

ALLEN COUNTY COUNCIL MEETING MINUTES
JUNE 16, 2011
8:30 AM

The Allen County Council met on Thursday, June 16, 2011 at 8:30 am in the Council Chambers at Citizens Square. The purpose of the meeting was for additional appropriations, transfer of funds in excess of the current budget, grants and any other business to come before Council.

Attending: Bob A. Armstrong, Larry L. Brown, Roy A. Buskirk, Tom A. Harris, Kevin M. Howell and Darren E. Vogt

Also Attending: Tera Klutz, Auditor; Nick Jordan, Chief Deputy Auditor; Jackie Scheuman, Finance and Budget Director; Therese Brown, Commissioner; Nelson Peters, Commissioner and Becky Butler, Administrative Assistant.

The meeting was called to order by President Darren Vogt with the Pledge of Allegiance and a moment of silent prayer.

Darren Vogt: Council, we have a very special day today and I am going to turn this meeting over to Commissioner Peters before we get started.

Nelson Peters: Thank you very much. I think we have already found one of the fallacies in this room in that I really need to be addressing the audience as much as I do the Council. Maybe if I turn the mic and stand in the middle, it will work. We are, indeed, honored today to have with us Lance Corporal Brandon Long. About two weeks ago, he was welcomed back to Fort Wayne and Allen County from a tour of duty in the Middle East. At that time, I had really wished that I could be part of that celebration but unfortunately I was unable to do so. Just a little while ago, a week or so ago, Councilman and fellow Marine Kevin Howell came forward and said "Gee, why aren't we doing something to honor the heroics of this young man?" After all, he has made a great sacrifice for this community and for our nation. As I raise my flag, as I tend to do at home in the morning, I thought of Lance Corporal Brandon Long this morning. How often it is that we tend to forget those who have provided such a valuable service to us and those that have sacrificed for us in this community. I am so thankful that Councilman Howell brought forth the idea to recognize the Lance Corporal's contributions and sacrifices to us this morning. I did tell him and his mother, this morning, that this is kind of unique in that he is actually a part of a couple of firsts today. This is the very first meeting that the County Council has had in this very room after the transfer from the City-County Building. And I told them, as we were putting together this proclamation it isn't something that the County Commissioners

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and the County Council often put together. As I joked with him, I said that he needed to come more often. You have united us this morning at a time when we hardly agree on anything. At any rate, I just couldn't be more honored to have him here this morning with us and to thank him for the sacrifice that he has made and to thank him for protecting and preserving our freedoms and to thank him for continuing to make us a strong community and a strong nation in the United States. All I can say is, Lance Corporal Brandon Long, God bless you. We have asked Councilman Howell to read the proclamation and I will yield the podium to him.

Kevin Howell: Thank you, Commissioner, all Council members and members of the public. The proclamation is as follows: Whereas, when our nation's commitment to democracy is challenged, when our national interests are threatened, in times of international disaster, crisis or war, the U. S. Marine Corps is the first on the scene, first to help and first to fight; and Whereas, Lance Corporal Brandon Long of Fort Wayne accomplished a life-long goal of training to become a Marine in 2009; and Whereas, On December 21, 2010, while serving his country in Afghanistan, Brandon stepped in an improvised explosive device, losing both his legs; and Whereas, Brandon continues to recover from his critical injuries and, after a brief trip home, will return to Washington, D.C. for more therapy; and Whereas, Allen County wishes to recognize the selfless contributions and dedication of Lance Corporal Brandon Long in service to our citizens; Now, Therefore, the Allen County Council and the Board of Commissioners of the County of Allen, Indiana, hereby proclaim June 16, 2011 as Brandon Long Day in Allen County, and encourages all residents to share our overwhelming pride in service to our nation, and offer him the services of our community and our warmest welcome home. This proclamation issued by the Allen County Council and the Board of Commissioners of the County of Allen, Indiana, on the 16th day of June, 2011. Signed, Darren E. Vogt, President Allen County Council and F. Nelson Peters, President Allen County Board of Commissioners. Congratulations, Marine.

Darren Vogt: Council, while you are still standing, we are going to go around and congratulate him and give him the proclamation. I want each one of you to remember that he has a new goal. I don't know if you noticed that but his goal is to be the first double-amputee to return to active military duty. We need to continue to encourage him to reach those goals. His first goal was to be a Marine and his second goal is to be the first double-amputee to return. Let's continue to congratulate him on that. Council, please join me. Brandon, we wish you the best of luck and anytime you are back in town, come and see us. Keep us posted on your goal.

Nelson Peters: How about one more hand.

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Darren Vogt: Council, as we compose ourselves, I know it is an emotional thing for me as we are proud to know that we have men like him serving and protecting us so we can do what we do each and every day. Just keep that in your mind and thoughts and prayers as he continues to rehab. Also remember the soldiers who are not home and who are also injured and in cities just like that around the United States. Keep those soldiers in your minds, thoughts and prayers.

Larry Brown: Amen.

Darren Vogt: Council, our agenda is going to be a little bit juggled. We have some things that need to be moved around a little bit. We have the approval of the minutes from the May 19th meeting and then we are going to switch the two Economic Development things around and then the Public Defender is going to come up a little bit earlier in the agenda. With that, we have the approval of the May 19th minutes.

Tom Harris: So moved.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Brown abstained). With that, we will move to economic development.

Nikki Liter: Good morning, Nikki Liter, Economic Development. We are going to put Indiana Tech before Vera Bradley. As you guys have been receiving information over the last few weeks, Indiana Tech is going to be requesting an Internal Revenue Bond. With their continued growth, they need to build another dormitory. This new dormitory is going to house forty-five students and will be located on the northwest corner of Walter Street and East Washington Boulevard. With the bond in the amount of \$5 million, approximately half of that financing will go to the construction of the new dormitory. The other half is going to go to refinancing their Series 1999 Bond. Before I turn it over for questions, for the newer members of Council, back on June 6th Indiana Tech came before the Allen County Economic Development Commission. They approved an inducement resolution to finance that bond. Indiana Tech has also gone before City Council just as a consideration since the school is actually located within the City limits even though Indiana Tech is getting the financing through Allen County. Today it comes before you and tomorrow it will go in front of the Board of Commissioners for final approval. Today we have with us Judy Roy from Indiana Tech and Rod Wilson from City Securities. If you have any questions, the three of us can answer those.

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Darren Vogt: Council, we have done this once before. This doesn't have any impact on our bond rating as a County. This is really just a pass through agency. They take our non-profit status, is that correct?

Nikki Liter: Correct.

Darren Vogt: Council, are there any questions?

Roy Buskirk: If they would default on it, does the County have liability on picking it up?

Nikki Liter: We have never had that problem in the past.

Roy Buskirk: Pardon me?

Nikki Liter: We've never had that problem in the past. They have done quite a few of these bonds.

Roy Buskirk: I understand that but the question was if they would default on this type of bond, do the County taxpayers have to pick it up? We have at the airport.

Rod Wilson: My name is Rod Wilson. The document specifically provided that the County has no liability for these bonds were there any problems with the repayment by Indiana Tech.

Roy Buskirk: Thank you.

Darren Vogt: Council, are there any further questions? Not hearing any, we need a motion to approve.

Tom Harris: So moved. Do I need to read that?

Darren Vogt: You probably should read that into the minutes.

Tom Harris: Move to approve consideration of an Inducement Resolution Economic Development Revenue Bond for Indiana Institute of Technology of Fort Wayne, Wayne (074) Township.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0.

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Nikki Liter: Thank you gentlemen. The second set of business is we are here for consideration of a resolution to approve a Statement of Benefits for Great Dane Realty and Vera Bradley. As you recall late last summer, Baakgard Limited decided to cease operations. Barbara Baakgard decided that it was better for her to continue working and to focus on Vera Bradley solely. With that, this winter they decided to close that building. However, Great Dane Realty and Vera Bradley decided on a lease agreement. Vera Bradley is going to move into the Baakgard building which is over off of I69 near the Vera Bradley building. They are modifying that building from warehouse space into office space. That is going to be for the Project Design Team. That will include about 70 to 75 employees and we are looking at over \$7.6 million in salaries there. Most of the investment comes from the modifications, the internal modifications of turning the warehouse space into office space. Vera Bradley is also doing some personal investment of some IT equipment in there. With our point system that we work up to see how many years that they qualify for abatement, the real property qualified for a ten-year abatement and the personal property qualified for a seven-year abatement. Between those two abatements over those years, they look at save approximately \$100,000. With that, they have agreed to pay back ten percent of those savings. We thank them for that. If you have any questions, we also have Jim Berry here representing Great Dane and there are a few people here to represent Vera Bradley also.

Darren Vogt: If you could have the Vera Bradley folks come up and tell us about the project, please.

Mike Philbee: Good morning, I am Mike Philbee, Facilities Director at Vera Bradley. We are looking at a 39,000 square foot building that we are going to be making modifications to in order to turn it into our Design Center for our creative teams. We will take about 50% of the warehouse and turn it into some very open, collaborative office areas. We will utilize some of it for storage and for our photo studios. Pretty neat project and we will add some parking for the additional staff.

Darren Vogt: You may want to stay there. We could have a question or two. Councilman Howell, you have a question?

Kevin Howell: What is the possible increase in employment?

Aleshia Wilkins: Good morning, Aleshia Wilkins, Vera Bradley Human Resources. We are looking at approximately 101 job additions and just a note that these job additions will not necessarily be in this exact location. We will be moving and shuffling between our Production Road and Industrial Road

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facilities. That is so we can free up spaces in those locations and the 101 jobs would actually be between the three buildings.

Darren Vogt: Councilman Buskirk?

Roy Buskirk: I just want to recognize, again, and say thank you for giving the ten percent on your savings because that enables the County to make extensions of sewer and water lines and road improvements for other economic development projects. You have always been an outstanding corporation in the County and I just really appreciate the work that you do.

Darren Vogt: Council, are there any further questions? I have one disclosure that I have clients that are stakeholders in Vera Bradley and I will vote on this but I do want to disclose that to the public. With that, we need a motion.

Tom Harris: So moved.

Darren Vogt: Again, I will ask that you read the resolution.

Tom Harris: Consideration of a resolution approving a Statement of Benefits for Great Dane Realty, LLC/Vera Bradley, Inc located at 12420 Silverado Drive.

Bob Armstrong: Second.

Darren Vogt: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0.** Thank you very much. We do have one more discussion item. Nikki, do you want to briefly discuss that?

Nikki Liter: Last week or maybe the week before that, I sent an email pertaining to House Bill 1007, the tax abatement policy changes that can become effective on July 1st. As staff, we are recommending that Council put together some kind of committee to look over these policies and changes because as the County Board, you will have the decision as to whether or not you want to take these policies and put them into our own tax abatement policies. We also have some interest from the City Council. I talked to Elyssa McGauley who is my counterpart on the City side and she has spoken with a few of the Council men and women. They are also interested in some kind of joint committee to look over these policy changes.

Darren Vogt: Council, this gives us a great opportunity. I've got some thoughts around abatements and how we can utilize them and potentially do more incentives to create new businesses and jobs here. Council, are there

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any other questions? At this point, I would like a show of hands as to who would like to be interested in that committee. I know I will be. We have four. Nikki, can you send an email to the four of us and the City Council members that are interested so that we can get some dates set up. That will need to be a public meeting and a public discussion.

Nikki Liter: I saw the three of you. Who was the fourth?

Darren Vogt: Kevin, Larry, Roy and me. That way we can get some meetings set up so that we work on this together with the City.

Roy Buskirk: I have a question in the fact that the bill takes effect on July 1st.

Nikki Liter: Correct.

Roy Buskirk: Actually it is not until December 31, 2012.

Nikki Liter: That is for one of the changes in there. It is not for the entire bill. I believe that was for some type of personal property.

Roy Buskirk: Right. I'm sorry, I read it too fast.

Darren Vogt: All right, is there anything else on that?

Nikki Liter: I don't believe so. Thank you.

Darren Vogt: With that, we are at the Financial Report.

Tera Klutz: Good morning. We included the May financial statement for the County, in your packet. As of the end of May, we have about \$480,000 left for appropriation. Before you today is consideration of a \$700,000 appropriation. I want to point out that Council does have appropriated funding in their own budget if they want to approve the full \$700,000. You can do a portion out of your budget because it is already appropriated.

Darren Vogt: Council, are there any questions for the Auditor? I do have one. From a revenue projection standpoint, things look like they are at estimates. Is that a fair statement?

Tera Klutz: That is a fair statement. Our revenue is still coming in right on time based upon getting some distributions later in the year. We are hitting at about 100%.

Roy Buskirk: Make a motion approving the financial report.

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Larry Brown: Second.

Darren Vogt: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. This is where the agenda is going to get a little tricky. We are going to pull up to the front, the Public Defender. They have a case that they need to get to so if the Public Defender could come up, please. The Public Defender is on the second page of the agenda and is Department 63.

Randy Hammond: Good morning, I am Randy Hammond, Chief Public Defender for Allen County. We are asking for consideration of an increase in our Executive Director's compensation. I think a little quick history might help you understand the reason for the request. In the 1950's, the Public Defender's Office was created and was a component of Allen Circuit Court. It was run by the Judge. In 1989, the Public Defender Commission was created and allowed reimbursement from the State for County expenses. In 2003, Allen County adopted that program and we now receive over \$1 million a year from the State towards our expenses. When that change occurred, a Board was generated to appoint the Public Defender and originally there was a Circuit Court employee who controlled the personnel issues, budget matters and that kind of thing. Now, the Executive Director does that but there was no increased compensation for those additional responsibilities. We are asking for an increase in that compensation to \$70,000. I think there was a study done on that and a recommendation made.

Darren Vogt: Council, are there any questions on this? Who is here from Human Resources? Personnel Committee can address the study.

Nelson Peters: Good morning, Nelson Peters, Allen County Commissioner.

Tracy Mitchener: Tracy Mitchener, Compensation Specialist.

Nelson Peters: This was a position that did go through the Personnel Committee. It was agreed that the salary that was recommended was appropriate. There was a concern, however, with the difference between what the individual is currently making and what was being recommended and what appeared to be a significant increase. What the Personnel Committee's recommendation at the time was to move that individual up to where that recommended salary was on a three-step process beginning this year. Presumably that meant giving that individual a third of the increase this year, a third of the increase next year and a third of the increase the following year.

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Darren Vogt: Personnel Committee, if you could comment on the discussion and what was happening there and make sure that we are hitting all of the topics that were discussed.

Roy Buskirk: There were only two of us there. Tom, I'll yield to you.

Tom Harris: Thank you, Mr. Chairman. To my understanding, and Tracy maybe you can clarify this, there was an error that was made or something that was not done over a period of three years ago.

Tracy Mitchener: Five years ago, actually. Five years ago he took the role. He was given the title, responsibilities and everything but the pay was not increased. He is actually getting paid for a different role that what he currently is doing.

Tom Harris: Over these five years, he has not been paid at the amount that the County recognizes...

Tracy Mitchener: That would have been appropriate.

Tom Harris: So, the difference represents about \$20,000. The Personnel Committee was concerned that it was a substantial jump immediately to rectify this issue.

Roy Buskirk: Correct.

Tom Harris: The thought was to spread that, at one point it was a two-year spread but then the Personnel Committee ended up deciding to make it a three-year process. That is where we are at. That is not recognized on the agenda.

Roy Buskirk: It is in the salary ordinance.

Tom Harris: Oh.

Darren Vogt: Councilman Moss?

Paul Moss: So this individual, when they were hired, five years ago?

Tracy Mitchener: No, he has been with the County for almost fifteen years. He was promoted into another position.

Paul Moss: It was promised, by somebody, that he would have a different salary?

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Roy Buskirk: No. If you recall a couple of years ago, the State mandated that we increase the wages of the Probation Officers, correct?

Tera Klutz: Public Defender.

Darren Vogt: This is Public Defender.

Roy Buskirk: Oh, I am thinking on another one. On this one here, the suggested salary was because of other Executive Directors that are on County staff.

Nelson Peters: Right.

Tracy Mitchener: Based on the amount of responsibilities for the budget and his responsibilities within the department et cetera. I compared it with other like positions within the County.

Roy Buskirk: Was there any comparison made to Executive Directors' wages outside of the County?

Tracy Mitchener: For the Executive Board, there is not any in the State of Indiana that I could find. I called different Counties and they are all set up a little differently. A lot of them do not qualify for the reimbursement from the State.

Roy Buskirk: That is where I was getting confused. Part of this would be reimbursed by the State, correct?

Tracy Mitchener: Right. We receive forty percent back from the State.

Paul Moss: Regardless of what the salary is?

Tracy Mitchener: Right, because of what he does, that is how we get the money back.

Tom Harris: So there is no cap on the reimbursement from the State.

Randy Hammond: Forty percent is the maximum. Whatever the expenses are, we get forty percent.

Tera Klutz: As long as the State has enough money. We haven't always gotten forty percent.

Darren Vogt: Councilman Moss?

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Roy Buskirk: There is a pot of money from the State and that is divided among all of the Counties. Forty percent is not necessarily the amount. It can be up to forty percent. In some years, in the past, it has been less than forty.

Darren Vogt: Councilman Moss?

Paul Moss: Tell me again what the specific responsibilities are for this increase. I know the gentleman before you may have mentioned that but what was the increase in responsibilities again?

Tracy Mitchener: Right now he is basically over the whole department, all of the Public Defenders which is over forty employees. He is also responsible for the Public Defender budget and making sure that we receive that forty percent back from the State.

Nelson Peters: He basically went from an Investigator-type position to running the whole show. There was never any recognition.

Paul Moss: So the prior salary that you are replacing, and this is just so I understand it or the current salary if you were to replace that Chief Investigator position, that would be the salary for that? You are not planning on replacing that? You're not coming back in a month or so?

Tracy Mitchener: No.

Darren Vogt: Commissioner Peters, do you recall, would this have been a position that should have been through the process when we evaluated all of the positions?

Nelson Peters: Yes.

Darren Vogt: And what happened at that particular point in time?

Nelson Peters: About half of the positions that people came to you for and half of them didn't. That was part of the fallacy of the process, at the time. They should have all come to you, at the time and they should have all been examined by this body and frankly, they weren't.

Darren Vogt: Okay, so it was not examined under when we went through all of the positions. Public Defenders Office didn't go through that, is that a fair statement?

Nelson Peters: It did but this is a position, at the time, that the person had not ascended to that position. Yes, it was a function that would have come to

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you at that time but didn't because there wasn't that position, at that time. Or there wasn't somebody performing that function.

Tom Harris: At what point did they move up? At what point did they move into that position?

Nelson Peters: Several years ago, three or four years ago.

Jackie Scheuman: It was kind of missed in the shuffle because he should have been an Executive but he didn't get pulled in when the Executives were done and he didn't get pulled under when the regular staff was done. He was kind of in limbo and never gotten addressed.

Darren Vogt: Where are the additional funds going to come from? Are they going to ask for an increase in allocation?

Tracy Mitchener: This year, they can pay for it from their budget. In the next two years, they will need additional funds. You are also getting forty percent back from the State.

Roy Buskirk: There is still more of the General budget that is going to be needed.

Tracy Mitchener: Yes.

Roy Buskirk: And earlier, I'm not sure if the Commissioner said this but he oversees forty Public Defenders and they are part-time, right? It is not like he is seeing forty people all of the time.

Tracy Mitchener: He is managing their caseloads all the time.

Roy Buskirk: But the forty are part-time.

Tracy Mitchener: He also has some full-time staff.

Darren Vogt: Councilman Moss and then Howell.

Paul Moss: Did you look at the Court Administrators as a comparison?

Nelson Peters: We did.

Paul Moss: Is it comparable to that?

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Nelson Peters: We looked at Community Corrections. To answer your question, it is on a comparable basis but the ones that really stuck out were Community Corrections and one in the Prosecutors Office and there was yet one more.

Tracy Mitchener: Adult Probation.

Nelson Peters: Adult Probation.

Darren Vogt: Councilman Howell?

Kevin Howell: Can you have the lawyer come back to the microphone? As far as you know, is there anything comparable in the private sector?

Randy Hammond: No, I don't think so.

Kevin Howell: How is it handled in the private sector? How is it handled in the law firms?

Randy Hammond: We are basically a large law firm. There are over thirty lawyers and there are additional full-time staff people. We have investigators that assist in the attorneys handling the cases and so it is like a thirty-man law firm. Typically, you would find in that large of a law office sort of an Executive Director person in charge of personnel and those kinds of things.

Kevin Howell: And those are the functions that are being proposed here, right?

Randy Hammond: It would be similar but this is really a little bit different. He is in charge of investigators who are full-time people that serve subpoenas, investigate and interview witnesses and help prepare cases that go to trial. Our Executive Director is in charge of those personnel. He is in charge of preparing the quarterly report to the Public Defender Commission that qualifies us to get the forty percent reimbursement back from the State. That is a very important component economically. Again, we bring back a million dollars a year back to the County through that program.

Kevin Howell: What would be your estimate of somebody doing a comparable job in the private sector?

Randy Hammond: I think that the recommendation of \$70,000 is right in line in what I understand that function would be in the private sector.

Kevin Howell: Thanks.

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Darren Vogt: Councilman Moss, again.

Paul Moss: Do you anticipate any other positions within the County, of approximately 1,200 employees, that are out there and that we have officially gone through and not have any more, “Oops we forgot to do somebody?”

Tracy Mitchener: I can’t promise that. This one was overseen and it didn’t come to our attention until someone brought it to our attention. I hope not. There are also the ones who did not take the increase a couple of years ago.

Nelson Peters: There were 38 positions that were brought to you four years ago and some people just summarily dismissed the notion of any kind of increase. If you want to create the true equity, you really need to look at the other half that didn’t come forward at that time. I don’t think you are going to see anything with the differential that you are looking at today but there are still a number of inequities that exists out there.

Tracy Mitchener: I don’t think it will be as great because before, they were at least on the grid for the position and duties that they were performing. This is actually something completely different. We are comparing apples to oranges and the next time we will be comparing apples to apples. They are being paid currently on what their duties were and they are still doing the same duties. This one is additional duties that were never compensated for.

Paul Moss: I reluctantly move for approval of the salary ordinance amending the pay for an employee within the budget of the Public Defenders’ Office from 100-6301-412 from Chief Investigator to Executive Director, PAT 5/5 to EXEC with an annual salary of \$57,210 for 2011, \$63,606 for 2012 and \$70,000 for 2013.

Larry Brown: Second.

Darren Vogt: **Is there any further discussion?** I will have some discussion here briefly. The request that I am going to agree to approve does not include funding for the years 2012 and 2013. We have not set the budget allocations for that and what to make that clear to the Public Defenders’ Office and until we set those allocations and I am not going to be including additional funds right now. Financially, next year is going to be a challenge. We can get there, with some hard work but increasing department allocations is not going to be an option. With that, is there any further discussion?

Kevin Howell: Clarification.

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Darren Vogt: We are approving it for all three years but not the additional funds. We can't do that anyway until we set our budget.

Tera Klutz: They will just have to rearrange the current budget amount.

Darren Vogt: Just like any other department head would have to.

Roy Buskirk: This is not saying that the allocation is going to be increased. They will have to find it within their budget.

Darren Vogt: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. Council, we are back to the first page of the agenda. We have the Sheriff's Office with permission to apply for a grant.

Dave Gladieux: Good morning, Council. Dave Gladieux, Chief Deputy with the Sheriff's Department. I am here to ask permission to apply for the Bulletproof Vest Partnership Grant through the DOJ. It is a 50% reimbursement grant. We are looking to replace 39 of our vests throughout the department, both on the civilian side and the regular officers' side.

Roy Buskirk: Since I am the liaison to the Sheriff, this is a grant that they come every year for. It is a 50/50 grant and the Sheriff will pick up the 50% matching from the Commissary Fund.

Dave Gladieux: That is correct.

Darren Vogt: Councilman Moss, you had a question?

Paul Moss: He answered it.

Darren Vogt: One of the things that we are hopefully going to have, since the Commissary account is discretionary, that we are going to ask and I will give you fair warning, is some budget ideas that you are going to use that money for. As things are getting tighter, I would ask you to be prepared to have some sort of idea of what is going to go for 2012.

Dave Gladieux: Okay.

Darren Vogt: Council, are there any further questions? If not, we need a motion to approve.

Paul Moss: Move for approval of the Bulletproof Vest Partnership Grant.

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Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. We are now on Wayne Township, Department 16. Did I pass one? Oh, I did, I apologize. Hang tight, we need to move to the Presentation of 2012 Preliminary Budget Projections. I apologize.

Tera Klutz: That is okay. I emailed to you, earlier this week, the 2012 General Fund Revenue Projection summary which showed that 2012 will be a challenging budget year for the County. As property values continue to decrease and the income tax revenue that is distributed to the County continues to delay collections. Overall, property tax revenue is decreasing because as the market values decrease property tax bills are limited with the new property tax caps otherwise known as the Circuit Breaker Credit. For homeowners, that limits their tax bills to one percent of their assessed value. If home values drop, then the amount that we can bill and collect drops. The caps are one percent for homeowners, two percent rentals, apartments and agricultural land. Three percent is for all other types of property like commercial and business property and personal property. Another reason that the income tax is an issue is that the State over-distributed income tax dollars, to the County, of approximately \$30 million. We are sitting on a deficit in our account down at the State. I have been told by some of the State agencies that more than likely they will try to hold us flat and then as the economy picks up, they will take the extra money to offset our deficit down there and not decrease us substantially in the next few years. I believe them. It is not a guarantee but a good business practice. With that said, I am showing with our current year revenue estimates in the General Fund of approximately \$77 million, we would need to cut \$6.3 million from our current 2012 allocation, with a few adjustments, to meet a balanced budget. I am recommending, after doing a revenue analysis of all of our revenues and how they are tied to the economy, that we use \$4.5 million from the Rainy Day Fund to offset some of that loss until the economy can pick up. Some of the revenue that is tied to the economy that I have listed County Option Income Tax, Interest Revenue, Excise and also a portion of our Circuit Breaker Credit or our property tax loss, I expect to come back to the County. As the market picks up and values start increasing, we will be able to bill and collect more. I don't think it is going to fully recover to the levels of 2005 and 2006 but I do believe the market will bounce back a little. The maximum that the Auditor would recommend taking out of the Rainy Day Fund was \$5.2 million after you add the increase in market values.

Darren Vogt: The maximum you would recommend but...

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Tera Klutz: But I am recommending \$4.5 million. Eventually we are going to have to not use the Rainy Day Fund to fund the General Fund. I believe the \$4.5 million will be used again in 2013 and 2014. That will bring the balance in the Rainy Day Fund down substantially and there will not be enough to fund another year at \$4.5 million. At that point, we will have an idea of how the revenues are tracking and each year we will be able to re-evaluate and adjust. If we have a new baseline, then we are going to have to look at cutting spending and not use the Rainy Day Fund for operating.

Darren Vogt: Council, now you know why I made the comments regarding the increases for allocations for 2012 budget process. It is going to be a bit of a challenge. Councilman Buskirk, do you have a question?

Roy Buskirk: I was just going to make a comment on one thing and that is the fact that the Rainy Day Fund, \$6 or \$7 million came from the State a few years ago when they said that they had underpaid us on the Option Income Tax and gave us a one-time catch-up check which we put into the Rainy Day Fund and now they are saying that they overpaid us. What you are saying there is that they will probably be held level with what it is currently. However, I did notice yesterday on the news or something that Lagrange County is saying that theirs is going to be cut \$1 million on the Option Income Tax Fund.

Tera Klutz: The State will not give us more than we collect. If our local income taxes as a whole decreased from last year, then we will get less money. The State's income tax revenue has picked up and I am assuming that we will collect a little more because of this. If we are mirroring that, then we will increase and will be able to pay off some of our deficit and then receive a flat distribution. If the County, because it is figured County-by-County around the State, if our income tax does decrease, then we will get less money and you will see a new projection. We are going to get a certification on August 1st of how much income tax for 2012 that we will get to operate our budget.

Darren Vogt: If the State overpays us, and this is just a question that I don't understand how it works, where would that money come from? I know the State doesn't print money. The Federal government does. Where are they getting that money from?

Tera Klutz: They determine how much they are going to give Counties by looking at the income tax reported. For 2010, it was July 1, 2008 through June 30, 2009. The income reported on those returns, they give us directly. It is a State law that they have to give it to us. It doesn't always come out to what they collect for the County. They have a separate account for us down

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there. It is a separate fund because I believe all of their money is in one bank account. Our fund is running negative down there.

Darren Vogt: The funding piece of it is negative. The reason that I was asking that is if the State had, if the fund had a positive balance and pulling from it saying we had to put it back in, then maybe we could talk to the State about whether it makes sense to continue to hamper us with less and less revenue when the fund was positive and things turned around.

Tera Klutz: They changed the law, probably in 2003, because there were substantial balances building up down at the State level. They changed the law to say anything in our account, down at the State, has to be distributed to the Counties in the following January and must be deposited into the Counties' Rainy Day Funds, which is good. That way you can use it for now when they have over-distributed and keep us at a lower revenue amount.

Darren Vogt: Are there any further questions for the Auditor?

Bob Armstrong: So, if I understand this right, the \$6.3 million that you are saying we are going to be short, after you take the \$4.5 million out of Rainy Day, we are going to be what?

Tera Klutz: One point eight million short.

Bob Armstrong: Okay.

Darren Vogt: Anything further, Councilman Moss.

Paul Moss: I hate to be redundant but I am still having trouble because of this COIT overpayment and the recoupment has kind of gone all over the place, it seems like. Can you just kind of go through that piece again? In other words, this 22% drop clearly counts for your forecast as far as the reduction based on the overpayment, how much is actually based on the payment and how much is based on collections? What do you see over the next couple of years after that?

Tera Klutz: On the bottom part of your handout, I talk about revenue that is subject to the economic recession. On the average operating baseline for COIT is \$12.5 million. The amount in our 2011 budget is \$10.3 million. That is what we budgeted for 2011.

Paul Moss: Okay, hold on. The \$12.5 million is over what period of time?

Tera Klutz: Five years. The last five years.

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Paul Moss: Okay, all right. Is it possible for you to provide something after the fact that shows your projections over the next three years?

Tera Klutz: Yes. Right now it would be flat. Instead of using 10.3 that is currently in the budget for COIT, I used 9.7. It is a small decrease but still conservative because after the State gives us the COIT money, and they give it to the Auditor for all of the units in the County, we allocate it out based upon the prior year tax levy pro rata to the whole County tax levy. That tax levy percentage is changing every year. They also factor in the prior year income tax distribution per unit to the total income tax distribution for the County and that changes every year. So, even though the County, as a whole, may have gotten \$24 million last year and Allen County got \$103 million, we will get \$24 million in 2012 but Allen County's personal share, I am estimating at \$9.7 million, to be conservative.

Darren Vogt: Does the Circuit Breaker play into that percentage allocation?

Tera Klutz: No, it doesn't. When they factor the COIT allocation, they will use your certified levy which is higher than the actual levy we are going to bill the taxpayers.

Darren Vogt: I wondered how that worked. I hope everyone is following this. This is very technical and detailed stuff.

Paul Moss: What economic indicators are used for the \$4.5 million until the economy recovers? Who is forecasting that? It sure doesn't feel like it is recovering too quickly.

Tera Klutz: Correct. Our office is cherry-picking the revenue that we feel may recover.

Paul Moss: Are you a cynical person or an optimistic person?

Tera Klutz: I am a cynical person. The baseline last year was like \$13 million and I dropped it. Next year you may see a whole other set and basically after we get a whole set of years of when the economy is supposedly recovering, we will see if it is really happening or not.

Paul Moss: What impact, just to switch gears, on the overall you say that you anticipate the property tax an increase of one percent. I have yet to meet anybody, recently, that hasn't had seen their property value decline.

Tera Klutz: Right.

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Paul Moss: What is the impact or why does it appear that there is not as significant impact on that component?

Tera Klutz: That is a great question. Allen County property tax, we have a general maximum levy that we are allowed to charge the taxpayers, by State law. Within that maximum levy, you can allocate it out between the Board of Health Fund, the Reassessment Fund and the General Fund. This year I was directed by Councilman Vogt to look at the Health Fund cash balance which was approximately 66% of their operating budget, and reallocate some of the funding from the Board of Health property tax revenue to the General Fund. That is why you are seeing an increase in the General Fund property tax. Also, the Circuit Breaker, I expect to increase. Go ahead.

Paul Moss: Well, those are small.

Tera Klutz: Right but I can keep going. If I was the City of Fort Wayne, you would see a bigger decrease in property tax because anytime you're in a City or Town, the Circuit Breaker levels have already been hit. But if you are in an unincorporated area like the County has, those peoples tax bills will continue to rise until they hit the caps. So we will receive more money from the taxpayers who are not at the one percent, two percent and three percent cap and in the unincorporated area. That is why you don't see a significant loss. At the bottom, where it is titled Circuit Breaker, you can see that we are projecting that our whole Circuit Breaker will increase by \$1.5 million in the General Fund.

Paul Moss: Okay, that is a reasonable explanation but it is just frustrating that as a taxpayer, you watch, for many people what their primary investment value is to continue to decline. You just said that people will continue to see their property tax bill rise.

Tera Klutz: Right.

Paul Moss: That is just about as unfortunate a circumstance as I can imagine.

Tera Klutz: It just depends on the individual circumstances. If you live in an unincorporated area of Allen County and your value stayed the same, your tax bill will likely go up. If your value decreased dramatically, you might break even, even with the increase in tax. The tax rates will rise because they are calculated on the net assessed value and the amount of money that the units of government want to raise. The tax rate is the one that goes up and the Circuit Breaker is the catchall. It's like "I don't really care how high your

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tax rate goes up, you are not going to pay more than one percent, two percent or three percent of your gross assessed value”.

Paul Moss: I understand that at a micro level. It is unfortunate that at a macro level, it doesn't ever seem to have an impact for everybody out there. I am generalizing and a vast majority of people are seeing that and are frustrated with that depreciation. It never seems to have any impact on our budget which I wish it did frankly.

Tera Klutz: It will.

Paul Moss: It doesn't seem a significant impact where we actually have to have a little shrinking of the size of government. But that is more philosophical.

Darren Vogt: If we didn't have the Rainy Day Fund, it would.

Paul Moss: I know. Thank you because what you did was basically took me to what I was going to say at the end. Initially I am not real excited about taking money out of the Rainy Day Fund to supplement this. I understand, philosophically, that is what it is there for but I still think and believe that we and all governments need to be in a position where they are forced to really shrink. Until that happens, I am going to have a tough time supporting that.

Darren Vogt: Councilman Howell.

Kevin Howell: Have there been prior situations similar to what we are about to enter into now?

Tera Klutz: Similar as in the fact that we would need to cut or similar economy?

Kevin Howell: Similar economy.

Tera Klutz: Not during my eight years that I am aware of. I know that when I first came onboard, there was a similar situation with the income tax over-distribution. Also, our health insurance was not funded and Boys and Girls School debt was continuing to rise without funding. The County Council that took office in 2004, the people that were here, excuse me in 2003, all of the departments had to cut substantially. I am not sure that it was tied to the economy.

Kevin Howell: Was there a Rainy Day Fund back then?

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Tera Klutz: No. The Rainy Day Fund was started in 2004 with a special tax distribution from the CEDIT, income tax, and the County Council put in \$12 million in 2006 and 2007 combined. The Rainy Day Fund continued to grow from there for statutory reasons. Extra distributions from the State for not giving us enough income tax during the year. They would give us \$2 million of CEDIT, \$600,000 of COIT that had to be deposited into the Rainy Day Fund. The Rainy Day Fund grew to about \$22 million. The County Council had only set aside about \$12 million from the General Fund. It grew, like Roy brought up, on special distributions from the State.

Kevin Howell: Are we in a position to make another allocation to the Rainy Day Fund this time around or next time around?

Tera Klutz: We will look at what the cash balance is at the end of the year and I will probably make a recommendation that we put a portion of that into the Rainy Day Fund or it just disappears into thin air.

Kevin Howell: I agree with Councilman Moss' objectives in terms of holding the line here. We want to make sure that the public knows, not only in my district but County-wide, that this is not a crap shoot.

Tera Klutz: No, it's not. Using money from the Rainy Day Fund and also amounts that you budget are solely County Council's decision. You guys get to decide how much our budget is and how we plan of funding that. If it is over the projected revenue, do you want to use Rainy Day Fund or do you just want to cut budgets. It is completely your job. It is actually what you were elected to do, to be the fiscal body of the County.

Kevin Howell: To make it simple for the public and me, this is my first time doing this, we allocate the money, keep it where we are or simply cut.

Tera Klutz: No matter what, we are going to have to cut \$1.8 million. But, if you decide not to use the Rainy Day Fund, we will be cutting \$6.3 million.

Kevin Howell: Okay.

Darren Vogt: This is nearly eight percent of the budget.

Roy Buskirk: The one thing, for your sake Kevin, when the four of us came on in 2003, we owed the State \$8 million for housing the juveniles. We paid that off over four years. We paid the State \$2 million a year. The interesting thing that you are saying on rollover this year and thanks to a lot of department heads throughout the County that have not filled vacancies that have occurred during the year, the Council really appreciates what the

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departments are doing on that. Some of the rollover that we are going to have and possibly put into the Rainy Day Fund is funds that we took out of the Rainy Day Fund last year to make our budget.

Tera Klutz: For 2011.

Roy Buskirk: For 2011 and so it would be, in essence, the same funds that we took out. It was a little over \$4 million that we took out of the Rainy Day Fund.

Tera Klutz: Yeah, we took \$4.5 million out of the Rainy Day Fund to fund the 2011 budget. I recommend doing the same for 2012. We will re-evaluate and look at the revenues. We don't want to get into the position of taking money out of the Rainy Day Fund that we don't think we are going to recover.

Roy Buskirk: Right.

Darren Vogt: Council, in the interest of keeping us moving, we have department heads and folks that want to get before us for other requests. On the second page of the packet that just came through, there is the budget timeline. Are there any questions on that? Those are all dates that you should be well familiar with. I don't think there have been any changes on those, have there? Our next meetings will be July 20 and 21. If you look at the page past that, this is the department head letter that has been circulated to you for approval. Are there any questions or modifications that need to be made before we send this letter out to the department heads?

Roy Buskirk: Just a quick comment, before you leave the budget timeline, I know some department heads that I am liaison with have asked me about it. Some thought it was kind of late this year because a year ago it was changed. The State, on their cutoff dates, was moved later into the year. That is the reason that there might be some confusion.

Darren Vogt: We used to have to adopt in September, the final budget and now we don't have to adopt until October. You are thirty days later. Are there any questions on the letter or should we send it out as approved?

Roy Buskirk: I read it last night and it seemed fine to me.

Darren Vogt: With that, the letter will go out as written. Are there any further questions or discussion? Be prepared for the July 20th meeting. Auditor Klutz, the July 8th letters are due and how soon do you anticipate having those turned around to us after you get it compiled?

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Tera Klutz: It only takes us a couple of days. We will try to get everything into an electronic format. That is the way that we have asked for it this year. I want to know, do you guys want these forwarded to you as we get them?

Darren Vogt: No, I think one email is sufficient with an attachment that has it all.

Tera Klutz: A summary.

Darren Vogt: If the attachment has it so that we can scroll through them. We can talk more about that.

Tera Klutz: Nick knows how to bookmark in Adobe and index it out. Maybe that would be nice.

Darren Vogt: Okay, whatever that means.

Tera Klutz: It would be by department and you could just click on the side and flip right to it.

Darren Vogt: That would be great.

Roy Buskirk: You can just fax it to me.

Tera Klutz: We have a computer in our office that we are going to help you pull those attachments down.

Darren Vogt: Is there any other discussion on the Preliminary Budget? Let's now move to Wayne Township, Bev Zuber.

Bev Zuber: Bev Zuber, I am the Wayne Township Assessor.

Nelson Peters: Nelson Peters, Allen County Commissioners' Office. This is another request that came before the Personnel Committee a couple of weeks back. It was a request that was being made pursuant to a decision that was made by this body where individuals in the assessing are would receive additional compensation for the attainment of various credentialing. In this case, the Chief Deputy received that credentialing. The recommendation was to move the individual to 80% of the Wayne Township Assessor's salary which would take that individual from \$44,511 to \$47,478. That is the request before you today and it did receive a due pass through the Personnel Committee.

Darren Vogt: Council, questions? Councilman Howell.

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Kevin Howell: Just a comment in general, what is Sam's last name?

Bev Zuber: Sam Walker.

Kevin Howell: I just want to commend him. I met him this morning and had a discussion with him about what he wants to accomplish. In his particular profession, he is at the top of his profession. Is that right in terms of the qualifications?

Bev Zuber: He's actually exceeded some of the administration in the DLGF. Sam has received the designation of AAS which is Administrative Assessing Specialist designation from the IAAO. This is a completely different level than Level One, Level Two and Level Three, all of which he has. This is a designation that only eleven people, in the State of Indiana, have acquired. One of them has two designations and so there are twelve designees for the IAAO. This is a huge feather in the cap for Wayne Township. A huge feather in the cap of Allen County and actually he is the only recipient with this designation in northeast Indiana. It's big.

Darren Vogt: Council, are there any other questions?

Roy Buskirk: This is one of the things that a couple of years ago the Council was trying to encourage additional education. We set up that we would recognize the additional education with a reward in wages. Is Sam here today?

Bev Zuber: Yes. Sam, would you come up? I even made him bring his certificate.

Roy Buskirk: I think the County and the Council wants to recognize your achievement that you have worked very hard for. We appreciate all of your efforts and best of luck in the future.

Sam Walker: Thank you.

Roy Buskirk: I would make a motion that we approve the salary ordinance. I don't have it in front of me.

Paul Moss: I do.

Roy Buskirk: Amended Salary Ordinance 100-1601-419 for the Chief Deputy for Wayne Township in Allen County, Indiana. The salary would be increased from \$44,512 to \$47,478.

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Darren Vogt: Motion, is there a second?

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. With that, we are down to Department 41, IT. Councilmen Buskirk and Brown, this is an item that we are all familiar with.

Nelson Peters: Thank you again. Nelson Peters, Allen County Commissioners' Office. What you have before you today is really two-fold. One is a request for \$700,000 to fund a permitting process that is becoming all too familiar with a lot of people. The other is a request to get you to approve a resolution of an ordinance which will establish a Permitting Oversight Board. It would empower them to do a number of things on behalf of the City and the County.

Tera Klutz: Can I interrupt you for a second? I have a resolution here but I don't have the agreement. I don't have the cooperation agreement. It says that Allen County approves the interlocal cooperation agreement.

Nelson Peters: That was actually emailed out to everybody at about 5:00 last evening. I do apologize. I don't think I have a clean copy.

Tom Harris: I have a clean copy.

Tera Klutz: Okay.

Nelson Peters: I am happy to go over it. I apologize, I really didn't think.

Paul Moss: I knew there was a revision to it.

Nelson Peters: I will be happy to touch base on that. First of all, let me thank you for the time that you took on the 31st to listen to a lengthy presentation. I believe that there were compelling reasons for moving forward on a process like this. I don't want to belabor the issue because you have heard a lot of information to this particular point. I will say that while the proposed ordinance was being updated, I tried to keep as many of you in the loop as I could throughout the last week. I appreciate the comments that we have gotten in return. I have asked a couple of people to come here today in the event that I can't answer all of the questions that you've got. I do know, as an example, a question came up on maintenance. The maintenance is going to stay the same. The dollars are going to stay the same under the enterprise licensing. We are going to be paying \$100,000 a year and will be split

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between the City and the County but now for significantly more licenses on that software than what we were originally looking at. I believe that there is a seven percent escalator clause in the maintenance agreement. While we are looking at \$100,000 this year, it will be \$107,000 next year and so on and so forth. The purpose of making that comment is simply to say to you that it will cost you essentially no more in 2012 and on as it was going to based on the arrangement that we currently have today. One of the other questions that came up was regarding the \$500,000 that is being requested for the re-codification of some of the zoning ordinances. Again, a lot of those dollars will be used to pare down the number of ordinances that we currently have right now and to align land-use ordinances between the City and the County so that people are jumping back and forth between the City desk and the County desk. We asked Kim Bowman earlier this week, because the question came up during the meeting on the 31st regarding the RFP that would probably go out to request those services. She was able to provide a lot of insight in terms of how best to spend those dollars. That is really the start for the Request for Proposal process. The Expediter function has continued to come up in conversation with both you and members of City Council. Again, it is a function right now that is just that, a function. I don't believe it is going to be the intent of the committee, should that ordinance be approved, to expend \$160,000 on one person. In all likelihood, those dollars will be expended on the function which could be a couple of people and as we work through the process, that will be more fully vetted as well. Those are really part and parcel to the questions that I heard over the last week. Again, I apologize for not bringing down a clean copy of the ordinance. What it does is essentially sets up the authority of the permitting group that has been meeting and which consists of a couple of Council people on the City and the County sides as well as a Commissioner and the Deputy Mayor. That appointment is spelled out in there. There is a provision for having open meetings so that others, who may want to come, can have that opportunity. The Auditor has graciously offered to provide minutes to those hearings. She would be the record keeper of those minutes. The agreement would basically recur annually up to three years at which time it would sunset.

Therese Brown: If I may, Therese Brown, County Commissioner. I would want to express to you as well that I have been informed by Deputy Mayor Malloy that the City Council will be entertaining the discussion on this interlocal agreement on the 28th of this month.

Darren Vogt: Councilman Harris.

Tom Harris: The piece that continues to concern me a little bit is the concept of paring down ordinances. Nelson, I think you mentioned that the process for this group to come together and eliminate or reduce ordinances. I have a

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little concern as to why can't we do that now if the ultimate authority is going to come back to Commissioners, if you will, or come back to the Mayor, why wouldn't we be doing that already? Why do we need to spend \$1.4 million to fight ourselves and our own bureaucracy that we created?

Nelson Peters: That is a fair question. In fact, we have been doing that. In 2007 or 2008, Pat Fahey came onboard with the Department of Planning Services to do exactly that. What we are hearing from the business community is that his scope isn't as large as it really needs to be to make the project work and by having the one individual, it is not getting done as quickly as they want to see. It is being done and Pat would work in concert with whatever entity came in.

Tom Harris: In trying to think pragmatically a little bit about this process, ultimately it is going to go back before the Mayor and City Council. I will throw out a bad example, in order to eliminate or reduce an ordinance that says through a permit that we need to have a tree on a certain corner or there needs to be a sign a certain size, the challenge is that politics are going to enter into this process. It lands back before County Council or before City Council. We have a group that says we have to eliminate certain permits to get more effective and more efficient but then the citizens say that they want that tree on the corner or that we should have signs reduced to this size. Where do we end up with \$1.4 million to make those changes only to have politics enter in and stop the process?

Nelson Peters: This piece is only \$500,000 of the entire puzzle. I say \$500,000 recognizing that it is a huge number. One of the reasons that it is a huge number is that you will find that those folks that are doing consulting for government, the fees a lot of times tend to be high in that regard because they have to traverse the political landmines that you just suggested. This process, in all likelihood, would include input from the public. It would include a lot of jockeying back and forth between the various political entities to ensure that there was some agreement. There is no question, what you say is realistic. But again, that is why you expend the funds that you do to put this thing in a nice, tidy little package.

Tom Harris: I guess I will end with this piece but that is why I am particularly concerned with the outcome of those objectives, that we set up, going into this spending process or you make sure that once this is approved we have clear and set deadlines, timelines and goals to eliminate. Otherwise we will be a year and a half into this and the business community or the citizens will say there went another \$1.4 million and nothing changed. And then we report to the business community and the community that nothing has changed which in itself is a bad thing to have to say.

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Therese Brown: If I may, Councilman Harris, one of the other caveats in the review of this process is looking at the permitting through the Building Department and of different regulations, though maybe State required. There may be some caveats there that need to be addressed as well. The second point, specifically to the business community, they are going to be part and parcel to this whole process as well. Councilman Buskirk and Councilman Brown are very emphatic about wanting to make sure, as well as the City of Fort Wayne and Deputy Mayor Malloy, of maintaining that interaction between those individuals that we directly affect. There will not be any disconnect by any stretch, with those individuals that we are trying to correct some of these processes with. We do have and you have probably received it previously, the timeline of goals that we are going to try to shoot for in the process. Again, there is going to be direct involvement of your body, County Commissioners, City Council and the Mayor's Office as well. Hopefully this collective collaboration will keep the momentum moving towards avoiding what you are discussing.

Tom Harris: Anything that we can do, from a County Council perspective, to assure both the business community and the taxpayers in this community, that something comes on schedule, if we need to clamp down or do something different on County Council, we should consider it.

Darren Vogt: I think we have some ideas. Councilman Buskirk.

Roy Buskirk: I appreciate your question and some of this is the fact that we have been working with department heads. With the ordinances, some of the suggestions were from the Plan Commission on the fact that they currently have staff working on it but they would definitely appreciate some outside help on it to get it done quicker. Plan It Allen, in 2007...

Nelson Peters: Probably 2006.

Roy Buskirk: That was one of the recommendations, from that study group, that the ordinances be looked at and there are some other things that have occurred but after a year and a half, we are just now getting to the City ordinance or the County ordinances have similar numbers so that you can eliminate some of the confusion. They just need to be more in depth. Personally I and others on the committee feel that we need to have outside assistance on this instead of having internal staff doing it. It is very easy to assign somebody a job and then something else comes in and they get pulled off that and get assigned to a different job. They don't have 100% focus on this issue so that it can be done. There would be no influence of the department head on that individual that is doing the review because they are outside and not under the thumb of the department head. A lot of the funding

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is going to the Accela program so that we can have someone who is totally focused on that and get it upgraded and make the changes that are necessary so that it can go into additional departments. That is one reason why we are changing the way that we are purchasing the Accela program instead of on a per-computer program and going with a blanket policy and then we can put on as many computers as we want. That is the reason for going that route. As Commissioner Peters mentioned, the maintenance on it will remain the same even though we are adding additional computers onto the program.

Darren Vogt: We are going to go to Councilman Moss and then Brown but on the maintenance issue, I think the reason that we are clarifying that is because at the joint meeting on the 31st, it appeared that there was going to be some additional ongoing expense of \$50,000. That is not the case.

Paul Moss: The \$700,000 is going to be appropriated into what specific fund, the IT Department, right? It's just a generic vendor IT contractual amount?

Therese Brown: That is how we presented it for appropriation but we discussed with Councilman Vogt yesterday that in whatever manner that is Council's pleasure is to make sure that the funds are available and if it is under your purview, that is completely fine. We would like to make sure that we have sufficient funds to be able to have enough for the maintenance and probably segregated and to make sure that it is in the County IT Department. That is to make sure that it gets expedited but for the project itself, under your control or auspices is not an issue.

Darren Vogt: Councilman Moss, we could not appropriate \$700,000 dollars. We do not have \$700,000 in the General Fund. I can't make a motion but my suggestion would be to take the first phase of the process and get the Accela program up and running. Our portion on that is \$180,000. We would appropriate the \$180,000 and then we have in our contractual line \$900,000. We could earmark that money for this process and then we can have some control, as the Council has asked for, to make sure that the process moves along in the right manner and that those timelines are in place. We don't want to be here three years from now and have nothing that has moved forward.

Paul Moss: So as an example, for the Expediter, \$160,000 is our share?

Darren Vogt: That is total.

Paul Moss: So, \$80,000, whatever contract you want to let, that would come to us and we would have to approve it before the \$80,000 is appropriated.

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Darren Vogt: It is already appropriated. To spend it, we would have to sign off on the P.O., right?

Tera Klutz: Yes, the claim.

Paul Moss: There would be no discussion or possibility of public discussion about that contract, in particular.

Darren Vogt: Of course there would be. If, as President, I have to sign the claim, we could have a public discussion.

Paul Moss: Isn't that after the fact if we are appropriating \$700,000?

Darren Vogt: No, from my perspective to get the claim paid, they would have to come to us. I am not going to sign off on it without Council agreement.

Paul Moss: Let's stick with the Expediter piece here. Will we have an opportunity, prior to the Commissioners? I am assuming that they will put out an RFP for an Expediter, is that correct?

Roy Buskirk: No, it would be the Board.

Paul Moss: Okay, the Board has the power to let out a contract.

Darren Vogt: Under this agreement, the Board can do that.

Paul Moss: Okay, they put out an RFP but in order to pay for it, that will then come to us and we will have the opportunity to discuss it publicly before appropriating the money for it, just a simple yes or no on that.

Darren Vogt: No. It is already appropriated.

Paul Moss: We essentially lose substantial control over that then.

Larry Brown: I don't think you do.

Darren Vogt: I would say that I would hope that by the fact that we have two Council members appointed to this Board that they would be getting our input before they approve any type of agreement or contract that would come before us for discussion. They would be making sure that we were all informed on a regular basis. That would be my hope and my suggestion that this happens.

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Larry Brown: This agreement, when you get the opportunity to read it, provides for public meetings. The makeup of this Board is two from County Council, two from City Council and one from each Executive Branch of City and County.

Paul Moss: I understand all of that.

Larry Brown: Public debate, public discussion is during this Board's meetings. I would hope that this Council would have the confidence in Roy and I or whoever Council appoints to this Board, that we would represent this body in its entirety. I don't know if it makes you feel better or not.

Paul Moss: With all due respect and in appreciation for the time and effort that you have put into this, we are at the point now, with both of you on there, essentially supporting what I believe remains to be a very vague process here. The Devil's in the details. We have been through this before. Those of us who have been here a long time have seen this happen time and time again and it is still very vague. I am just trying to drill down a little bit. We have a line item of \$700,000. We have a resolution that was provided at 5:00 last night to review. I just want to make sure that we understand where the dollars are going. We have \$180,000 that is going to Accela. I assume, based on Commissioner Peters' comments that it is for additional licenses and not for the annual enterprise license, correct?

Darren Vogt: No.

Paul Moss: That the enterprise fee is not changing over any time. We are buying additional licenses, is that correct?

Roy Buskirk: No. We are buying the enterprise license.

Therese Brown: We are creating the opportunity for more individuals to be able to go into the system versus paying a site specific, unit-by-unit or ten packages by ten packages and having an increase cost. This allows all avenues of the City and County staff to be able to go in and utilize the system.

Paul Moss: So that is a one-time. I am vaguely familiar with how the enterprise licensing works. Is that an annual expense of \$180,000 to maintain that enterprise?

Nelson Peters: The annual expense will be \$100,000 and you are going to be paying that.

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Paul Moss: That is already budgeted and the \$180,000 is to get us up to that level and won't be a recurring expense. For the merger of the City and County codes, which if I recall from my time on the Plan Commission and I want to remind everyone that we have a joint City and County Plan Commission that was tasked with merging the codes. I can't remember the gentleman's name but he had been reporting rather routinely about that. Now, it is a significant task. There is no doubt. It frustrates me to hear that he can't do it because he doesn't have the time or he gets pulled away from projects and this and that. Well, some of this is about priorities, okay? Is it a priority or is it not a priority? That leads me to my question, how much money are we talking about spending on some law firm or whoever that entity is that is going to come in and assist him? What was that number?

Nelson Peters: We believe, in a worst case scenario, \$500,000.

Paul Moss: I don't know what the salary is for Pat, but \$500,000 seems like a heck of a lot of money, to me. Why don't we just hire one full-time person and dedicate them to that? Somebody has to have some accountability here and that is what they are going to do and nothing more. Pay them \$100,000 and save \$400,000 and that is all they do. Just a thought. I hate to say it but \$500,000 just seems that there have been these issues with the City Council and they are frustrated because of the contracts that the Executive branch puts out there. I think we should be very cautious about those types of things for a lot of reasons, political and other. \$500,000 is an awful lot of money. We are now at \$680,000 if you take the \$180,000 and the \$500,000. Where is the Expediter part?

Nelson Peters: You're talking about half of that \$500,000 because it would be split between the City and the County.

Paul Moss: All right. We do have a joint City and County Plan Department.

Nelson Peters: Right.

Paul Moss: It is still \$500,000 that you could throw at that department. Has anybody given any thought to maybe just hiring somebody and saying that this is your job? That is all you do. You don't go to the front desk. You don't get pulled away on other projects. You are there to make sure that these things get done.

Larry Brown: Yes but we want it done in months and not years.

Paul Moss: Who says it is going to take years?

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Roy Buskirk: The Plan Commission.

Paul Moss: Okay, so let's say it is a law firm that does this. What do you think their rate is going to be?

Larry Brown: We have obtained a couple of ballpark estimates. We don't have an RFP or an RFQ so we don't know for sure. We've nosed around a little bit and think it is a pretty fair estimate.

Paul Moss: I don't have any other questions. The only other comment that I would have is that basically this resolution identifies nothing more than the membership of the committee, how often they are going to meet and their responsibilities for hiring and terminating Program Managers. I assume that means the Expediter. This is a significant amount of money and I think it feels like we are writing a bit of a blank check. The toothpaste is out of the tube. We are all getting calls from the people in the business community. I have had several calls from folks who eventually acknowledge that they were prompted to do it by the Chamber. None of us are going to sit here and say that we don't support business. We want to make sure that businesses thrive and I certainly feel the same way. I just hope that we all remember, a year from now as Councilman Harris said, to see what changes there are. I continue to believe that this is a systemic problem. We are living in an over-regulated society. We are not addressing that. We are not addressing the fact that there needs to be actual accountability in these departments. That accountability, with all due respect, lies at the executive level. But we are not talking a whole lot about those issues.

Darren Vogt: That is the question that I want to ask. Accountability is important. As we look at the results of the survey, a lot of that is driven on customer service. As I run a business that is customer service oriented, if I get complaints about staff, it is my role as the leader and owner of the business to go in and make sure that my staff understands the corrective actions that need to take place with attitude. Do we have buy-in, and I am going to ask you two gentlemen and the Commissioners because you have been involved intimately with it, do we have buy-in from the Board? The problem, to your point, there is no executive level with some of these departments because they are appointed by Boards and hired by Boards. They aren't department heads and they aren't appointed by the Commissioners or the Mayor. They are appointed by an actual Board. Do we have buy-in from all of the Boards that represent that there is a problem and they recognize the problem and that attitudes and adjustments need to be made on the service level?

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Therese Brown: If I may, I believe so. You make a fair statement. We do have one separate elected official who is onboard with trying to do whatever he can. That would be the Surveyor. He wants to make sure that he can figure out how to expedite things in a more favorable fashion. There are a lot of drains and ditches that go on in this County but one of the things and one of the factors in this survey and on top of all of this is the website web portal process and getting even that piece where people can track the process. The accountability and customer service aspects of it will be addressed there. I'll be honest, if we are being given lip service by department heads or elected officials or appointees of Boards, it will become very apparent once this portal is up and running and the Accela program is fully engaged, you will be able to track the process. As the consumer on the outside, the department head will be able to see who, in their department, is not necessarily pushing things through the process or what Board or Commission may be a hiccup in this. Ultimately, I think the transparency that we all say that we want to have in government should be vetted through this process. Again, Councilman Moss, this is a lofty goal. It has taken a lot of years for this process to get as rigged up as it has been. It is political, Mr. Harris. It's going to be. It is going to be a lot of pushing and shoving. A lot of individuals are probably terrified that they are going to have to address some things that they probably wouldn't necessarily want to address. Ultimately I think some of these advancements are going to answer some of those questions for you. I think, at this stage, both Commissioner Peters and I believe that we have buy-in from our department heads.

Darren Vogt: I guess I was really concerned about Boards. Do you two have any different opinions on the Boards that oversee folks where there are customer service issues? Are they involved in the process?

Larry Brown: I can't speak to Boards but I can speak to departments. As you all know and heard and read, there are seventeen or more departments involved in the process. From my perspective, all of those departments are doing their job, in their specified area, to the best of their ability. We have some extremely good department heads and extremely good departments that function great. Where I think things tend to get a little sideways is nobody sees, what I call, the big picture. This department does their thing and this department does their thing and they both do a great job but who brings it all together so that the project or the development moves through? This department says that they have up to thirty days. This department has up to thirty days. A certain executive branch has ninety days. The can take all of those days but do they need to? I don't think so. If you can't stand the heat, get out of the kitchen. Do your job, get it done timely and move it through. That is what we are trying to do. It is a paradigm shift. We need to change the approach and the attitude of local government towards

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development. Get out of the regulatory mindset and get into the customer service mindset. I think Roy and I both agree that we think we have a chance to do it. The window is short, meaning twelve months, eighteen months or twenty-four months tops. We need to make some changes. Everyone may have different opinions about this but the economy may be in a position to change. We know that the State is very attractive, compared to the surrounding States, to come to Indiana to be treated tax-wise fairly and develop in Indiana. We need to seize the moment and make it easier, I am not saying that they don't have to follow the rules, I am saying make it more timely. Time is money, in business.

Darren Vogt: Councilman Moss.

Paul Moss: The ordinance, in here in section four, says that the committee has responsibility for hiring and terminating Program Managers as necessary. Can you identify what Program Managers would fall? Is that just the Expediter? You specifically identify the Expediter throughout here but then you say Program Managers. What Program Managers would the committee be able to hire?

Nelson Peters: Part of what we have identified as lacking is exactly what Councilman Brown just identified. That is the person to begin to tie this whole thing together. We've got process implications and we've got customer culture-type implications.

Paul Moss: So, the consultants, they will be able to hire and fire consultants.

Nelson Peters: Right.

Paul Moss: Okay. But no authority over department heads or anything like that. That will remain with you all, I presume.

Nelson Peters: Well, again, you say that but we have seven departments on the County side that are part of the permitting process and we, the Commissioners, only have direct oversight over three of them.

Paul Moss: Right. An elected official is of one.

Nelson Peters: Right.

Darren Vogt: That is why I asked the question on buy-in. Councilman Harris.

Tom Harris: I am kind of back to a point that I asked earlier. How do we know if we are successful in this process? Ultimately one of the things that

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we continue to hear is customer service skills need to be improved and that we need to do better in customer service. It truly doesn't take \$700,000 to make that improvement in customer service. We should be able to do that pretty successfully for a lot less but is it the number of ordinances that we have? Are we going to be reducing the number of ordinances? Which of those two are more important? If we hear mostly that it is a customer service issue, we need to be treating people better and our business community faster and more effectively, does that weigh heavier than elimination of an ordinance? If a \$50 million or \$70 million project decides not to land in Allen County, is that based on the ordinance that we could have eliminated or should have eliminated? There are so many variables that can play into this. It's frustrating.

Nelson Peters: There are a lot of variables.

Tom Harris: Ultimately, how do we know that we are successful?

Nelson Peters: I think we know we are successful when we've decreased customer dissatisfaction metric to below thirty percent. For all of the questions we have asked when we have fully deployed a customer-facing system within eighteen months. When we show that we are exceeding the State's average on jobs by one percent and when we reduce the number of redundant ordinances. You have mentioned a lot of things and I suppose in some cases there will weigh heavier priorities on one element than another. There are five things that we have identified, as a group, that we felt would show success when we are done with the project.

Darren Vogt: Will this be officially adopted at some point, by the group, once this memorandum passes, if it passes? I am assuming that if we are going to move forward with this it is going to have to at some point in time. Will those metrics that you just talked about, right now they are in writing, but will they be codified, at some point in time by the group, once the group has an official memorandum of understanding? This is our charge to do X, Y and Z that you just mentioned?

Nelson Peters: They could but again, we have publicly stated that these are the things that we think are necessary to show success. We have agreed, at the table, that these are the things. If that is a requirement by both bodies, we will do that.

Darren Vogt: The only reason I ask is because that would give us as things change, we should see gradual improvement in those numbers and it would be a way, if this is an eighteen month process, to see the improvement. That is why I was trying to make sure that we had some sort of mechanism to

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track and make sure that if the paradigm is shifting, we want it to shift quickly. Customer satisfaction numbers are easy to move quickly, I think.
Councilman Moss.

Paul Moss: How much of the \$700,000 or \$1.4 million, I should say, was dedicated to the customer service piece? The reason I ask, and if you don't know the number that's fine, was there some consideration given, particularly the front office folks, you are going to have turnover there. I don't know what the turnover rate is currently but you are going to have turnover. We hire a consultant and make that consultant feel good and stimulate the economy, in that regard. Then you have turnover and do we have to hire that consultant or another again to come in and teach the new folks customer service or do we just want to hire someone within the HR Department? I think our HR Department does a good job. Why don't we hire somebody in there that has some customer service experience and then you can have them there on an ongoing basis. Is that given some consideration or not?

Nelson Peters: The first part of your question is that \$50,000 has been identified as needed for the initial customer service phase of it. Part of what we have identified is along the lines of what you just suggested. It goes more to the tune of "Train the Trainer" type of approach where we will ultimately have individuals in each department who are capable of providing the individual departmental training because you are going to realize that customer service training will vary from department to department to department. If we can identify people within those departments and train those people, then I think you get a start towards what you are talking about. A lot of that will be done within the County's Human Resources Department.

Darren Vogt: Council, are there any further questions or discussion?
Councilman Buskirk.

Roy Buskirk: As far as the different departments stepping forward, they have been in many, many of our permit committee meetings. We have had discussions with them and suggestions from them. The Planning Services Director is appointed by a governing Board and I represent the County Council on that governing Board. Commissioner Brown is on that governing Board representing the Commissioners. In many different ways we reach out and touch all of the different departments in one way or another. In talking with several different County employees and department heads, there have been some that are kind of nervous as far as what this Board might do. I have personally assured a lot of them that if they are doing a good job, they have nothing to worry about. If they are not doing a good job, they do. I have tried to reassure them that they will not be tossed out. Again, a part of the problem is on the ordinances, he has not been able to have his full time on

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the ordinance situation. In part, there are other jobs that he has been asked to do and has been pulled off that. I think it would be better to just have a consultant or additional help that will not become a County employee because the job would terminate when it was over. Actually it was Kim Bowman, with the Planning Department, that felt it could cost as much as \$500,000 to have the complete system done. It is more than just the Planning Services Department ordinances. It is also some of the regulations that we have with the Building Department that would be included in that. There are many different facets that have to be looked at. That is the reason instead of putting someone on staff or one department or something needs to be able to move through the whole economic permitting situation and look at many different facets. I don't want any misunderstanding in the fact that I think somebody mentioned about the County and the City as if it would be a combined ordinance. There won't be one set of ordinances that would be City and County. Each individual government unit has some unique personalities that it would not be attainable. They can mirror each other in many circumstances too. This is one reason why, if you are developing in the County for one project and your next project is in the City, you need to be close so that you can easily refer from one to the other. I realize and ask for your understanding in the fact that these numbers are not nailed down to an exact amount. You can't put out an RFP until you have the funding. That is the reason for the \$500,000. We were given a range of \$350,000 to \$500,000 or something like that. The other main important thing is that it is a three-year sunset. If it is not accomplished in three years, somebody really screwed up. I can assure you that Larry and I will be working on this a considerable amount of hours. We have been meeting sometimes every week and sometimes every other week to be able to get this information put together.

Paul Moss: That is greatly appreciated and I respect you for doing that. I have absolutely no problem with the IT investment. I think that is critical and I think it is a little sad that we didn't think about that before. We have been talking about this for so long but it is what it is. I certainly support it but that is a small part of it. When I talk with those folks that have been prodded to call all of us, I have asked them very specifically for examples. It all kind of comes to the customer service and the IT piece and not being able to go online. Perception and a lot of perception, I heard that repeatedly. If you don't do this, the perception is going to be that we are not business friendly. There are a lot of people struggling out there to pay their property tax bills and this is a lot of money to throw at something for perception. I may not be on here when this is all done and if I'm not, I will be sitting out there and coming to the podium to say "What happened?" That is a lot of money to spend and I just hope that we do our job and really track this. I do appreciate what you guys have done. There is no question about that.

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Darren Vogt: Council, let me rephrase where we are. Currently we have on the agenda a Vendor IT Contractual amount of \$700,000. The discussion has been made to approve the IT portion of that at \$180,000. The conversation was around appropriating that into the IT Department and then taking the \$520,000 out of the Council's Contractual line. We would then also need to approve the resolution before us. It does not have a number on it.

Tera Klutz: We didn't have it. I don't have a clean copy. I have a page two that has omit by the letter C.

Darren Vogt: Actually, I think that all we need to do is this resolution.

Larry Brown: Just so it is clear, that omit is for the letter C and not the verbiage.

Darren Vogt: Yes, that is just a typographical error on the paragraph, punctuation scenario.

Tera Klutz: The resolution, on that one page, says you are approving the document. They have to go together.

Darren Vogt: Okay.

Tera Klutz: As long as you have both in the complete form, because we can't change it. If you approve that today, whatever we have at this table is the approved version.

Darren Vogt: This is what we would be approving. Can we make a motion to approve it with the omission fixed and then have it fixed and then approve it?

Tera Klutz: Whatever you have in your hand, I don't know if you have had the opportunity to read it, then you can approve it. We will just take it and put it into the record and whatever it is, it is.

Paul Moss: I have one question though. Was the resolution on the agenda?

Tera Klutz: No. I didn't even know it was going to be brought today.

Paul Moss: Is it even legal to approve a resolution that has not been...

Tera Klutz: You can because they don't have to be advertised.

Paul Moss: Okay. Well, if everybody is comfortable with it.

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Darren Vogt: So those are the three things that we need to be able to do. We need to do the resolution and the money situation.

Paul Moss: Move for approval of Department 41, IT, Vendor IT Contractual in the amount of \$700,000.

Darren Vogt: That should be...

Tom Harris: That should be \$180,000.

Paul Moss: I'm sorry, \$180,000.

Bob Armstrong: Second.

Darren Vogt: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0.** We would also need some sort of, Auditor Klutz how would you like that, in the form of a motion to set aside the money in our contractual line?

Tera Klutz: I would make a motion to your fellow Council members.

Darren Vogt: As President, I can't make a motion but if we want to appropriate the additional \$520,000, we have that in our contractual line for Council. It is already appropriated and we would have to earmark for that.

Roy Buskirk: I would make a motion that we earmark \$520,000 from the County Council contractual line item to the Joint Oversight Permitting Board.

Darren Vogt: We have a motion. Is there a second?

Bob Armstrong: Second.

Darren Vogt: **All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0.** We need a motion for the resolution that is before us that we discussed with the "Omit C."

Paul Moss: Move to approve the interlocal cooperation agreement for the operation of the Joint Oversight Committee Permitting Board for the County of Allen and the City of Fort Wayne with the corrections as noted.

Darren Vogt: There is a motion. Is there a second?

Kevin Howell: Second.

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Darren Vogt: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0.

Nelson Peters: Thank you very much.

Darren Vogt: Good discussion, Council. We are now onto Department 43, Human Resources requesting some salary ordinances.

Larry Brown: While they are walking up, did we not have to approve this resolution with a resolution number?

Darren Vogt: We will normally affix a number to that.

Tera Klutz: Because it was read, we will have to attach a number to it but we just got it this morning. We don't have a number to assign.

Roy Buskirk: What he is talking about is that we actually had two things that needed approved.

Darren Vogt: This resolution approves this. Is that what you were asking? Sorry for the interruption.

Nelson Peters: What you have before you is a request for two salary ordinance changes. This is the second part of the reorganization that we brought to you two months ago. Now that we have a full-time Human Resources Director on board, we thought it appropriate to do some reshuffling. You approved the first half of the reorganization two months ago and we are before you again. The first request is a salary ordinance for the classification for the Assistant where the position was actually downgraded. She is currently at \$38,324 and was actually downgraded to a salary of \$31,541. We are asking for that particular position to be what we call red-circled. That would be kept at the current rate until such time that the cost of living increases catch up and then put it on the grid where it ought to be. Second request was an amendment to the salary ordinance for the Director of Human Resources with a request for a salary of \$65,000. If you look at all of the savings in the department, the reorganization will actually save the 100 Series, in that department, \$1,648. All of this reshuffling has been able to happen with a savings of \$1,600.

Darren Vogt: Council, questions?

Paul Moss: Did the Personnel Committee discuss this?

Roy Buskirk: Yes.

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Nelson Peters: My recollection is that both of these were approved. I will tell you, before Councilman Vogt gets to it, there does need to be a discussion on the red-circle criteria. There was a time when about nineteen of the thirty-eight positions that I talked about earlier were brought to you several years back and this Council said that the individual would be red-circled for a year. Then the salary would go down to what the classified salary actually was. I think what I would suggest that we do is have the Personnel Committee go back and provide a proposal to you on that very red-circling for discussion in the future. We haven't done that, at this point, but I do recognize that as we go through the classification system and some positions are actually downgraded, we need to be able to figure out how to appropriately deal with them.

Darren Vogt: Council, I will tell you that I did some math and if we were, and we haven't, to give a person a three percent continually, it would take seven years to eliminate that red-circle. I've got grave concerns not only as a taxpayer but as a precedent that we are not putting something in place like we did where we allow them to go one year and then back down. To continue to pay this person over twenty percent more than the job duties are qualified for, I struggle with that and will not support it. Is there any further discussion on the item?

Tom Harris: My comment would be that now that we have the HR Director in place, the challenge becomes strategically for the County. We have a number of issues that have to get resolved. On one hand, certain positions are being identified that they've got to be reclassified, reassessed and we need to do those. We've got the red-circle issue. We've got a shrinking budget. Somewhere we are going to have to find balance in strategy rather than fixing the squeaky wheel concept of whoever shouts the loudest at the right moment gets it. We've got to think through this from a strategic standpoint, a long term fix of three or five years. If we've got a backlog, which is indicated that we may have a backlog, that needs to be reassessed by the County coming forward and recognizing that these positions should be paid more because they are not being paid enough. Council is placed in the position of not to approve that and that is a pretty awkward place. I think we need to think strategically about what positions need to be reassessed. As we all know from a budget perspective, if employees and department heads are not getting increases in these positions based on annual increases, the avenue that they have to be able to rectify that is to reassess the position. All of a sudden, backlog gets more intense and the strategy gets more challenging. From the HR Director, we need that strategy.

Cathy Serrano: If I may, Cathy Serrano, Director of Allen County Human Resources. One of the things that I believe Council is aware of with our

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addition of Tracy Mitchener, Compensation Specialist, is that she has been tasked with sort of being the stop gap for stopping some of that from happening. She is giving some significant push back with some of these departments who are bringing forth some of these positions and wanting them reclassified upwards. We really have to justify that and we do have a strategy in place that we are not just looking at that as a department by department by department or looking at the individual currently in that position. It has to be the position itself. It has to be objectively looked at and compared to the organizational structure and what that position really brings to that department. We are looking at things like that and not going piecemeal here and there just because they are not getting those raises.

Tom Harris: I understand that. The challenge becomes, let's say there's a hundred that we feel need to be reclassified. Is that something that then is done through the HR Department and then lands in front of Council that says there are 100 people that are not paid properly?

Cathy Serrano: I don't have a feeling that we are going to have a large number like that. I think we are going to have handfuls, here and there, that weren't properly classified in the previous go-through. I think they looked subjectively at some of those positions instead of looking at it objectively. We are going to find a handful. As in this case where it was classified too highly and we are putting it back down where it should be. We are going to find a few, like Mr. Ortiz, who never went through the classification process at all. He was just given new duties and new assignments and christened with the title and they didn't do the classification part of that. We are going to find a handful but by and large, when we went through that large process a few years ago, we weeded out a lot of that. Hopefully we are only going to find a few instances of this and if we keep control over it, and we keep that push back where we are looking objectively at those positions and the essential job descriptions and what they really need to be doing and how that applies across the board with that organizational structure, we are going to limit the amount of those that you are going to see.

Tom Harris: I do concur and do understand the red-circling concern that was mentioned. In theory, when we identify a position as being paid so much and now the job is actually supposed to be paid here, what is supposed to be happening each year, they keep getting paid more to the point that we're going to stop. But guess what? If Council is not approving increases each year, that goes on and on and on. We need a strategy to deal with it.

Cathy Serrano: We really do need a policy on the red-circle issue so that we are not just trying to re-address it each time we have a situation come up. We really need a formal policy adopted, at some point, so we know going forward

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how exactly we are going to handle it and no one is getting treated differently than someone else.

Darren Vogt: We did address that, to some extent, last year when we went through the process. We did it for one year or six months.

Roy Buskirk: One year.

Darren Vogt: One year and then it was reverted back to that job. Why we set that as a precedent and now, all of a sudden, we haven't done that with this particular position. I am not sure why that decision was made or maybe the memory wasn't there at that particular meeting. That is what we set forth as our policy not formally in writing, to your point, it should be in writing. We didn't do anything other than yes you are overpaid currently and based on the job duties and titles, but now we are going to fix that as any responsible taxpayer would expect us to.

Nelson Peters: We basically looked at that policy for those positions only at the time. I guess we didn't hear that it was a County-wide edict. To that, I would say if that is to be the policy, then I would request that the policy apply on both sides. A little while ago, Mr. Ortiz was told that he was going to have to wait three years to get to where he needs to be as far as salary but yet when we find the opportunity to bring somebody down, the idea is to bring them down a lot more quickly.

Tom Harris: And there is the need for the strategy.

Nelson Peters: Absolutely.

Tom Harris: By suggesting that you are not in favor of the red-circling, I guess I need some clarity. Does that, in essence, mean that you are not reclassifying the position down?

Darren Vogt: No, I am in favor of reclassifying the position down but not red-circling the person's salary at \$38,324 which is over 20% higher than what the job is.

Tom Harris: Suggesting that possibly the amount goes down.

Darren Vogt: The amount goes down or we follow the same process that we did last year. Was it last year?

Tera Klutz: A couple of years ago.

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Nelson Peters: Actually about three years ago.

Darren Vogt: To your point, the policy wasn't set and I don't disagree that it wasn't set and it wasn't said that it was County-wide. It was a precedent that we made, as a Council, to go and say that we are going to leave it for the remainder of that year or whatever we did. Then we would put it back down the following year, I believe is what we did. I don't know that we did it for a year.

Jackie Scheuman: The reclassification came before you in the springtime and you left it until the next budget year. It wasn't a full year. When the budget year kicked in in January, they were brought down.

Darren Vogt: That is what I thought it was too. That, I would be in favor of because that keeps us consistent in what we do. To your point of the situation that came before us with the position that went up \$20,000 and some, you are right. There needs to be a consistent process for what we do and how we implement it. Is there any further discussion?

Tera Klutz: You could always amend the salary ordinance on the fly. If you want to red-circle it for a specific amount of time, you can write that in and read it into the record.

Tom Harris: So in other words, you could say that it is red-circled until the end of the year. Starting in 2012, that change would take place.

Tera Klutz: Right.

Jackie Scheuman: I would just need direction because at budget time I compile the entire salary ordinance for the entire year. If that is your policy, at that time I will go through and correct the salaries and put it on the 2012 salary ordinance.

Darren Vogt: Councilman Moss, you have something in your hand and look like you like the idea of something.

Paul Moss: Move for approval of a salary ordinance amending the pay for an employee within the budget of the Allen County Human Resources Department, 100-4301-411, Assistant, classification from OSS 5/5 to OSS 3/5, salary from \$38,324 to \$31,541 to be red-circled at \$38,324 until the establishment of the 2012 budget year.

Darren Vogt: We have a motion, is there a second?

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Tom Harris: Second.

Darren Vogt: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. We also have another one in front of us.

Nelson Peters: The second request is for an increase in the Director of Human Resources to a salary of \$65,000.

Darren Vogt: Council, are there any questions on this? Again, it is part of the reorganization.

Paul Moss: Move for approval of a salary ordinance amending the pay for an employee within the budget of the Allen County Human Resources Department, 100-4301-411, Director, classification is EXEC with an annual salary of \$65,000.

Darren Vogt: Motion, is there a second?

Bob Armstrong: Second.

Darren Vogt: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 7-0. We are on page two of the agenda.

Paul Moss: We've had this discussion before but I think I recognize people out here. It looks like we have two sitting Judges out here that have been sitting here for a while. It seems to me that we need to move the agenda. I don't want to live in a hierarchical society but I know how court calendars are and all of that. It is frustrating to see that.

Darren Vogt: The hard part is that we don't know how long discussions are going to take.

Paul Moss: I know.

Darren Vogt: I didn't anticipate the discussion of the...

Paul Moss: I thought we were going to do some sort of pager system or something like that.

Darren Vogt: We talked about it but it never worked.

Tera Klutz: We had done that a while back and it didn't work. To your benefit, they were told they didn't have to appear.

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Darren Vogt: Let's move along to Department 62, Superior Court. Commissioner, are you handling these as well?

Nelson Peters: Only the top one. The others are grants. That is a request for a salary ordinance for the Family Court Coordinator with an annual salary of \$30,169. I don't recall and may need some information from somebody back there, but I think it was paid out of a part-time appropriation. Can you lend me a hand with that?

Tracy Mitchener: Tracy Mitchener, Compensation Specialist. It was a part time grant funded position. In 2009, they were given a full-time position but due to budget cuts, that position was cut right away. Now they are just requesting this position to come back for the 2012 budget.

Nelson Peters: Reinstated. It did go through the Personnel Committee and received a due pass as well.

Darren Vogt: Council, questions? I do have some in a minute. Councilman Buskirk?

Roy Buskirk: It's hard to see to the back row but I think the Judge is back there.

Darren Vogt: Council, while Judge Pratt is coming up, recall that the letter talks about allocation increases and the fact that we probably won't be seeing allocation increases. Judge, when you are here and I am looking at the request, you are actually looking at this being an allocation increase for the 2012 budget. Is that a fair statement?

Charles Pratt: With the request of the restoration of that position, whether or not that results in an increase in the allocation was yet to be determined. As we were unsure as to what the action of this Council was going to be with regard to the Superior Court's allocation. We recognize that this may result in a moot point if we actually have to do budget reductions or don't have sufficient funds within the allocation that you provide to us. This was prior to the most recent advent of information.

Darren Vogt: I realize that but was just making sure and clarifying with Council as to what we are looking at. I will open up for questions before I start. Council, questions? Okay, so I will start. Judge, you currently don't have the position at all?

Charles Pratt: We came to Personnel in 2009 or 2008 and received an additional person within the division that I operate for Child Abuse and

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Neglect cases, dissolution matters and adoption matters. We were favorably granted authority and the Council acted to give a salary ordinance. Within a year of that time, everything went south with the economic recession. This was one of the positions, with being one of the newer ones that we chose to lay off. Another one was one in the Criminal Division and last year was restored. In the interim, we have used grant funds to do on a part-time basis to achieve some of the needs that we have with regards to serving the increase of constituents that we have in both the CHINS area but primarily this is being focused on a Family Court process that is collaboration between the Circuit and Superior Courts. It provides information sharing so that multiple judicial officers can be aware of the different things that family members are involved in so that we do not replicate services requiring them to be jumping in multiple hoops. Also it is to make sure we understand what different dynamics are going on with that family as we prescribe various treatment modes, especially in the Child in Need of Services mode. We also have had a significant increase, more than double in the last couple of years, of self-represented litigants. These people come with extraordinary needs and a lot of questions, as you might imagine, in terms of going through their divorces and divorce modifications and other matters related to their family. It puts extreme stress on our existing staff in answering those questions and taking time from their regular duties. This individual is part of a movement within the State of Indiana through Family Court processes to provide additional assistance to those constituents to make sure that they get access to the courts.

Darren Vogt: So funding this position for the remainder of this year?

Charles Pratt: No we were asking for restoration of this position for budget year 2012. That was our original request to Personnel.

Darren Vogt: Okay, so I guess I am a little confused as to why this would come before Personnel before the budget hearings. Why wouldn't it come to budget hearings?

Tera Klutz: They just wanted to ask you now. Whether they get an increase in their allocation or a reduction, I guess permission to add a new salary line as long as they maintain or are within their allocation. It would be nice to know if you guys approve of that.

Darren Vogt: So from a technical standpoint, we could approve the salary ordinance with no funding whatsoever.

Tera Klutz: Right.

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Darren Vogt: And if he finds within his budget or whatever his allocation is that the priority is to fill it, then he can fill it with whatever money we give him.

Tera Klutz: Right. We actually don't approve the 2012 salary ordinance until the budget adoption. However, having the discussion early will just let them know that they can add positions as long as they stay within their allocation. You would formally be letting them know by a straw poll vote. There is nothing to sign today. The salary ordinance for 2012 will be later.

Darren Vogt: All right. Councilman Buskirk.

Roy Buskirk: The one thing is that the workload is substantially more because now you have many people doing their divorce proceedings that represent themselves because they can't afford to hire an attorney. In the information that was provided to you, I just wanted to point out that in 2006 it was 606 cases and last year it was 949 cases.

Charles Pratt: That is Superior Court alone. This position would also provide services for the Circuit Court which has had a similar increase.

Roy Buskirk: They were included, both Circuit and Superior Court.

Charles Pratt: Oh, they were included. I thought the original numbers that I gave were just Superior.

Darren Vogt: They are both in here and actually Circuit Court is down.

Roy Buskirk: I would make a motion for a straw vote to show support for this position.

Tera Klutz: If they choose to fund it.

Roy Buskirk: Right, if they choose to fund it.

Kevin Howell: Second.

Darren Vogt: Discussion. Here is the concern from a budget standpoint. If we are going to add staff but yet some people are going to cut staff, that scares me a little bit. From my perspective, I don't say that this position is potentially needed but the situation is this, we don't have funds and we are going to maybe need to cut positions yet we are going to allow other people to hire people for within their allocations. It just doesn't seem equitable to me.

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Roy Buskirk: I think that would be a discussion at budget time as far as cutting positions or cutting wages to be able to balance the budget. The straw vote is basically showing support to the Judge. The workload has increased tremendously. I think there is also potential savings from the position, isn't that right Judge?

Charles Pratt: Right. By way of example of understanding what various responsibilities may be imposed on a particular family member in multiple court situations, we don't replicate those same services. There was a father who comes into my court on a Child in Need of Services that may also be under Adult Probation. By being aware of that through the services of this employee, I can then find out what the requirements of Adult Probation are and if they meet the outcomes that we need in our Child in Need of Services case, then I don't replicate those same services. I accept those reports from those services as being compliant with the requirements that I am putting that father through. An obvious example is random urinalysis testing. Rather than having DCS and others in the County complete random urinalysis testing on that individual and having Adult Probation doing that, we simply accept the results that are generated through Adult Probation. There are some consequential savings.

Darren Vogt: Councilman Howell and then Harris.

Kevin Howell: In a nutshell clarify for me Judge, this position if you decide to have one, would be a person who is finding out what is going on with the right hand and the left hand.

Charles Pratt: Through the Family Court process that has been endorsed by the Supreme Court, they review all of the records of the potential cases and all of the different case management computer processes that we have to determine where their entries are in various cases within a particular family. We get an entire report on an entire family and what requirements that they are expected to keep. That information is shared with the various judicial officers so that we are all aware of what each other is doing for that particular family.

Kevin Howell: So everybody is on the same page.

Charles Pratt: Everybody can be on the same page as a result of receiving that report. That doesn't happen otherwise.

Tom Harris: During the Personnel Committee meeting, there was an extensive discussion and the Judge shared a good deal of information about the need for this position and I voted in favor of it with the Personnel

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Committee and I am in favor of it now. I guess the challenge then becomes if there is not an increase in the allocation to that department, then you would have to assess priorities if this becomes full-time or something else.

Charles Pratt: We recognize that.

Darren Vogt: Councilman Moss.

Paul Moss: I am just trying to understand your comment in terms of the whole budget. I think part of our job is to prioritize. There may be departments that actually need additional staff. Are you saying, just in preparation by laying down the gauntlet, that you don't see any of that occurring?

Darren Vogt: I think it is a challenge to hire new employees.

Paul Moss: I would absolutely agree but the challenge is to also look at areas where they may not need as many employees, netting it out, hopefully. It is just about priorities and in my opinion this appears to be a priority.

Darren Vogt: I don't want to set the precedent that at this point in time that this position is a priority over another position when I don't know what all of the priorities may be. For me to say yes I support this position puts it into a different light than maybe a position that could come in Economic Development or any other position. Right now I am only looking at it from right now.

Paul Moss: From a timing perspective, I agree.

Darren Vogt: That's the problem that I have. It may be that if he can get it within his allocation and everything else works out, then so be it. At this particular point in time I can't support it because I really think this is a budgetary decision and should be made during the budget time and when we look at allocations and say here it is and this position needs to be in there. Then maybe that is an okay decision but right now it is a little out of the norm of where we are right now.

Paul Moss: I tend to agree with you there. I believe the position is necessary but from a protocol and procedure standpoint, it is a bit unusual and what is to keep us from having the floodgates from people who come up here and ask us to have a straw vote to see if you are going to approve this.

Darren Vogt: Councilman Howell. We do have a motion and a second on the floor.

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Kevin Howell: This possibly sways the thinking. Is it possible Judge, things being as they are right now, if you make a determination that you need this person here, is it possible that you can bring it back to us for our say so on it?

Charles Pratt: Jerry, do you want to step up?

Jerry Noble: It would be incorporated into the budget for 2012 and at that point it would come back before the Council.

Kevin Howell: So we would have some final say so as to whether this is possible or not.

Jerry Noble: Certainly. The Council's practice is to issue an allocation amount and then step back and let the departments apply that. We would simply ask that in the allocation decision that the Council makes that some consideration be given to this.

Darren Vogt: They are asking for money before the budget process. I am going to read to you what we approved at the beginning of the meeting. "At this time, we do not anticipate any increases in General Fund allocations." That is the first sentence of paragraph three. I hear what you are saying and I understand that but at this particular point in time, we don't anticipate any additional funding. I guess I am alone on an island and I am okay with that. Let's finish the discussion and then move on from there. Is there any further discussion?

Roy Buskirk: Yeah. What we have done in the past and for Councilman Howell's understanding, we don't go through line by line items in any department's budget. We approve a number and it is up to them to allocate the funds as they so choose. I just wanted to show the Judge that we do support it, if that is the way that the vote goes. It would be up to his staff to be able to find the funding for it. If not, it would be like in 2009 and you would have to cut the position.

Tera Klutz: I just wanted to piggyback off Roy's explanation of the prior budget procedures of this Council for the new members. You would give an allocation based on the priorities of Council. Whether you increase one or decrease another or decrease them all, you guys determine that at the budget table based upon your priorities. Then when they are handed out, it is left to the departments to operate their portion of County government within that allocation. If they choose to say "I cannot do it" and they submit a higher budget to you that is when the Council goes line by line within their budget. It doesn't happen often but we call that a budget appeal. Then you would go

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line by line, within their budget, to determine if you agree that they cannot live without any more money.

Roy Buskirk: I call for the question.

Darren Vogt: We have a motion on the straw poll. Is everybody clear what the motion is? All those in favor please signify by saying aye. All those opposed same sign. The motion passes 5-2 (Moss and Vogt).

Charles Pratt: Thank you.

Darren Vogt: Thank you, Judge. We have permission to apply for the Reform Grant from Indiana Supreme Court.

Jerry Noble: Can we take the HOPE Grant first?

Darren Vogt: Sure.

Wendy Davis: Wendy Davis, Judge in Allen Superior Court Criminal Division. Good morning, Council. Thank you, Jerry. We do have a new Magistrate holding down the fort in the Criminal Division, with all of our calendars this morning. All of my other colleagues are out and so I appreciate you getting me in. I am here this morning on a wonderful opportunity for our Criminal Justice system. I am here on behalf of Allen Superior Court but specifically the court that I am in charge of and oversee. I am here with our Chief Probation Office, Eric Zimmerman. Just by way of background, I am sure that many of you have heard all of the legislation going on and the concerns that we have in the Criminal Justice system with prison overcrowding, recidivism rates that are sky high and through the roof. Since I have come onboard, with the help of Eric Zimmerman and so many others, there is a new program that we would like to implement specifically in my Court. I call it the HOPE Program because it is modeled after a Hawaiian program that my predecessor had looked into prior to me taking the bench. I've named it Hoosiers Opportunity Probation with Enforcement. Basically it is an intensive probationary program wherein we are going to promote successful probationary offenders to ensure that they don't reoffend and that we are not throwing them into prison. Specifically, just so that you understand this, it is not public safety. All of us in the Criminal Division and judiciary understand that public safety is key number one. These are high risk offenders who are low risk to our community. In other words, what I see mostly in my courtroom are drug offenders. Not the dealers but the offenders that are clogging our dockets and throwing into prison because they are reoffending with new offenses of felony use of drugs. They come into our courtroom and under the current statutes, if someone has a prior felony,

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which typically they do, I have to give them prison time. This program, what it will carve out for those high risk offenders that are going to reoffend but are low risk to the community is a probationary system that will allow us to utilize in hand with Probation and the Sheriff's Department, there are three key players in County that are involved with this. I, who will be kind of the leadership of the program, the Sheriff's Department whom I have already talked to and they are onboard and the Probation Department, which Eric is here as well. In layman's terms, I will explain it to you this way. If someone is placed on probation and out of my court, felony probation, one violation sends them to jail immediately. The theory behind it is swift and certain circumstances. Oftentimes in Probation, we have a wonderful Probation Department and I am getting to know it very well and Eric does a great job, what we have had to do in the past because of prison overcrowding, we have good Probation Officers that work with our offenders if they reoffend. For instance, if they test dirty or they don't show up for probation, they work with them before there is a revocation of probation that comes in front of me, the Judge. What this does is with every, single, solitary violation, they will be arrested on a warrant by me on a motion to modify probation and put in the Allen County Jail for three days. Working with the Sheriff, it does not raise our rates in the jail because they are just thrown in there for three days before they appear back in front of me. I put them in jail for three days and they come back out and basically say to them that this doesn't feel good. What are we going to do to make sure that you stay on probation? So the recidivism in your particular instance doesn't continue to happen. What this grant does is basically, through the Department of Justice and I have buy-in from our Supreme Court down in Indianapolis, the Supreme Court and the Judicial Center is helping assist me in drafting the grant. They would like Allen County to be a leader in this program. This particular grant, the good news is that this grant does not take any General Funds out of Allen County. There is a match in the grant. The grant allows for up to \$850,000 for the HOPE Probationary program but there has to be a match of up to \$25,000 which can be an in-kind match. We are not taking General Funds from the County. In fact, Eric and I have been working very closely for him to create the budget for the grant and the in-kind match will basically come from probationary salaries of the Probation Officers that will be working closely with me and potentially some going to the Sheriff. Those will be matching in-kind and no additional new funds will be there. The grant is for two years. We can ask for up to \$850,000 but the budget that Eric is putting together will probably not need anything near that. It is basically a solicitation or evaluation grant wherein the Federal government will come in and assess the HOPE program to see if it will actually work in Allen County. In one aspect, since Hawaii has already started the program and Alaska has already started the program, they have been very successful in holding down recidivism. I was able to go to Hawaii, not on County money, I was there fortunately with

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my family. I spent a day with the Judge who implements this HOPE program and was so extremely impressed with how it is working and really it is true rehabilitation. Trying to get those offenders back into our community and can actually be in our community and it has worked so well that he is working with me and our Probation Office and Allen County to make sure that this works. I know it is kind of a long-winded explanation of what the grant is but it is a terrific opportunity for Allen County to have the Federal government come in and do an assessment of the program to ensure that it is going to do what we want it to do and not just over-programming the Judicial system. There is a thumbnail sketch.

Darren Vogt: I had a conversation with Judge Davis and I told her we would be very nice to her since it is her first time before us. That was said tongue in cheek though.

Tom Harris: Judge, when you say it works, what does that mean? You're not sending them to prison but putting them in the Allen County Jail?

Wendy Davis: That's a good question and if you are not familiar with the system, it can be confusing. Under our current statutes if someone has a prior felony, and this program will only be in Superior Court Criminal Division Felony Division. That would be Judge Gull, Judge Surbeck and me. Specifically it will be my court because I do mostly the drug offenses. Under our statutes, currently, if I am a drug addict and I think everyone in the County knows we have methamphetamine labs and I have gotten a real wakeup call just in the six months as to how much is out there. If I am a true addict that continually is reoffending, the statutes drive me, as a Judge, to place you into prison if you have a prior offense. If we can take this program and move it into what we call problem solving courts, which Judge Gull has Drug Court and Judge Surbeck has Re-entry which are both extremely successful problem solving court programs. Our hope is that if the HOPE program works, we can carve it out as a problem solving court. This is after the evaluation comes in over the next two years. On these offenses wherein I have to put them in prison, I mean...

Tom Harris: Due to one violation. What is an example of that one violation?

Wendy Davis: I see this so many times. I have a drug offender, it's a felony, and I will place those people on active adult probation because they are addicts. We have to save room in our prisons for those that are hurting our community. They are true addicts. We put them on probation and Eric and his staff monitor those people very, very closely. If they come in and test dirty, oftentimes they will miss an appointment because they know they got high last night or they have been smoking crack or meth or whatever else

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and they won't show up for the appointment. At that moment, if they come in and test dirty, we arrest them on the spot and throw them in the Allen County Jail for three days instead of revoking their probation and sending them to prison, we basically, it's like your children. You say that they are going to get punished each and every time that you do this. What the program has shown in other States is that through the swift and certain circumstance, you teach them responsibility. Oftentimes too, after they come out of jail after three days, if it is the third time of them coming in and testing dirty, I am going to send them to treatment. The other thing it does is alerts the court and probation instead of over-programming those people, this carves out who needs real treatment. We are not using all of our Allen County beds because they are very, very slim in Allen County. It shows me that if I am throwing someone in jail for the third time, I am going to send him out to a bed for treatment. The HOPE program becomes a true model of rehabilitation. Typically, if you go to prison, I doubt that you come out truly rehabilitated. There are sometimes that you are but oftentimes you are not. This program is set up as a problem solving program to utilize the Allen County Jail and by throwing them in jail for three days it doesn't increase our numbers. We have to make sure that our jail numbers stay intact. It gives us the swift and certain circumstances that we need to help rehabilitate some of these drug offenders.

Tom Harris: Is this coming from Federal or State?

Wendy Davis: It is coming from the Department of Justice, which is Federal. And that is why the Indiana Supreme Court is involved in it.

Tom Harris: When the grants start drying up from the Federal level, what happens if you implement this, and six months or a year from now the grant stops?

Wendy Davis: The grant, right now, is an evaluation grant. It is two-fold. One is to see if the program really works which is what we all want to see. We don't want to get a program into place if it is not going to work. Secondly, it is to jump start the program if the evaluation comes back. The grant will allow us to hire contractual employees that will not be County employees just for the two years that the grant is in place. To your point, if in fact, they come in and do the evaluation and say it is working and is really cutting down recidivism rates, we will be first in line to apply for new money. However, the program really is set up utilizing current resources that we have. The Probation Office, the Sheriff's Department and a court that is already in place and so if the grant money was taken away after two years and there was no money available to us, the program could exist on its own under the

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leadership of me in tandem with Eric and the Sheriff. I can let Eric address that a little more if you want.

Eric Zimmerman: Good morning, I am Eric Zimmerman, Chief Probation Officer. To address your question specifically, from a budgetary standpoint Judge Davis is exactly right. Most of what the money is utilized for is the evaluation purposes. We are going to use existing resources which would be our in-kind donation. Most of the other budget, we would have to hire a Project Coordinator. As Judge Davis alluded to, it would be a contract employee to bridge the communication between the local authorities and the Federal authorities. Most of the other grant would be for either overtime for the Sheriff to have his Deputies going out and finding people and for consumables. Consumables would be drug testing equipment and alcohol and drug treatment programs and some job training. If at the end of that two-year period and the Federal Grant was not available to continue the program, I guess I look at it that it is not adding to our workload, it is changing the way we do business. It changes the way we do business to a smarter way of doing it. What is nice about this grant is that with the end of this process, we'll have an evaluation study that says whether this new way of doing business is effective or not and if we are reducing recidivism locally. I think that is a key component to this grant and if we would come back to you at a certain period of time in the future, and say here are the legitimate numbers. What happens when you file a revocation petition is that oftentimes once those offenders are arrested, they are sitting in jail for 30, 35 or 40 days waiting for the revocation process to occur. The process here is to have swift and certain action on non-compliant behavior. A few days in jail kind of gets their mind focused on some changes that they need to take place. They know that if they don't follow through with the commitments that they have made to the court as well as the Probation Department, there are going to be consequences. What the program is already showing in Hawaii and Alaska is that the jails don't fill up. People do what they are supposed to do. From a monetary standpoint, I am happy to answer any other questions. Just changing the way we are doing business and not adding business.

Darren Vogt: Councilman Howell.

Kevin Howell: If I understand this, if we go ahead with this, it would be the first in Indiana?

Wendy Davis: That is correct. Candidly, as a new Judge, I need more on my plate like I need a hole in the head but this is such a promising program that the Administration and the Indiana Judicial Center has gotten behind me and said that they want me to do this in Allen County and then it can spread throughout the State of Indiana. They have actually said that if Allen County

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will do this and be the leader, then we can maybe help throughout the State with our prison system.

Kevin Howell: The second question is that it will be for two years, is that right?

Wendy Davis: The grant will be for two years, yes.

Kevin Howell: This will not add to your caseload, is that correct?

Eric Zimmerman: It will not add but kind of reallocates the resources that we currently have.

Wendy Davis: The Judge takes more of an active role in this program. Let's be honest, it is going to make more work for the Probation Department and more work for the Judge that is the head of it but it is not additional caseload.

Eric Zimmerman: These are people that we would be monitoring anyway.

Kevin Howell: I am not trying to be negative or anything but is this another modified Scared Straight program?

Wendy Davis: I wouldn't call it a Scared Straight program, in all due respect, because it is what I would call Probation on Steroids. It is a program where you take offenders who really don't want to go to prison but don't really want to work that hard and offenders that probably need some help whether it is addiction, anger management or whatever so that it doesn't fly them from a D-Felony to an A-Felony. We try to trap them, at this point, and work with them more closely. The studies have shown that oftentimes when they show up and there is a black robe sitting on the bench that is a little more effective overall for accountability purposes. This is just in general, would you agree?

Eric Zimmerman: Yes. We are finding that from the Drug Court model and the Re-entry model, pretty significant successes and this is just another step to show how Allen County is taking the lead in the State and nationwide.

Wendy Davis: It's progressive but if we don't do something in our criminal justice system, I will be candid with you, I started this job in January and I have worked harder than I have ever worked and the only reason is because we have so many offenders in this County that I don't think the County is even aware of. Allen County, geographically, is the biggest County but we have got to find ways to problem solve so that we are not just taking up half

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of our County, locking them up and throwing away the key. Coming from a prosecutorial background, that says something. I am very concerned about it.

Kevin Howell: This is for my other Council members too. Gentlemen, I work in the school system, the Ward Education Center, what we call the “Bad Boys School”. To make it to Ward, you are kicked out of FWCS. I see the maturation, if you will, of the middle school kids even and of course high school kids as basically a roadmap into the criminal justice system. I am pretty excited about this and want to be personally kept informed about this. I really do. If we can hit it at that level...

Wendy Davis: Councilman Howell, I will tell you that I think the most successful probationers that we are going to see, I just do Adult Court but in the last six months I have seen so many nineteen-year-olds. They come right out of Juvenile and that’s the time when you say that you are not going to live this life. You are not going to go in this direction. You are going to go and get your GED. You are going to make sure you show up to you Probation Officer, You’re going to get a job and make sure that you don’t go out on the street and pick up some crack cocaine or smoke dope because you think it’s cool. It is a real way to wing them over to Eric to say that we are going to work together as the Judiciary and Probation Department to really try to cut down on the recidivism especially in some of these younger individuals so they don’t end up with the A-Felonies and then I have no choice but to put them into prison.

Kevin Howell: Is it three strikes and you’re out? How many times can you go through this?

Wendy Davis: No, it is discretionary by the Judge. It depends on what the violation is. Candidly, you cannot take a cookie cutter criminal and put them into a box. Although there is not a lot of discretion in the program because the whole program is swift and certain circumstances, you know what your violation is. Each offender, in my book, is going to be a little different. I will give you another example. I had an offender in my courtroom the other day that was on his third cocaine possession charge. He works 80 hours a week. The Probation Office does a good job because they gave me all of this information before I sentenced him. He works 80 hours a week and I am saying “How do you do that?” High on crack all the time and they figure it out, as addicts. He has five kids and all of these things. He is somebody that I would probably place in the HOPE program and if they offend, I may not arrest them on the spot but I would haul them into court on the spot. I would tell him that he is going to jail however I would allow him to check into the jail on Friday night and not lose his job or his kids. I would allow him to check into the jail on Friday night and come back out on Sunday. When I

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watched the HOPE hearings in Hawaii that was something that I really wanted to bring back to Fort Wayne. If you throw someone in jail and they lose their job and kids, it defeats the purpose of trying to get them back on the road to sobriety.

Kevin Howell: What is the success rate in Hawaii?

Wendy Davis: The statistics in Hawaii are phenomenal. Seventy percent recidivism rate has dropped. I think 55% of the offenders that have been in have not reoffended. It's staggering. That is what this grant does. It comes to Allen County and says can we basically take this program that is in Hawaii and bring it to Indiana and get the same statistics. By us applying for the grant, and how the grant really came my way is because I have a relationship with Judge Elmond in Hawaii now. He is behind the grant and said that this is something that would be wonderful to test it in your County and to really make some improvements. The HOPE program will fit nicely in between Judge Gull's Drug Court and Judge Surbeck's Re-entry Court. It will be the middle program.

Kevin Howell: Would other social services be involved in this?

Wendy Davis: Absolutely. It is a community collaboration. I have been visiting all of the halfway houses and all of the different agencies that are available that we would be able to utilize in this program. The Probation Department is very, very savvy. Maybe we would be better, if you want to call me for lunch sometime, I would love to sit down and chat about it. Are there any other questions?

Darren Vogt: Councilman Buskirk.

Roy Buskirk: I make a motion that we approve the grant for the HOPE (Hoosiers Opportunity Probation with Enforcement).

Bob Armstrong: Second.

Darren Vogt: **We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent).** Jerry, are you coming back up for the Court Reform grant?

Jerry Noble: Good morning. Jerry Noble, Court Executive Allen Superior Court. I'm sorry if I neglected to identify myself earlier when I came up. We have an opportunity to apply for another grant. This is a Court Reform grant that is by the Indiana Supreme Court. It is a little out of the ordinary for the types of things that they would normally receive these applications for. What

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we have found is that the Bud Meeks Justice Center is a new, modern and excellent facility with two courtrooms but over the number of years that we have been there, we're finding that the public has some level of difficulty. It is not hard to understand how that can be. When you walk in the door, the lobby is filled with many, many people. We have calendars of the two courtrooms. People walk in and don't necessarily know where to go. There is an architectural term now called way-finding. We want to apply for a grant through the Supreme Court to assist us in connecting the dots between technologies that are available to us and help the public find their way better, which window to go to in order to pay a traffic ticket, which courtroom to go to and that type of thing. Some of you may have experienced a little bit of that frustration but in any event, it is something that we are kind of excited about. We received a publication and it had a cover article called "The Signs of the Times". The cover photo depicts something that looks similar to what you would see in an airport. You walk into an airport and see arrivals and departures. In a sense, that is kind of what we are talking about here. We would have calendars displayed. These are the kinds of technologies that we want to avail ourselves of if they can work in our building. We have had tremendous cooperation from other County agencies. Commissioners have assisted us in a tremendous way. The Maintenance has helped us. We have some improved seating situations down there. We want to apply for this grant to help us see if our technologies can work down there for us.

Roy Buskirk: How much is the grant for, in dollars and cents?

Jerry Noble: We are asking for \$20,000.

Roy Buskirk: Are there any matching funds to it then?

Jerry Noble: Matching funds would be in the form of staff salaries and County IT has stepped up to the plate in a tremendous way for us.

Roy Buskirk: To be honest with you, Jerry, this seems a little ridiculous. I have more faith in you than what you do on being able to get a few magazines and read some articles and come up with some suggestions for sign designs.

Jerry Noble: Well, one of the things that is attractive to us is the fact that our current case management system, the Odyssey system, has an interface that will work with some of these types of displays. One of the problems that we currently have in our system is that people come in and they read the calendars that are posted. They are paper calendars and are on a podium. People will just rip off the page that has their information on it and take it with them. The folks that are in line behind them, to see where they are supposed to go, are out of luck. To a great extent, we are depending on what

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you might call frequent fliers to help out the newbies. Some of this was initiated by the fact that we had a City Council person come to our office and simply register a concern that they walked into the building and had no idea where to go. If it wasn't for the help of complete strangers, they wouldn't have known what to do and where to go. We think that through signage and displays, we can do better. Tracy Ripplinger, with the County IT Department, has come up with several good ideas such as kiosks that we can issue barcode numbers on the traffic tickets and people would know what to do and where to go.

Roy Buskirk: I am not saying that there isn't a problem. Just going out and spending money to come up with a solution. It's taxpayer money if it is from the Supreme Court or whatever court. How they get the money is sometimes through fees. It seems to me like coming up with a solution on putting up signs and stuff that it wouldn't be that hard. What do you put in the application for the consultant on this job? I might be interested.

Jerry Noble: It's the software interface that is the key. The thing that we seek is the initial study of the problem. If a determination is made that this is something that would work with our software and so on, we would apply for a second grant that would actually pay for the equipment. I am trying to avoid coming before County Council with a request for flat panel screens and that type of thing that might be available to us if we go through this process.

Darren Vogt: Council, are there any further questions? Councilman Brown.

Larry Brown: To Roy's point, I think what we need to recognize is that these pictures are just like what you see at an airport.

Roy Buskirk: I know.

Larry Brown: My point is if you have been to our courts and see the printouts on the stands, it may change throughout the day and the people don't have a clue. This is a great opportunity to improve customer service.

Roy Buskirk: But the grant is \$20,000 to do the study.

Larry Brown: I know. It is Federal money and I know that is our dollars but the Feds are going to spend that money somewhere. Why not here in Allen County?

Tom Harris: Is that Federal money or State money?

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Jerry Noble: I think it is State money. It is a grant through the Indiana Supreme Court.

Darren Vogt: I will tell you as someone who doesn't use the court system and has had to use the court system to pay those traffic violations that occur, it can be difficult to find and navigate through there. I understand that and to make it customer friendly and user friendly makes the most sense. To Councilman Buskirk's point, do we need someone outside to do it, if it allows us to get outside of County General dollars to get it done, then maybe we need to look at that. It is not stimulus money by any stretch of the imagination. It is money set aside for programs. Are there any further questions, Council? We need a motion to apply for the Court Reform Grant from the Indiana Supreme Court.

Larry Brown: So moved.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 4-2(Buskirk and Harris)-1(Moss absent). Council, I have to step away for one brief moment. Councilman Buskirk is going to take the next item on the agenda.

Roy Buskirk: We are on Community Corrections.

Sheila Hudson: Good morning Council, my name is Sheila Hudson and I am the Director of Community Corrections. This is Jeff Stevens and he is the Senior Finance Officer. I have two requests for you today. One is a transfer for \$178,314. This is to balance out the Kelley House budget for this year. The State granted this transfer and that is the first request that I have.

Roy Buskirk: Are there any questions?

Tom Harris: So moved.

Bob Armstrong: Second.

Roy Buskirk: Is there any discussion? All those in favor please signify by saying aye. All those opposed same sign. The motion passes 5-0-2 (Moss and Vogt absent).

Sheila Hudson: The second request we have is the entire appropriation of the entire Community Corrections budget for the next fiscal year beginning July

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1, 2011 through June 30, 2012. That consists of many different funds. I can explain them if you want but I know you must be getting hungry.

Roy Buskirk: I think the information that was provided pretty much explains it unless someone has a specific question. There are five different budgets wrapped into one. I would entertain a motion.

Tom Harris: So moved.

Kevin Howell: Second.

Roy Buskirk: Any further discussion?

Darren Vogt: Can we clarify the motion?

Roy Buskirk: Yeah, I know. They are getting tired.

Tom Harris: Do I need to read each of these?

Tera Klutz: If you say “Within the Department of Community Corrections, items three through seven” that should work.

Tom Harris: For the total amount, so move to approve the Appropriation in 2011-2012 Community Corrections budget for items three through seven for a total of \$6,174,673.

Roy Buskirk: All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent).

Sheila Hudson: Thank you very much.

Darren Vogt: Department One, Clerk of Courts. Your liaison has left.

Nelson Peters: Nelson Peters, County Commissioners’ Office. These are two positions and I want to address a couple of comments that were made earlier. Part of the problem when you have a regimented structure in which there are classified positions, you have to deal with new office holders who oftentimes are at the mercy of whatever was left to them. In this particular case, the Clerk chose to reorganize some of the department. That is really what precipitated these two requests. I say that only because as we try to develop a regimented way to go about classifying jobs, there are always these ones that pop up and you have to take care of them now. These are two outlying positions. One is requested at \$39,857 and the other is the Family Relations

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Division Supervisor at \$41,450. Both of these positions were approved by the Personnel Committee.

Roy Buskirk: The only comment I would add is the fact that the difference in the wages is the time, militarily we would say time and grade, but it is the time that they have worked. They are both classified the same at OSS 5.

Nelson Peters: As I understand, the Clerk does have money in her budget.

Darren Vogt: It is a reorganization that occurs typically when we have office holders who decide to do things a little differently.

Roy Buskirk: The other thing I might mention is that this is like a branch bank. These individuals are over part of the staff that is not in the Courthouse.

Nelson Peters: Yes, they are at off-sites.

Roy Buskirk: I make a motion for the consideration of a salary ordinance amending the pay for an employee within the budget of the Clerk of Courts, 100-010-412, Collections Deputy Misdemeanor and Traffic Division Supervisor, from \$36,322 to \$39,857.

Tom Harris: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent).

Tom Harris: I will make a motion to amend the salary ordinance for the pay for an employee within the budget of the Clerk of Courts, 100-0101-412, Records Deputy III Family Relations Division Supervisor, from \$34,114 to \$41,450.

Roy Buskirk: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent). Council, we are on the last page of the agenda. On Board Appointments, I will talk briefly unless someone has something. It is almost noon. This meeting room, if you all like this meeting room, we can continue to work in this atmosphere. There is also the room next door that we could consider using. It is more along the discussion table type of setting. It is a little easier for a person to get up and there are chairs versus standing. It

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just depends on if Council wants to take a look at that. Get your suggestions to me. Are there any other upcoming meetings or liaison assignments that anybody wants to talk about?

Roy Buskirk: I know for Larry and I, we both appreciate your support on the Permit Committee. We know it is going to be a challenge and there are a lot of unanswered questions that we hope to fulfill your questions and get something done.

Darren Vogt: I would ask for public comments, at this particular point in time. We need someone to approve 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, 2011.

Larry Brown: So moved.

Kevin Howell: Second.

Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent). The next regular Council meeting will be held at 8:30 on July 20th. The meeting on the 20th, do we want to start it at 8:00 or 8:30? Let's do 8:30.

Larry Brown: The sooner the better. The only reason I say that is because I don't know what time your staff gets in.

Tera Klutz: We can be here and have it ready whenever you decide. It's up to you.

Darren Vogt: I am okay with 8:00. Let's do 8:00.

Bob Armstrong: Is that a regular meeting?

Darren Vogt: That is our budget meeting on Wednesday, July 20th and our regular meeting is on July 21st.

Tera Klutz: They were on your schedule at the beginning of the year.

Darren Vogt: We need a motion to adjourn.

Larry Brown: Move to adjourn.

Bob Armstrong: Second.

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Darren Vogt: We have a motion and a second. All those in favor please signify by saying aye. All those opposed same sign. The motion passes 6-0-1 (Moss absent).

There being no further business, the meeting was adjourned at 11:55 a.m.