency suggested could secure an investment grade rating for this bond issue.

Darren Vogt: How soon do you expect we will hear if it is favorable or not?

Scott Harrold: We are hoping to get some indication soon, a committee has to get together and look at things and see if they can give us some kind of rating. We have some positive indication that we will receive a rating but we don't know what it will be. We are comfortable that we will be able to move forward.

Paul Moss: Are you confident that we won't have to come back and do this over again.

Scott Harrold: Yes I am 99% sure of that but there is always the outside chance that interest rates will take off.

Paula Hughes made a motion to approve Resolution 05-06-16-01 to increase the amount of the pledge for the 2005 GM TIF Bond. Cal Miller seconded it. Motion passed 7-0.

Scott Harrold: Resolution 05-06-16-02 is approving Real and Personal Property Compliance with Statement of Benefits Forms (CF-1's) filed in 2005. All of the forms are in order and in compliance with our polity.

Darren Vogt: This is the same thing we talked about last year; doing these forms as a batch policy so we are just following up with that.

Paula Hughes made a motion to approve Real & Personal Property Compliance of Statement of Benefit Forms (CF-1's) filed in 2005. Patt Kite seconded it. Motion passed 7-0.

Scott Harrold: Items 1-3 are refunding for the 1997 bunds and raising the new money that will be given to GM as part of the LEDGE Agreement that you approved earlier today.

Item 1: A request for \$200,000 in the GM 2005B Reserve Fund out of some of the bond proceeds then that money can be used to make the first couple of interest payments. This is a little bit different structure than capitalized interest but it is the way that bond counsel wanted us to approach this situation.

Item 2 and 3: These came about because of the size of the size of the deal and the increased interest costs. At first we didn't anticipate funding the reserve fund or capitalized interest for the Series A bonds; but with the increase in the size we decided it would be prudent to set up a reserve fund out of bond proceeds for the Series A bond issue as well and also to fund the bond principal and interest. These three items are basically administrative items to set up the structure of the bond.

Paula Hughes made a motion to approve items 1 for \$200,000; item 2 for \$200,000 and item 3 for \$360,000. Patt Kite seconded it. Motion passed 7-0.

Darren Vogt: We will now back up for the discussion item with the County Assessor and the Township Assessors.

Pat Love, Allen County Assessor introduced her Chief Deputies Bev Zuber and Stacey Lopshire were present to answer any questions that may be forth coming.

Cal Miller: I would like to make a few opening remarks about what we are undertaking, where we are and set the frame work for the discussion and decision making if we are in a position to do so today.

I would like to thank the County Auditor and the Township Assessors for appearing today, at our request. As you will recall when we did our pre budget allocations discussions on June 1 & 2 we did not allocate general fund dollars for the Township Assessors. There were two key changes in Senate Enrolled Act 238 that make the Council's involvement in the Reassessment budget, projections and the health of the fund more involved then they were last year.

There is a process in place within SEA 238 that if the County Assessor or the assessing community in Allen County is not satisfied with the rate that the Council sets for the Reassessment fund they can as a body appeal to the DLGF to have the rate changed. That changed, I imagine, would be an increase to the rate. As Council is well aware this rate impacts our general fund dollars; the higher the reassessment rate the lower the general fund rate. That also applies to the Department of Health; those three rates tax the dollars that come into this county that we have the say and authority on how they are appropriated. That is important to know, going forward with this discussion that the DLGF now is the final word or the next level of appeal for the Assessors.

Secondly, the other key change in SEA 238 was the deletion of language that previously existed and that was that the County Assessor had to have a recommendation to this body for funds to be appropriated out of the Reassessment fund; that language has been taken out. I don't know what the legislative history was or what the reason was but since it has been taken out I would suggest to this Council that we certainly want impute from the Township Assessors and the County Assessor but we are no longer required to have a recommendation before appropriating out of the Reassessment fund to follow the law and how those funds can be used for assessing in Allen County. That puts a little more onus on our shoulders as well and as we become a little more involved in the direction of this fund and how this money is spent assuring that there is sufficient money going forward to continue reassessment duties. The one thing that is key in both of these elements that we need to keep in mind as we launch into this decision is that if more money is spent out of the Reassessment fund than need be we may find ourselves years down the road having that rate raised elevated higher than we want to therefore decreasing our general fund dollars. I respectfully suggest that this Council needs to be actively involved in insuring that there are sufficient Reassessment dollars to do what

they need to do but are not over spent so we don't find ourselves in a pickle some years down the road when the next Reassessment comes about and we don't have enough money to do it and then that rate gets jacked up to a point where it will take general fund dollars away leaving us in the lurch and not being able to fund the operations that are funded out of the general fund. It is that interconnection that is the frame work for this discussion today.

With that said, the County Assessor has proposed a budget and we are seeing it for the first time today. I have not had the opportunity to review it and don't know whether the Council has either; so if you want to proceed we can or if we want a chance to wrap our minds around the budget we may want to do that. Without our advance study of these things, like I know we all like to do in most cases I don't know how fruitful the discussion will be. Do you want her to present it and make decisions later or would you like to have it pushed back.

Pat Love: We don't intend on presenting it, as such. You have the copies and we are here to answer any questions that you might have or to point out certain areas of change. One thing about the statute that Cal was referring to has been subject to interpretation. The commissioner of the DLGF interpreted it to mean that it would stay the same as it had always been, but I didn't bring that letter with me today but I would be happy to get each one of you a copy.

Cal Miller: We may have to have the State Legislature tell us, at some point, what it actually means. I think how we really find out is that the Council gets sued for appropriating out of it, it goes up to the Court of Appeals and then they interpret the statute. With that said, the language has been deleted and it is up to this Council to move forward as it interprets the law and be guided by what others say but we won't really know what that means until later. But is you take out language that says 'shall recommend' and it is absent; I would tend to disagree with the DLGF and I find it to be a bit puzzling and that the status quo remains the same in spite of the fact that the language has been changed and this is not an attack of the County Assessor at all.

Paula Hughes: Isn't it true that budget time is the one time of year that Council can appropriate out of these funds without the recommendation of those connected with those funds? So regardless of a change of statute at budget time we would have that authority.

Cal Miller: I really don't have that answer to that.

Roy Buskirk: When do we need to respond to this to stay on our budget calendar? Without having the time to study this I would say that we should just table it at this time.

Cal Miller: Let me add one more layer to the discussion; the Township Assessors are here because we asked them to be here. They not only want to know what their general fund allocations are going to be but part of the discussion was going to be, depending on what the County Assessor was asking for to pay on the health of the Reassessment fund and projections that have been done by the Auditor's office. Can the Reassessment fund supplement, responsibly, some of the Township Assessors general fund needs? That is why all of the components are necessary for the discussion. What does the County Assessor believe she needs out of the Reassessment fund? How will the Council respond to her request after looking at her budget? Then looking at the overall projections of the fund going forward and what we will need going up to the next Reassessment and the Auditor has put their projections regarding the Reassessment fund in your materials. Depending on how that is answered is there enough money to give the Township Assessors appropriations that will, to some degree, lessen their reliance on the general fund? If there are enough dollars in the Reassessment fund that can be responsibly used from year to year should be used for Reassessment and the general fund dollars to the extent that the Reassessment fund can support it shouldn't be used. This is a very important discussion and analysis that will impact general fund dollars not only today but on terms of the rate that may be set later.

Roy Buskirk: What is the anticipated funding that we need from the Reassessment Fund?

Cal Miller: The County Assessor submitted a budget that was \$25,000 less than out of the general fund than she requested last year. What we have before us now is her Reassessment budget that is quite a bit higher than it was last year. We have to approve the Reassessment fund budget; that is the task at hand. The additional dollars over and above the 2005 allocation the Township Assessors requested equals about \$50,000.

Mike Cunegin: The language was changed in SEA 238 so that Council's could have more say so regarding the Reassessment fund.

Paula Hughes: You have given us four different budget estimates, does the \$214,749 match the request that you submitted prior to the pre approval hearings?

Pat Love: No this is different because we found a typo.

The discussion regarding the Reassessment and Sales Disclosure fund continued regarding the Township Assessors and the amount of money that they would be needing from the Reassessment fund to relieve some of the pressure of off the general fund.

Angela Sorg, Perry Township Assessor and Jackie Mahlock, Washington Township Assessor stated that they were asked to submit what was being paid for out of the Reassessment fund.

Cal Miller: Are we prepared to go forward? All of this is intertwined and we all need to study this information because we need to be able to make an intelligent decision where this is concerned and I don't think we have had enough time to study the information that was given to us this morning.

Paula Hughes: I think there should be another meeting between the County Assessor and the Township Assessors and the Auditor's office and I will help with that and coordinate it. I feel that these budgets need to be agreed upon by all of the people concerned.

Darren Vogt: We will schedule a meeting to go over these budgets and take a good look at them.

Mike Cunegin made a motion to table this until we can have all of the people get together and study these budgets. Cal Miller seconded it. Motion passed 7-0.

Paula Hughes: I would like to apologize for asking the Township Assessor to attend this meeting and not being able to discuss it but hopefully you will be able to make the additional meeting.

Darren Vogt: Item 5 is a request for an additional appropriation from Institutional Expenses which is a County Wide Expense in the amount of \$992,391. This is the amount that was unspent by the Children's Psychiatric Treatment Fund and this is to just appropriate the money not send it immediately.

Mike Cunegin made a motion to approve the appropriation in the amount of \$992,391. Paula Hughes seconded it. Motion passed 7-0.

Tim Miller, Circuit Court Administrator requested an additional appropriation for an increase in salary for a Magistrate/Hearing Officer in the amount of \$8,200. this is an increase in judicial pay passed in the Legislature effective July 1, 2005. The County will be reimbursed \$5,466 through the Title IV-D program.

There was some confusion regarding the title of Magistrate/Hearing Officer title of this position. In the eyes of Judge Felts this position is a Magistrate that is fulfilling that role. Council requested further clarification regarding this situation and also the statute that it falls under.

Paul Moss made a motion to table this item until further information can be gathered. Patt Kite seconded it. Motion to table passed 6-0 with Cunegin absent.

Ron Zartman, Superintendent of Allen County Park & Recreation: We will be opening the Matea Nature Center this summer and I am asking for additional funding for staff yet this year specifically for a part time Naturalist and a part time Receptionist. When I made a request to the Personnel Committee in May I was looking for a full time Environmental Educator and they asked me to come back to the full Council; I have made some changes and have down scaled the request to the part time Naturalist and that will give us a little more flexibility as far as staffing being heavier when we need it. This fall we will have more school groups and will have more need. I will reassess the need for a full time person in the future.

It would be helpful to have the part time Naturalist before the building opens to give us a little lead time for preparation of the building.

Patt Kite stated that she spoke to Ron regarding this request and determined that he is asking for something to finish out this year with the new park.

Cal Miller stated that he felt this is an expense that should have been anticipated while preparing the 2005 budget as that is what was in the instructions while preparing budgets.

Lisa Blosser stated that Ron requested \$80,000 for 2005 but was only given an additional \$15,000 so it was requested but cut at budget time.

Paula Hughes stated that we are caught between consistencies because on the one hand we want to be consistent with the precedent we have set with denying requests in a budget year that were not anticipated in the prior years budget request. We have funded these positions for 2006. This is some what of a special circumstance in that it's the opening of a new building which was funded by the County as well as private funds.

Mike Cunegin made a motion to approve items 7 & 8 for a total amount of \$22,620. Patt Kite seconded it. Motion passed 6-1 with Miller voting nay.

Lisa Blosser, Auditor requested a transfer of funds from Postage into Extra Deputy Hire and Overtime in the amount of \$10,250. This request is due to the fact that the DLGF was a month late reporting the 2005 tax rates, so to ensure tax bills were timely the staff was required to work mandatory overtime. Also, the staff worked overtime on the unprecedented number of tax refund checks

caused by the reassessment. Additional funds for extra deputy hire are needed for the new responsibilities created by recent Legislative Sessions. The continuing problems caused by the delays in the reassessment could not be predicted at budget time.

The reason that the money is available is because the delays and complications in reassessment have resulted in the cancellation of the 2004 Fall Tax Sale and the 2005 Spring Tax Sale as a result certified tax sale notices were not mailed.

Cal Miller made a motion to approve the transfer of \$10,250 from Postage into Extra Deputy Hire and Overtime. Roy Buskirk seconded it. Motion passed 7-0.

SALARY ORDINANCE:

Dave Fuller, Building Commissioner requested a salary ordinance; a Sr. Housing Inspector was terminated for disciplinary reasons and they are not prepared to move an existing employee up to the position at this time. They will want to do so in the future therefore they do not want to eliminate the Sr. Housing Inspector slot. They will transfer money from the Sr. Housing Inspector line when they find a candidate; no new funds will be requested. When one of their housing inspectors is ready to be promoted they will eliminate one of the housing inspector lines.

Cal Miller made a motion for a salary ordinance for a Housing Inspector at a PAT 3 Step 1 with an annual salary of \$31,067. Mike Cunegin seconded it. Motion passed 7-0.

RIGHT OF WAY:

Mike Pranger, Allen County Highway was present requesting approval to purchase right of way, if an appraisal is over \$25,000 it is required to gain Council approval. The following was requested for Project #02-338 Maysville Road Bridge over the Koester Ditch:

a.) Project 1 Ronald J & Kathryn Clements	\$ 69,000
b.) Project 2 Taylor Chapel Methodist Church	\$ 82,700
c.) Project 3 R & B Enterprises, LLC	<u>\$ 73,100</u>
TOTAL	\$224,800

Roy Buskirk made a motion to approve the expenditures for right of way acquisition. Cal Miller seconded it. Motion passed 7-0.

Items 12-16: **Sheila Hudson, Executive Director of Community Corrections** requested an additional appropriation in the Adult Serious & Violent Offender Re-Entry Initiative Grant in the total amount of \$131,139.

Paula Hughes made a motion to approve the appropriation in the total amount of \$131,139. Cal Miller seconded it. Motion passed 7-0.

Item 17: **Mrs. Hudson** requested approval for the 2005-2006 Budget for Community Corrections State Grant in the total amount of \$1,210,330.

Paula Hughes made a motion to approve item 17 the 2005-2006 Budget for Community Corrections State Grant. Mike Cunegin seconded it. Motion passed 7-0.

Item 18: **Mrs. Hudson** requested approval for the 2005-2006 Budget for the In Transitions Program in the amount of \$595,274.

Paula Hughes made a motion to approve item 18 the 2005-2006 Budget for the In Transitions Program in the amount of \$595,274. Patt Kite seconded it. Motion passed 7-0.

Item 19: **Mrs. Hudson** requested approval for the 2005-2006 Budget for Home Detention/Project Income in the total amount of \$1,828,653.

Mike Cunegin made a motion to approve item 19 the 2005-2006 Budget for Home Detention/Project Income in the amount of \$1,828,653. Paula Hughes seconded it. Motion passed 7-0.

Item 20: **Commissioner Nelson Peters** requested funds be appropriated in the COIT Flood Control Fund to purchase the building on the corner of Calhoun and Columbia for Superior Court Criminal Division in an amount of \$500,000.

Paul Moss asked what the \$500,000 represented.

Nelson Peters stated that it represents what the Commissioners believe to be the operating costs as far as the actual purchase of the building which is \$460,000 and closing costs of about \$15,000. In the overall cost the Superior Court has agreed to take care of the renovation costs and we will be charging them back rent monthly and out of that will be maintenance, insurance, I&M, NIPSCO and city water will come out of the rent and come back to the general fund in the amount of approximately \$68,823 per year. The \$500,000 will go back into the COIT Flood Control Fund in an amount of \$46,652 per year.

There have been several questions regarding the usage of the COIT Flood Control Fund; this fund was established by ordinance in 1995 and part of the idea behind establishing this fund was to help the City of Fort Wayne repair some of the dike projects around the city that were going on at the time. The ordinance said that at the completion of that project said funds would be spent in accordance with I.C. 6-3.5-6-1725 which essentially allowed for those dollars to be utilized for capital projects.

The Commissioners received a letter on June 2, 2005 stating that thanks very much you are done and released from that obligation which allow money left in that fund to be utilized for purposes such as this.

Paul Moss asked how much the cost of the remodeling would be.

Judge Fran Gull stated that they have a low bid of just under \$300,000 and a high estimate of just over \$400,000. They made a commitment that the Court will pay the remodeling cost out of their user fee fund. They feel that this is an appropriate use of these funds since it is for the use of Superior Court Criminal Division.

Roy Buskirk stated that he is concerned that the utility costs and other items are included in the lease; he feels that the courts should pay all of the utilities directly. Commissioner Peters informed him this morning that there is a 7% escalating clause in the lease for increase in utility costs. The one thing that was not mentioned is security.

Judge Gull stated that Superior Court will continue pay the expense of the people security. It will go from the current location on Wallace Street to the new building. We are vacating the Wallace Street property to the Commissioners and the Pre Trial Services office in the basement of the City County Building will also be vacated to the Commissioners.

Nelson Peters stated that the Commissioners may sell the building on Wallace Street as Superior Court has done significant amount of improvements over the years to the property. A very large conference room was added and it has also been made ADA compliant, the parking lot was also improved.

Mike Cunegin made a motion to approve item 20 for the purchase of the building on the corner of Calhoun and Columbia for a total of \$500,000. Patt Kite seconded it. Motion passed 7-0.

Item 21 is a request by the Commissioners to appropriate \$557,680 in the E-911 Fund to pay the City of Fort Wayne for the communications operations agreement.

Darren Vogt: I would like to bring you up to date on the E-911 Fund statute. This Council does not have the authority or the need to appropriate money out of that fund it only needs to be taken care of by the Commissioners so from an appropriation stand point it can be spent by the Commissioners with no need for approval by the County Council.

Cal Miller said that he remembers receiving the statute shortly after the request was denied last time given the on going dissatisfaction with the efforts to consolidate E-911. He stated that he still remain frustrated and disappointed with the efforts and the waste of taxpayer dollars. He will not appropriate a dime and will not be an active participant in the continued failing of the consolidation of this very important function.

Darren Vogt said that there was an additional meeting between Sheriff Herman, Darren, Al Moll as well as several other parties from the Sheriff's department. There is a plan in place that the Sheriff can hopefully explain to us. The plan was that Jim DeRose from the Sheriff's office and Steve Smith from the City were going to do what was originally requested which was to devise a plan on how the dispatch center could be run and then put some numbers together.

Mike Cunegin stated that the grass roots to this whole ordeal boils down to dollars and cents.

Cal Miller stated that he feels these dollars have a very important use and ought to be given to the City; but if this Council doesn't have to vote on it and if the statute says the Commissioners may appropriate then I don't want to be a party to this.

Item 21 in the amount of \$557,680 died for lack of a motion.

Item 22: **Karen Richards, Prosecuting Attorney** requested funds be appropriated in the Prosecuting Attorney's Check Deception Program Fund in the amount of \$20,000 for travel, lodging, per diem and other miscellaneous costs of witnesses and victims of crimes who must come to Allen County for criminal trial proceedings. It will also pay for parking fees of witnesses and/or victims of crime whose presence is required at the Prosecutor's office or other locations as required. These dollars will also pay additional operating expenses authorized by the fund ordinance established in March 2003.

Paula Hughes made a motion to approve item 22 in the amount of \$20,000. Mike Cunegin seconded it. Motion passed 7-0.

GRANT:

Pam Finlayson, Executive Director of the Allen County Election Board requested approval to apply for a federal grant for a new handicap accessible voting system. **Lin Wilson, Grant Administrator** was also present to answer any questions regarding this grant.

Under the Help America Vote Act of 2002, Public Law 107-252, 107th Congress, there is authorized for appropriation payments to the states of \$650,000,000 for election administration improvements and replacement of punch card and lever voting machines. The US Department of Health and Human Services and the Election Assistance Commission (EAC) has administered the appropriation of these funds to each state based upon a voting age population formula. The states have in turn appropriated their funds based upon their state plan as submitted to the EAC. Grant funds from this act are to be used for:

Complying with the requirements under Title III.

Improving the administration of election for the Federal office.

Educating voters concerning voting procedures, rights and technology.

Training election officials, poll workers and election volunteers.

Developing the State plan for requirements payments to be submitted under part 1 of subtitle D of title II.

Improving, acquiring, leasing, modifying, or replacing voting systems and technology and methods for casting and counting votes.

Improving the accessibility and quantity of polling places, including providing physical access for individuals with disabilities, providing non-visual access for individuals with visual impairments and providing assistance to Native Americans, Alaska Native citizens and to individuals with limited proficiency in the English language.

Establishing toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violations, to obtain general election information and to access detailed automated information on their own voter registration status, specific polling place locations and other relevant information.

Under the Indiana State Plan, Allen County is placed in the payment grid as a Tier B County. This means that our voting system is in compliance with HAVA except for ADA requirements. Allen County is budgeted for one ADA compliant voting unit per precinct bringing it into full compliance. The appropriation for this county is \$1,234,000 based upon the following formula: 296 precincts X \$4,000 per precinct + \$50,000 for software purchase. No matching funds are required; no appropriation is required of the general fund. The Allen County Commissioners will approve a fund ordinance (Title 12) to keep the federal funds segregated from all other funds in the County. Funds for the HAVA project originate with US Health and Human Services and are allowed to accrue interest.

The fund will be non-reverting and the interest accrued must be applied toward the HAVA project. Application for HAVA funds requires an initial commitment to purchase via a contract with a vendor.

As of December 31, 2005 each polling place must contain at least one (1) voting system to permit a voter who is blind or visually impaired to vote privately and independently.

There will be the usual maintenance and shipping costs associated with voting system hardware. The software maintenance agreement increases from \$2,500 to \$5,500 per year. This will cover all upgrades to the new software purchase and also maintenance on our current software. We will be operating two systems.

The requirements prompting this grant are federal mandates coming out of The Help America Vote Act. We have a rare offer from the federal government of funds to support a mandate.

Cal Miller made a motion to approve applying for the HAVA Grant. Roy Buskirk seconded it. Motion passed 6-0 with Cunegin absent.

Paula Hughes made a motion to waive the second reading on any matter approved today for which it may be deemed necessary for the County Council meeting of June 16, 2005. Paul Moss seconded it. Motion passed 6-0 with Cunegin absent.

OTHER BUSINESS TO COME BEFORE COUNCIL:

Sheriff Jim Herman was present requesting discussion and overview of the Sheriff Department Operations Building and funding options. The Sheriff wanted to give Council a heads up on situation they are in regarding the need for a new facility for the Sheriffs Operations. He feels that he has three options: 1. Do Nothing, 2. Build a new building or 3. Purchase the North American Van Lines Building.

The building that houses the operations at this time is falling apart around them and they simply have to move out of it. The past 3 Sheriff's have looked at different options but they have all been rejected for a number of reasons. They have looked at the cost of building a new building and found that it would probably cost around \$4,000,000.

The North American building is the best option and is located at US 30 and I-69. It would virtually be new after it is renovated and gives them the opportunity to bring Vice & Narcotics back into the building, which is a plus. In the Sheriff's

view the price is right as is the location; the downside is it is not a new building. We have the ability to generate training money, the timeline is good because it can be renovated and if we could pull the trigger on this by the next Council meeting we could probably be in the building probably by November. The size of the building is 38,000 square feet. It includes training areas and garage area where we could put the undercover vehicles and also the SWAT vehicle.

Roy Buskirk asked if the radio repair shop is included in this building.

Sheriff Herman stated that no it is not included in this building; the radio repair building that is located at 4-B is set up pretty well for them and they don't know exactly what is going to happen with that; if we are going to take over or if the City is going to take over or how it is going to work so it was not included in the building. The complex is big enough that a couple of things could go out there if you decide that is the way it should go.

Of all the buildings that have been considered the Sheriff feels that this is the best option we have. This will be a good place for the mandatory training that each officer has to have each year.

Roy Buskirk asked if there has been any discussion regarding both the city and county using the firing range. He feels that it is a waste of time for us to have separate firing ranges.

Mike Cunegin stated that it is not the County that is not cooperating in this situation, the City will not allow us to use their facility. When the County had the outdoor range we always allowed the City and others to use this facility at no charge all that was required was that it was cleaned up after the usage.

Sheriff Herman said this is a building that is sorely needed we have to get out of 4-B as soon as possible. He and the Commissioners have talked about the building and the finances. He has set aside Commissary money to help with the finances and the Commissioners are willing to help.

Cal Miller asked the Sheriff to have more information available before the next meeting regarding what Council's options are; the timeline, how much is going to be needed, what are the different possible sources of funding etc. He would like an understanding of what the plan is and would like to hear from the Commissioners regarding this plan and where the money is coming from for this building.

Nelson Peters said that it is his understanding that we can get into the building for about \$2.8 million and the Commissioners have agreed to fund \$2.5 of that with another \$300,000 coming from the Commissary Fund to allow us to get into

the building and that would include renovation and the ultimate purchase of the building. The Commissioners asked Bill Bean to be present today to answer any questions regarding the purchase.

Several questions were asked of Mr. Bean regarding the purchase of the North American Building. The numbers that have been given are hard numbers and will not increase. The Sheriff asked him to come up with the best possible proposal keeping it as low as possible. We anticipate that based on approval it will take 3-4 months for completion of the building.

Roy Buskirk asked if it was true that the building had to be closed due to pipes breaking etc.

Sheriff Herman said that yes they had to close the building for heat and pipes breaking. It is said that the 4-B building has a leak a week. Basically the building in their view is not salvageable.

Darren Vogt asked what the intent of the Commissioners is for the 4-B building.

Nelson Peters said that they will likely tear it down.

Cal Miller asked who would pay for the moving cost.

Sheriff Herman stated that he would be open to paying for that if he could afford to; he has allocated \$300,000 for the project. He also said that he does not anticipate coming back to Council for other things for this building and he is willing to do whatever it takes to get them out of the old building and they will have to do without some things just to do this. There will be money coming back in the way of training of other entities.

Cal Miller asked what would happen when something is needed that in the past has been paid out of the Commissary Fund.

Sheriff Herman said that they are willing to make some sacrifices in the area of replacing car's etc.

Darren Vogt asked if the safety of the officers would be put in any kind of jeopardy by doing without things that are needed.

Sheriff Herman stated that he would not put his people in jeopardy or the public in any kind of jeopardy.

Cal Miller said that Council is just trying to get to the real cost of this project.

Mike Cunegin said that the Sheriff will keep the safety of the officers and this community first and foremost in any decisions that have to be made.

The **Sheriff** said that he is more than willing to meet with the Council members to talk about how we can go about this because it is something that we have to come to agreement on and it is a team effort.

Darren Vogt stated that this is just a discussion item at this time and thanked the Sheriff for his presentation. He also asked the Sheriff to get the information to the Council well in advance of the July meeting.

Darren Vogt: I received a letter from the State Budget Agency Director Charles E. Schalliol regarding the debt that Allen County owes for Institutional Care of Juveniles. They requested that a meeting be set up with Allen County officials, representatives of the AIC, the DLGF, Department of Corrections and the State Budget Agency to discuss this situation as soon as possible. I personally don't see the need for that and will be contacting the people mentioned in the letter to find out the reasoning behind that. We are in the process of putting together a plan to undertake the debt and the Auditor's office has put together a draft letter to address the issue and talks about how we are going to reduce the debt.

The response is due by August 15th so we have to come to some agreement and will have further discussion on this at our July meeting.

The other issue that I have in front of me is a copy of the Jail inspection and if anyone wants to see it you may look at this document.

The Personnel Committee is working on an RFP and needs to discuss it further before it comes before the full council. Do you want it to go before the Personnel Committee first?

Paula Hughes made a motion to empower the Personnel Committee to fine tune the RFP and get it out as soon as possible. Patt Kite seconded it. Motion passed 6-0 with Miller absent.

The next meeting will be held on Thursday, July 21, 2005 at 8:30 am.

There being no further business the meeting was adjourned at 11:24 am on a motion by Paul Moss and seconded by Mike Cunegin. Motion passed 6-0 with Miller absent.

