

ALLEN COUNTY COUNCIL MEETING MINUTES
DECEMBER 20, 2012
8:30 AM

The Allen County Council met on Thursday, December 20, 2012 at 8:30 am in the Discussion Room in 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: Robert A. Armstrong, Larry L. Brown, Roy A. Buskirk, Tom A. Harris and Darren E. Vogt. Absent: Kevin M. Howell and Paul G. Moss.

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

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

Larry Brown: Good morning everyone. First on the agenda is the approval of the November 15th meeting minutes.

Darren Vogt: Move to approve the minutes from November 15, 2012.

Tom Harris: Second.

Larry Brown: All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Tera, financial report.

Tera Klutz: Good morning, Council. You have before you the November 30th financial statement for year-to-date. Some highlights that I want to point out are that we are going to receive our property tax settlement. In fact, all of the units will receive their distribution next Friday. With that distribution, our property tax will come in at 99.9% of what we charged. I think that is very positive. I do want to mention that our collections are 90% of our levy because of the Circuit Breaker. That is just to put that into perspective. We don't charge as much when passing our budgets because of the Circuit Breaker. Does anybody have any questions on that?

Roy Buskirk: Not on that but I have some questions on some of the other taxes that we collect. I realize that we are at 90% on some now but some are at 50%. I wondered if there is any explanation for some of the revenue such as the Financial Institution taxes.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tera Klutz: Yes.

Roy Buskirk: With all respect, I am sure that your estimate wasn't off that much.

Tera Klutz: Even if it was, I wouldn't take offense. If you flip a couple of pages back, there are explanations for each of our revenue types and Financial Institution tax and Commercial Vehicle Excise tax are distributed twice a year, once in June and once in December. Tomorrow we are going to receive our final distribution of the Financial Institution tax and Commercial Vehicle Excise tax. There is a set of explanations to help explain the timing of some of those distributions and it is two pages back from the one you are in right now.

Tom Harris: So chances are that at 96% you are going to go over on revenues.

Tera Klutz: Yeah, the 96% of our Miscellaneous Revenue which is all revenue except for property tax also represents reimbursements for taxpayer refunds. We fund that out of the General Fund all year long and then we get repayment from the units at settlement time. If you back the refunds out, we are actually at about 93% of our revenue at 91% through the year. We are still tracking a little ahead. I don't think we are going to have any problem meeting our original projections.

Larry Brown: Darren.

Darren Vogt: One of the things that I was looking at in Miscellaneous Revenues was Investment Income. When you look at the Investment Income, for the dollar amount, it is pitiful. I am not sure if this is something that we need to take a look at. From a legislative standpoint I know that the Treasurer is limited as to what they can do and what they can invest in. Maybe there is some mechanism or some sort of way to see if we can do something different especially with the Rainy Day Fund sitting there and we don't intend on using. That is a significant amount of money and to see where we are is really bad. We have to find a way to help offset that and create more revenue.

Tera Klutz: I can work with the Treasurer in the next few months to determine if there are ways that we could seek legislative changes to increase the revenue.

Darren Vogt: That would be great. I don't know if it is a legislative thing or we just need to work on it.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: They are very limited on what they can do.

Larry Brown: You don't want to risk the taxpayer money.

Darren Vogt: No but I am looking at bond funds and they have to be paying more than what we are getting right now.

Tera Klutz: It is always a balance because General Fund money has to be available to use. I will just set up some meetings with the Treasurer and discuss the current policies and cash flows and see if there are any other possibilities.

Larry Brown: Is there any further discussion or questions?

Roy Buskirk: I will make a motion to accept the financial report.

Tom Harris: Second.

Larry Brown: All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Nick, would you want to highlight the employment outlook?

Nick Jordan: Good morning, Council. On your agenda you see the unemployment rates for September and October. Allen County went from 7.6% to 6.9%. Indiana went from 7.5% to 7.4%. National went from 7.6% to 7.5%. Again, these are non-seasonally adjusted.

Tom Harris: That shows that Allen County is still beating both the State and National unemployment rates. The new rates are out...

Nick Jordan: The estimates will be out tomorrow.

Larry Brown: Are there any questions for Nick? Thank you, Nick. We will now hear from the Grand Wayne and the Capital Improvement Board.

Ben Campbell: Good morning. I am Ben Campbell, President of the Capital Improvement Board. With me is Bob Lister, the Grand Wayne Center Executive Director. As you know, the Allen County Capital Improvement Board has two primary objectives. One is oversight of the Grand Wayne Center and also oversight and investment of the Capital Improvement Board receipts of the Food and Beverage taxes. We are here this morning pursuant to IC 36-10-8-8 to present the Grand Wayne Center's 2012 performance results and the 2013 budget for your review and approval. We are also here to report to you on the 2012 Capital Improvement Board budget. We will take a

ALLEN COUNTY COUNCIL MEETING MINUTES

look at the Grand Wayne budget first. I am looking at the second page of the docket that shows 2011 actual and the 2012 budget and the 2012 projected and the 2013 budget. As a banker, I don't spend a lot of time looking at how we compare to the budget. That is kind of like losing the bet. I like to look at how we performed last year and how we are going to perform next year. I think that you can see that we had a pretty good year, this year, in revenues. We had our second most conventions this year compared to last year and last year was an all-time record. We have seen a nice lift in Room Tax revenue. I think when the year is done we will be able to report an even higher rate. When you look at 2012, you can see that from an expense control, Bob and his team did a nice job. One of the things that I will draw you to in the 2012 budget is that we had no merit increase in the 2012 budget. We had a long-time employee, Gary Wasson, retire at yearend of 2011 and it carried over into 2012 that we had about seven weeks of Gary's time. We engaged an executive recruiter to replace Gary. It took us quite a while to do that. We now have our number two guy, Bart Shaw. He is with us today and he comes to us from Dayton and we are thrilled to have him here. He joined us toward the end of October. We have had about eight months of Bart in this year's budget. We beat the budget on salaries and wages but the reason was that we had an open position. I guess I would just ask for any questions. If I were sitting in your chairs, I would say that you had a \$202,000 shortfall projected for 2012. That comes in large part to the money that you will see that we are paying out \$250,000 a year to the Harrison Pledge. As a Board, we agreed to that back in 2006. That pledge helped with the Courtyard Hotel being built and we felt that was very important. There is some real synergy there. We have been able to attract some conventions because we have two hotels downtown. We have made two payments of the \$250,000 and that is a ten-year pledge. Like Councilman Vogt mentioned, we have about \$4.1 million in cash and those doggone banks are paying nothing for a return. Like you, we are restricted as to how we may invest those monies. I would ask for any questions about 2012.

Larry Brown: Are there any questions, Council?

Ben Campbell: As far as 2013, we will have Bart full-time. Bob told me this morning that this is his 30th budget to present to this Council and his last. He will be retiring in May or June of this coming year. We still may talk him out of it. He has been with us for many years. Bob, do you have anything to say?

Bob Lister: It has been a wonderful run. I started years before the old building was opened and ran through this. I am very proud of the building. I think it has done what it was supposed to do over the years and I know that I am leaving it in capable hands. I wanted to thank you guys for everything over the years.

ALLEN COUNTY COUNCIL MEETING MINUTES

Ben Campbell: 2013 looks like a great year for the Grand Wayne Center. We have 43 conventions under contract and we are projecting somewhere between 52 and 55 conventions. If that is realized, it will be a new record year. As you all know, the number one responsibility of the Grand Wayne Center is to attract out-of-town conventions to our community, to use hotels and to use restaurants and to use the retail services that we have to offer, in this community. It looks like 2013 should be a great year. We have a two percent merit in the budget. We hope the weather holds up for us because the utilities were great for us in 2012. We have about a \$248,000 cash shortfall budgeted. We are sitting on the cash and knew we had the cash when we agreed to the ten-year pledge.

Tom Harris: What do you attribute the increase in conventions to? Is it just the general uptick or did you do something differently strategically?

Bob Lister: Nothing that we have been doing differently. We have been very successful with the new building and very successful in getting those new conventions in. The coming online of the second hotel gave us the additional rooms that helped us a great deal. We tend to be on a cycle where one year you are high and the next year you are a little low. These conventions cycle in and out. Our trick is to just keep booking new ones so that they are cycling on a good loop. I just think that the biggest thing was when we got the second hotel. It helped us to attract larger conventions and more conventions. We have been able to give those about 450 rooms in a block. For a second-tier city that is pretty good. We had some great conventions this year. We had the State Democratic Party for the first time. That is nice for us to have that kind of publicity. We had some national conventions such as this motivational, MINT. They have met in Sydney, Switzerland and Mexico and now Fort Wayne, Indiana. We can't always compete on a national level for some of the things. Next year, a lot of the ones that had shifted down to the JW in Indianapolis has been a competition to us. They have ballrooms about the size of our building. A lot of the stuff is coming back to us. Farm Bureau has 1,200 people coming. We have the normal State conventions and the Lions convention. We have the National Beer Can Collectors and that is 2,000 people for six days. We have the Four Freshmen Convention next year. Our building sits on the site where the Four Freshmen sang their first concert back in 1948. There are 400 people around to hold a convention and honor them. In a tight economy, we are not seeing business from a corporate standpoint but things like Vera Bradley who has had their major dealers' convention and sales training have their meeting in an Orlando resort are coming with us this year. It is about a six-day convention with a four-day move in. We know that this next year will be our best year.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: On booking some of those conventions, do the Airport and the availability of flights come into discussion?

Bob Lister: Absolutely. Dan is presenting after us and he may be the better one to question on that. It certainly is especially on the national ones. It is availability of flights in and the affordability of flights and all of those sorts of things. Most of our conventions are State and regional. We will draw from Ohio, Michigan, Pennsylvania and Wisconsin. It is more of the upper Midwest. A lot of it is drive in but certainly the Airport is a critical concern at all times.

Roy Buskirk: I know that for myself and I am sure for the rest of the Council members, we want to thank you for your thirty years.

Bob Lister: Thank you very much.

Larry Brown: Absolutely. Are there any other questions, Council? Thank you, we appreciate it.

Ben Campbell: We need your approval for this budget.

Roy Buskirk: So which budget is it? Is it the Capital Improvement?

Ben Campbell: It is the Grand Wayne budget.

Roy Buskirk: I will make a motion to approve the Grand Wayne Center budget.

Bob Armstrong: Second.

Larry Brown: Any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Ben Campbell: We are also here to report on the Capital Improvement Board if we could have a moment. This was a big year for us. We launched our website and it has been up since late summer. We worked with a lot of different foundations to build this website and to figure out how best to process. We have no staff. We have the privilege of reviewing all of the opportunities. We use the Community Foundation approach of using a concept letter. If we agree with the concept letter, we will ask for a full application. We don't spend their time and money nor do we spend our own. We have had three concept letters filed to date. There was one from the Fort Wayne Tax School that we declined on the basis that it did not meet the statutory requirement that it be used for capital. We have two statutory

ALLEN COUNTY COUNCIL MEETING MINUTES

requirements. One is that the money be used for capital and that it be in Allen County. Also, it has to truly be for economic development. While I am sure that the Fort Wayne Tax School has a lot of merit to it, there was a request for operating funds and so we could not support or help them. We have two other concept letters that we have received that have been moved forward to full application. One is from Indiana Tech for their Law School and the other from the Wireless Technology Center on IPFW's campus. We will be reviewing them in January. To date, we have received \$4.2 million in receipts. To refresh your memories, we must hold the funds for twelve months before we may use them. That is for the safety of the bond holders of the Coliseum in the event that the Coliseum receipts would not meet their debt obligations. They could claw back those funds from us in that twelve month period. We have approximately \$3 million of unrestricted funds. In February of 2013, we will have the \$4.2 million. We have spent a few dollars on setting up the website in working with a consultant to build our guiding principles and to work with our lobbyists and legislators to make some things happen. We have set up a system where we are taking a small fee for applications. One of the things that we are doing, Allen County Capital Economic Development is statutory. We also have some guiding principles which the Board built and presented to many of you if not all of you. We are really focused on high wage and high skilled jobs. I think that we have seen in the media recently that John Stafford and John Sampson have presented that perhaps we have flatted out the decline of the average wages in our community. It is good to flatten it but now we need to move up the slope. One of the things that we have also spent a lot of time on in the last year is figuring out how best to invest these dollars. We stress invest and not necessarily make grants. We are looking at how we can lend this money at no interest or low interest over a period of time but get our capital back. What I wanted to share with you is that we have changed some of our guiding principles. We are trying to get the money back but we are also looking at need. If we are the last of \$100,000 of a \$25 million project, it doesn't seem like we need to play in that space. We are off and running and have our website up. We have received concept letters and are moving into full application on a couple of other opportunities.

Larry Brown: Darren.

Darren Vogt: The concept letters can come in at any time? There is no deadline every six months or so? How does that work?

Ben Campbell: The website is open. People can apply as they wish and at their convenience. Please understand that we are not the idea guys. We are a funding source. We are here to support the County, the City and the Economic Alliance. We have a fully transparent application process.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: Is there an anticipated number of applications that you would see in an annual basis?

Ben Campbell: It is brand new and we have absolutely no idea. We are excited and frightened by it both.

Roy Buskirk: The only other one in the State that is similar to this is Indianapolis or Marion County, correct?

Ben Campbell: Their CIB is really focused on sports and conventions. We have met with the CIB as we were building our guiding principles and we realized there were some distinctions and differences. They manage Bankers Life and the Convention Center and the football stadium. They floated some significant bonds for their building projects. We are not restricted just to conventions and sports. We are really here for economic development. We are looking at some for-profit opportunities as well.

Tom Harris: How do you determine success? If at the end of the year, the numbers continue to grow, it is one way of looking at success. How do you measure if you have been successful?

Ben Campbell: That is a great question and I guess we will know it when we see it. We are in no hurry to make an investment and to meet the guidelines and principles. Success will be measured down the road if we see an uptick in the average wages in our community.

Larry Brown: Council, are there any other questions? Thank you, gentlemen. Next on the agenda, we will hear from Visit Fort Wayne.

Tim Beere: Good morning, I am Tim Beere, the Chairperson for Visit Fort Wayne. With me is Gary Shearer, our Treasurer and Dan O'Connell, our CEO. We are here to present our 2013 budget and show you how we intend to use our portion of the hotel room tax to attract more visitors to Fort Wayne and Allen County. Promoting tourism is critical and vitally important to our City and County. Last year, 5.5 million people visited Fort Wayne depositing nearly \$475 million into our local economy. This helped sustain nearly 8,000 jobs. You can see that this is an important thing that we do here. You should have received a booklet and that tells how we go about doing what we do in attracting visitors, sporting events and conventions. We hope you get a chance to review that at your earliest convenience. As the Board Chair, I have to say that I am really proud of our staff this past year. We accomplished a lot in 2012. We had several major events. Bob mentioned the Democratic Convention. We had the Gold Wing Riders Association that was a big hit. Despite being a bad economy, we had a great year last year and look

ALLEN COUNTY COUNCIL MEETING MINUTES

forward to another great year in 2013. At this time, I am going to turn it over to Gary and he is going to highlight some of our budget details for you.

Gary Shearer: Good morning. There is a tab in the back that has the budget. If you take a look at that, I will just start with a quick comment on our projection for 2012 of a surplus of just over \$73,000. I will shift quickly here to 2013. The budget, if you look at the top on revenues, we are projecting total revenue of just over \$1.5 million. Eighty percent of that, about \$1.2 million, will come in the form of the room tax and we are projecting about a four percent increase over 2012. The next five or six categories is our private sector revenue that will come in. That is advertising, special projects and the like. Lastly, we are taking about \$70,000 of our reserve fund and putting it into our 2013 budget. As we look through expenses, you will see that most of that or really all of that will be geared towards advertising and promotion of Fort Wayne and Allen County. If you go down into the expenses, we have broken this into about three main categories. The first is our personnel expenses and that accounts for about 43% of all of our expenses. We have a very modest increase there. On the salary and wages, there is about a two percent increase. We have ten staff with Visit Fort Wayne and that is the same staff that we had for 2012 and will have for 2013. You can see where we are allocating most of our additional income and those reserve funds is in the direct promotional expenses. There is about a 35% increase there. You can see that the two main categories, Advertising, Print and so forth and Internet Marketing are the main categories for allocating those additional funds. Our other expenses, which are about 16 percent of our overall budget, include running the Visitor Center. That went down almost ten percent. We have some small capital outlays and you can see that our total expenses are \$1.510 million and project a surplus of just about \$17,000. With that, I will open it up for questions.

Larry Brown: Darren.

Darren Vogt: Can you walk through the internet marketing because you are tripling that amount. What do you plan on doing there?

Dan O'Connell: During late 2012, we brought in a firm that did a social media audit to analyze how we were going about how we were using social media in our marketing. They were very pleased. They have worked with Indianapolis and Cincinnati and Cleveland and when they saw ours, they said we were getting good bang for our buck. We were doing the right thing but they said we should probably do more. We have published 400 articles or blogs about what there is to see and do in Fort Wayne. They are one of the main drivers into our website and the website had over half a million visitors last year looking and finding out things to do in our community. That is a

ALLEN COUNTY COUNCIL MEETING MINUTES

50% increase over last year. Social media is actually working for us. Since it is working for us, we are putting some extra resources into it. Another thing we are using is Tweets. We brought on staff a person who is well-versed on Tweets and is Tweeting every day about Fort Wayne but he is really researching things that are going on especially in the special interest area. Families are interested in going to the Zoo and we understand that but they are also looking for dining and antique stores. One of our biggest hits was about finding out how to get here for the Gold Wing Convention. We are responding in real time in social media. Not only information and stories but also thanks for helping me out because I needed it now. One of the things we noticed about our website is the mobile application that condenses our website and puts it out. Thirty percent of our users used their Smart Phone or Smart device to find us. That means that people are on the go and finding out, through GPS, where a restaurant is now. That is what we are using in social media. We also plan to expand the social media more into the meetings and conventions markets. It works real well for us in the leisure market with stories and festivals and things to do. Now we are going to have to emphasize more in the meeting market. We want to learn more about the Fort Wayne conventions and sports opportunities. We have built some new venues. We have used the Coliseum for sports but now we have a new volleyball center, a great basketball center and a new ice center. Those are real opportunities for us to draw more people in. Just like the leisure market was for your own personal time. Nine out of ten people that want to find something to do will use their Smart Phone or the Internet. That is why we are heavily invested in it.

Larry Brown: Tera.

Tera Klutz: What is going to be the balance of your reserve funds after you use the \$70,000?

Gary Shearer: Right now we have just over \$900,000 in reserve funds. Our policy basically is that we want to have about six months' worth of monthly expenses covered there. That would take us to \$700,000 to \$750,000 and so we will still have plenty of reserve left after that. Take the \$920,000 and take the \$70,000 off and we are at \$850,000.

Tom Harris: I was going to ask, you are keeping track of a number of variables and such and how do you measure success? How do you know that you have been successful?

Dan O'Connell: We use several barometers to analyze our marketing. The website happens to be the highest right now with doubling over last year. The number of conventions is one and that has had a rise. There has also been a

ALLEN COUNTY COUNCIL MEETING MINUTES

rise in things that we monitor at the attractions. Attractions attendance is up six percent this year. We think that is directly related to the fact that we are a drive-in market. Roy asked about that. People are traveling close to home and so we did a significant amount of advertising in close markets so that people would drive in to us. We run our marketing program in fifteen cities in Michigan, Illinois and northern Indiana and also in Ohio. We measure that by the amount of responses that come into our website, actual attraction attendance and hotel occupancy. Hotel occupancy had its highest ever for the month of July. We had never reached 70% and we hit it in July. We have about six or seven barometers that we watch.

Roy Buskirk: Were there some conventions or was that when the Gold Wings were here?

Dan O'Connell: The uptick, we believe, is threefold. Certainly the Gold Wing Riders Convention brought 10,000 people to our city and they used hotel rooms. That was a big factor for the higher rate in July. Secondly there were a number of big basketball tournaments in July. Spiece Fieldhouse is the center of basketball sports but they use 27 courts around the city. There are only eight in that facility. They are a great people generator for us and they should be complimented for driving that occupancy up. Thirdly, we do believe that it is the leisure travel marketing people who like coming here for Tin Caps games and the Zoo. The Children's Zoo is actually voted the top must-do in Indiana.

Larry Brown: Darren.

Darren Vogt: We raised the percent on the amount that we give to you guys?

Dan O'Connell: The Innkeepers Tax is a seven percent levy. Five is used to run, operate and pay for the bonds for the Grand Wayne Center and we receive two percent, by State law.

Darren Vogt: It was one percent and we raised it to two percent.

Dan O'Connell: In 1995 and again in 2005. In 1995 it was five and was raised to six and in 2005 it was raised to seven.

Larry Brown: Are there any other questions?

Roy Buskirk: How do you feel as far as collections on the room rate?

Dan O'Connell: We think it is better. Tera has been very helpful in insisting on the State to give a regular report to insure that things are up. We think

ALLEN COUNTY COUNCIL MEETING MINUTES

that the word has gotten out into the industry that these things are being monitored. I think it is an opportunity for us to keep monitoring it though because we have found that this keeps going up and down. I appreciate the Auditor's assistance in this.

Larry Brown: Are there any other questions? Thank you.

Dan O'Connell: I think you need the same motion and second on this one.

Darren Vogt: Move for approval of the Visit Fort Wayne budget.

Bob Armstrong: Second.

Larry Brown: All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Next on our agenda, we will hear from Sheriff Fries.

Ken Fries: Kenny Fries, Allen County Sheriff. The first thing before you is a request for an amended salary ordinance for 2013. I think that back in 2010 it was approved in the Personnel Committee and then on Council that we were going to start replacing the QMA's with LPN's when they retired or resigned. We just had one retire and so we are now going to replace her with an LPN. It changes from OSS 3/5 to PAT 3/2 and an annual salary from \$34,316 to \$38,613. We will still have two QMA's left but through attrition, we will replace them with LPN's.

Tom Harris: Sheriff, strategically, why the change? What does that do for the Jail in terms of cost?

Ken Fries: LPN's can do so much more than a QMA. Basically, QMA's can pass meds and that is it. LPN's can draw blood and do TB tests and everything that is needed in that position. I don't even know if they are licensing QMA's any longer.

Roy Buskirk: Also, I think we were having difficulty filling those positions.

Ken Fries: Correct. We actually have better applicants showing up now. Currently we have one position open and if we can get this changed, we will have that one filled. It is not as bad as it was. I think we are pretty competitive with the private sector right now.

Darren Vogt: Move for approval consideration of a salary ordinance amending the pay of an employee within the budget of the Allen County Jail, 100-5201-421 QMA 16-22 OSS 3/5 to LPN PAT 3/2.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: Second.

Larry Brown: Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Ken Fries: Thank you, Council. The next thing on the agenda is to move \$15,000 from Auto Equipment to FICA. As you well know, throughout this latter part of the year we had a substantial amount of overtime for a case that came to fruition December 6th. Along with that overtime, FICA costs us money that we didn't have money for. Since the new cars are not in yet and when they do, we will have Commissary funds to offset the equipment.

Tom Harris: I will make a motion to transfer \$15,000 from the Auto Equipment line to the FICA line.

Darren Vogt: Second.

Larry Brown: Are there any further questions?

Darren Vogt: So this is money that will be coming from the Feds?

Ken Fries: I don't think that this will. We still have more bills that are out and there is some overtime. It may get reimbursed but I don't know if they do total overtime. I can't say for certain that it will be.

Darren Vogt: When they reimburse for overtime, how does that work?

Ken Fries: It is the level of, I think, \$16,000 per officer per year is all that they can do. Once you get over that magic number, they don't reimburse any longer.

Darren Vogt: That is something that we will have to understand.

Larry Brown: Are there any other questions. We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Roy Buskirk: I have some other questions. Reviewing the health insurance bills and that company...

Ken Fries: CRS. The doctor has been in contact with them through emails but I am not sure of the progress that they have made.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: The Council had previously asked for pre-existing bills and how much that had cost us.

Ken Fries: I still don't have those numbers yet. Hopefully I will be able to have those emailed to you by the end of the year.

Roy Buskirk: I understand that either Virginia or West Virginia has in their ordinance; maybe you can explain it better.

Ken Fries: It very specifically says that they will not pay for pre-existing conditions. I just got a message from the ACA, American Correctional Association, that they sent out a pamphlet and they were talking about Obama Care and how that is going to affect Corrections nationwide in 2014. It is going to be interesting to see how that applies. Currently, if someone is under 27 years of age and is incarcerated, they technically could still be on their parents' insurance. We would just have to figure out how to have that paid by them. It is going to be interesting to see how that takes effect. The Supreme Court is going to hear cases in March about individual insurance. I think as time marches on, we will find out if it is a positive impact or a negative impact. I think for the rest of us it may be negative but for Corrections it may be positive which is a negative for all of us.

Tom Harris: I wanted to add that on the recent activity, congratulations to you and your staff on the recent activities in the community.

Ken Fries: That will continue to be an ongoing investigation. I think there will be many more arrests.

Larry Brown: Next on our agenda, we will hear from the Coroner's Office.

Mike Burris: Mike Burris, Allen County Coroner's Office. With me is Dr. Craig Nelson, Coroner-Elect. First on the agenda for our office is the transfer of \$30,000 to help cover the cost of autopsy fees through the end of the year. Since December 1st, our office has received \$32,932 in bill for pathologists, St. Joe X-ray and St. Joe Lab. We only have \$1,000 remaining in our Autopsy Fee line.

Roy Buskirk: This is an appropriation?

Tera Klutz: The money is currently appropriated in your budget and so you just have to transfer it into his and he will encumber it. He could pay the bills as soon as he gets it but cut-off was last Monday and so we are just going to have him encumber it and pay it. It will still show as a Coroner expense but it will be in 2013.

ALLEN COUNTY COUNCIL MEETING MINUTES

Jackie Scheuman: I have told him that I would work with him to get these paid in 2012.

Darren Vogt: I would rather have it paid in 2012.

Tera Klutz: Me too. I guess we are going to pull some strings in the Auditor's Office and pay that today.

Larry Brown: Council, I am looking for a motion.

Darren Vogt: My memory is fading a little bit but how much did we transfer this year for Autopsy Fees?

Mike Burris: Zero.

Darren Vogt: I thought you came before us at least once before.

Mike Burris: No.

Tera Klutz: I think you asked for an increase in the budget for Autopsy Fees.

Darren Vogt: Oh, okay.

Mike Burris: There was a \$27,000 increase for 2013.

Darren Vogt: Okay. Move for approval of a transfer from Contractual, 100-4201-413.31-06 to Autopsy Fees, 100-0701-442.31-09 in the amount of \$30,000.

Bob Armstrong: Second.

Larry Brown: Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Mike Burris: The second thing on the agenda for our office is the discussion of the Coroner's salary. At budget time, it was determined at Council that a dentist does not meet the definition of State law as a physician. Information came into our office and there are two opinions from the Attorney General's Office that states that chiropractors, dentists, veterinarians and podiatrists meet the qualifications as physician and should be paid at the higher rate.

Tom Harris: That was from whom?

Mike Burris: The Attorney General's Office.

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: Since those opinions were dated in the 1960's, I asked our attorney to do an investigation to see if there were new opinions. You all were copied on the letter from the attorney that agrees that what the Coroner-Elect brings to the office does qualify him for the higher salary.

Roy Buskirk: With some questions, still.

Larry Brown: Okay, let's talk about those. What are the questions? In my mind, there was no question.

Roy Buskirk: I thought there was in his opinion.

Larry Brown: Well, okay, everybody has an opinion but it is based on his investigation of the facts.

Darren Vogt: The only things that he investigated were the two rulings and the two rulings were dated from the 1960's and that there was no definition of medical or physician at that time. The only request I had for Bill, and he said that he could go either way on it, have there been definitions since those rulings. I think that is some of the stuff that we relied on.

Larry Brown: Okay. So, Council, what do you want to do?

Tom Harris: This action needs to take place today because you are not able to do it in January, correct?

Larry Brown: You cannot change an Elected Official salary during the term. In other words, the 2013 salary has to be determined before 2013. For some reason, I cannot get that letter to come up. Nick, do you happen to have that letter?

Nick Jordan: Yes.

Larry Brown: I will go straight to his opinion. "As you might expect, there are no cases on point with respect to this provision. Also, as you know, there are a number of Attorney General opinions on the prior statute, Burns Indiana Statute, and Case Number 491063. Those Attorney General opinions will argue for a very broad reading of that statute. While I do not fully agree with the Attorney General's opinion, it is not illogical based on the cases which he cites and defines that he incorporates. However, there is a more important reason that I generally agree with his opinion is that the statute which he was interpreting was later amended by the legislature. The original statute reads in pertinent part if the County Coroner is a physician duly licensed to practice as such in this State, then his salary shall be one and one-half times

ALLEN COUNTY COUNCIL MEETING MINUTES

the base salary set forth above. The current statute reads in part as follows: the compensation for the Coroner as if he is licensed to practice as a physician in Indiana. That is strange wording at best. The language, while slightly different, still uses the same basic terms from the Attorney General. One must assume that if the Legislature disagreed with the Attorney General's opinion, it would have either significantly changed the wording of the statute or specifically cited those licensing statutes which it meant to exclude or include. Having done neither, one must conclude that the Legislature agreed with the Attorney General's opinion as either change would have been easy to make." The Attorney General's opinion basically states, if I can put it into my own terms, anybody that studies the physical sciences qualifies.

Tom Harris: The amount in question is how much?

Darren Vogt: \$15,000.

Roy Buskirk: To me, it is not the amount. It just has more to do with the interpretation of who is a physician and who is not a physician. Personally, a physician is a medical doctor for humans.

Larry Brown: Prior coroners and I think you know...

Roy Buskirk: Well, because you made a mistake in the past doesn't mean that you should continue on with that mistake.

Larry Brown: It is your opinion that the Council at that time made a mistake. I am looking for a motion.

Tom Harris: I will make a motion that the salary ordinance be amended for the additional \$15,000.

Tera Klutz: You need to make your motion to recognize that the Coroner-Elect qualifies as a physician because our salary ordinance has both salaries in it.

Tom Harris: I withdraw my previous motion and I will make a motion that the Coroner-Elect qualifies under the statute as a physician.

Bob Armstrong: Second.

Larry Brown: Are there any further discussion? Darren.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: I look at this and hope the message isn't conflicting. We have gone back and forth on this particular situation and my whole understanding of this is that I want to make sure that we have a Coroner doing the job and doing it right. I think that is what we've got with a Coroner that is going to do a hands-on job and be active on a regular basis. That said, I think we have beat this to death and I am not sure that the statute is clear by any stretch of the imagination and I think it needs to be clear so that we don't have to have this discussion and debate again. I want someone who will be able to be clear that this is who is qualified and not us making a decision based on an ambiguous statute.

Larry Brown: Maybe we should have our State Council Lobbyist, and I don't think there is such a person, ask the Legislature make a clearer definition.

Roy Buskirk: I think our Auditor has checked with the State and actually the DLGF...

Tera Klutz: The State Board of Accounts and I think the intent was to leave it broad. Like Larry and the attorney pointed out, they had ample opportunity to say licensed under these specific statutes as statutes often reference back. They specifically didn't put statute in there so as to leave the determination up to you.

Darren Vogt: Yes but they referenced things within the terms of licensed physician. Either take that completely out of the salary or considered those a full-time position or not or make it a license and make it within the statute. Clear it one way or the other.

Tom Harris: While I agree with all those points, I think what I came down to in terms of this motion was that the General Assembly says to local governments that we have to make the determination that makes sense in our community. The little that I know about the role of the Coroner, I understand that autopsies have sometimes something to do with dental records and the fact that this function as a dentist many times the autopsies have something to do with the dental records. That is why I decided that it is probably in the best concern for the citizens of this community.

Larry Brown: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 4-1 (Buskirk)-2 (Moss and Howell absent). Now we will hear from Human Resources and the Assessor's Office.

Tera Klutz: Can I make the request that you pull out the Personnel Committee recap?

ALLEN COUNTY COUNCIL MEETING MINUTES

Tracy Mitchener: Good morning, Tracy Mitchener, Assistant Human Resources Director.

Stacey O'Day: Stacey O'Day, Allen County Assessor.

Ryan Keuneke: Ryan Keuneke, Chief Deputy Assessor.

Tracy Mitchener: Today we have the Residential Appraisal Deputy going to a GIS Technician, OSS 4/7 to PAT 3/7. This position was never really evaluated. She was always doing some type of GIS functions but she was classified under the wrong title and therefore scored inappropriately as well.

Stacey O'Day: This position is actually very well needed in our office. She has done this for two years now and we felt that the salary ordinance was necessary to recognize the detail differences in this specific job. Budget-wise, we had someone vacate a job in October that was budgeted in the 2013 budget and we have decided not to fill that position. We will have \$32,000 less than we had budgeted for next year that would cover the increase for this particular job.

Roy Buskirk: From the Personnel Committee, it is just the fact that Human Resources are going through some of the different job descriptions and updating them. I thought it was interesting that between the Wayne Township Assessor and the County Assessor, they have two different approaches as far as in the County they do a specific job description and then it is passed onto another member of the team. In Wayne Township, there is one individual who takes the property through the entire process. There were only two of us at the Personnel Committee meeting and it was approved by the committee. I would make a motion to approve the salary ordinance. I don't have a copy of it.

Tera Klutz: It is in the County Assessor tab.

Darren Vogt: Move for approval of consideration of amending the pay within the budget of the Allen County Assessor, 100-0901-413, Residential Appraisal Deputy to GIS Technician, 13-33, OSS 4/7 to PAT 3/7, \$38,530 to \$45,325.

Tom Harris: Second.

Larry Brown: Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Next is a salary ordinance for Wayne Township.

ALLEN COUNTY COUNCIL MEETING MINUTES

Sam Walker: Good morning Council, I am Sam Walker the Chief Deputy for the Wayne Township Assessor's Office.

Tracy Mitchener: As Roy has mentioned before, Wayne Township is responsible for a section of the County and they do everything for that Township. They go out and make sure that the property has everything that it says. They do trending and market data et cetera.

Sam Walker: Correct and that is why we wanted to go to the Personnel Committee because we recognize the workload that my staff does. Like Tracy said, we do everything from the beginning to the end. One person does the entire realm of the appraisal duties. That is why we wanted to get these ordinances set up. After Personnel Committee, Bev and I talked with Tera and Stacey regarding the funding for these increases.

Tera Klutz: I wanted to follow up that Stacey O'Day contacted me and said that she would have available funds to fund the increases for Wayne Township. She provided me with the line item number from which to transfer from her budget for the 2013 year.

Roy Buskirk: I have a question. I understand that Wayne Township does more assessing than just the Wayne Township six mile by six mile area because part of it is in Fort Wayne or something.

Stacey O'Day: The boundaries for the tax districts are not really square, when you are looking on the map. They do extend out, if that is what you mean. I am not sure I understand your question.

Roy Buskirk: That's it, that they do considerably more than the typical township area of six miles by six miles. They go north to Coliseum.

Sam Walker: Part of our jurisdiction, the typical township would be six by six but there are parts that poke out into St. Joe, Adams, Aboite and Washington. It is not significant square mileage but it does go into those regions.

Tera Klutz: Some townships are not six by six such as Scipio.

Roy Buskirk: I realize that.

Tera Klutz: I think it was done for practical purposes and a while ago.

Stacey O'Day: Long before I was here.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: Just a question since I was not part of the Personnel Committee but wanted to find out. This position was reclassified as a higher level position. Did something change that made that happen in terms of duties or was it simply that they had been doing those duties and we have now just recognized that?

Sam Walker: We have been responsible for everything that we currently do. Granted, statutes and laws come down that we need to absorb. We haven't had an increase in staff and so our staff has had to take all of that on. When we first started six years ago, where we had one person doing the appeals and one person did the field work. For us, it just made sense to have five individuals split the township up into five and have them work from beginning to end. That way when they did the trending, they knew the neighborhood and they knew sales. When they did the appeals, they knew the neighborhood and they knew those sales. It just made more logical sense for us with the amount of staff that we have.

Tera Klutz: And the product is better. The final picture is worth the change in the organization. The delivery of information to the Auditor is more accurate and reliable.

Roy Buskirk: It has been re-graded by HR and as he said, six years ago they started this trend where an individual does the property from beginning to end.

Darren Vogt: So Stacey, with this transfer, it is coming from the position that you didn't fill.

Stacey O'Day: That is correct. It is the same position that I mentioned we would be taking the funds for.

Darren Vogt: So all of the Assessing community increases, so to speak, are coming from this.

Stacey O'Day: We are looking at sharing that fund together.

Roy Buskirk: Is that from the Reassessing Fund?

Stacey O'Day: No. It is from the General Fund.

Roy Buskirk: I guess that is another thing that I don't understand. The Reassessing Fund and how that is disbursed to the two different Assessors that we have for the County.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tera Klutz: I can give you a little background. The Department of Local Government Finance kind of sets the property tax levy because historically, I guess, they couldn't rely on Counties to do it themselves and make sure that they had a good reassessment. It starts with them telling us how much property tax we should raise and then that information is delivered to our County and a budget is set from the County Assessor who handles the entire appeals process. That covers Wayne Township and the full County.

Roy Buskirk: The appeals.

Tera Klutz: Yes.

Roy Buskirk: But the actual work to establish the assessed value.

Tera Klutz: It can be used for that as well. I know that the Assessor is currently trying to move all salaries out of there. She is in that transition period. It can be used for assessing and it can be used for anything that has to do with trending or assessing.

Stacey O'Day: I think that statutorily, it says that the County Assessor sets the Reassessment budget. I think that is where the terminology came from. We work together to make sure that we are covering any needs of Wayne Township at the same time.

Roy Buskirk: I guess I am a little confused why both of your offices, I mean because most of it is pertaining to reassessment and that you wouldn't pay wages and the like out of the Reassessment Fund.

Stacey O'Day: We do. We cannot sustain our office from off of that Reassessment budget.

Roy Buskirk: Not totally?

Stacey O'Day: No.

Roy Buskirk: I thought it was just said that you are trying to take wages out of the Reassessment Fund.

Stacey O'Day: We need to make sure that the fund will continue to build so that we can have it there for the needs that we have. If we have too many people in there, the fund will deplete itself. We are carefully monitoring so that we don't hit that level.

Roy Buskirk: Okay.

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: Okay, gentlemen, there are three for Wayne Township amended salary requests. Do you want to handle all three together or individually?

Darren Vogt: If you bear with me on the long-winded reading, we can do all three. Move for approval of a request within the budget of the Wayne Township Assessor requesting an amended salary ordinance for 2013 for a Senior Real Estate Appraisal Deputy, OSS 5/3 to OSS 6/3, \$35,456 to \$37,351. That same department requested an amended salary ordinance Real Estate Appraisal Deputies, OSS 4/2 to OSS 5/2, \$30,773 to \$33,768. Again, the same department requested an amended salary ordinance for a Real Estate Appraisal Deputy, OSS 4/3 to OSS 5/3, \$32,311 to \$35,456.

Bob Armstrong: Second.

Larry Brown: Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Darren Vogt: Move to approval to transfer from County Assessor 100-0901-419.14-37 \$20,021 to Wayne Township Assessor 100-1601-419.19-90, \$20,021.

Tom Harris: Second.

Larry Brown: Does everybody understand what is going on? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Thank you very much. Next on the agenda, we will hear from the Building Department. Good morning, Dave.

Dave Fuller: Dave Fuller, Allen County Building Commissioner.

Tracy Mitchener: We have a Senior Permit Specialist, OSS 3/2.

Dave Fuller: We are asking for a salary ordinance for one of our four mid-clerks into a senior position. At the same time, we have eliminated our Dispatch Reception Clerk. The new position will take over some of those responsibilities from the eliminated position as well as oversee the front counter and the work that goes on with the other Permit Clerks. Budget-wise we are eliminating a \$28,250 for 2013 and the new one will be about \$27,000 with FICA and PERF. It is a savings in 2013 over 2012. There are a couple of things that have allowed us to do that. As you may remember, we have had a lot of IVR problems and we hesitated to eliminate the Dispatch Reception position until that was resolved. That was pretty much taken care of a couple of months ago when they realized the interface problems with Accela. We

ALLEN COUNTY COUNCIL MEETING MINUTES

have had a little more stability until last week when we did our upgrade to Accela when it messed up everything again. We are working to fix it again. We are also seeing, with online permitting, some reduction in activity at the counter. It allows us to work with three people at the counter. The senior position will still do permits but they will either be online or faxed permit requests. She will not have to be at the front counter to do that work. She will also pick up some project work that has kind of been lagging and we would like to get done.

Larry Brown: Dave, when we talked on the phone the other day, I forgot to ask you or didn't even think to ask you but prior to this are all the positions at the front desk the same classification?

Dave Fuller: Yes. This new position will be an upgrade of one step.

Tom Harris: Overall, are the business demands for your department going up and I thought the answer might be yes, but if you are seeing less at the counter, that doesn't mean overall that it is dropping. It probably means that it has moved online and now there are demands in other parts of your department.

Dave Fuller: Yes, we are seeing increased permits considering that the last three or four years we dropped considerably. We are on our way back with being considerably ten percent or so of where we were in 2006 and 2007. We are back up to the levels that we were in 2006 and 2007 in the number of permits. The number of inspections has increased equally. What we are not seeing is an increase in job value. While we are getting a lot more jobs, they are smaller jobs and they aren't investing as much into those jobs. That translates, in a lot of cases, directly into the revenue that we bring in because our permits are based on job value in many cases. While we are not seeing that trend upwards in revenue as quickly as we would like, we are seeing it in permits and inspection activity which means that the construction industry is moving forward again.

Tom Harris: It also means that, maybe I should ask this instead, are builders becoming more accustomed and comfortable with coming online to do some of their needs versus coming to the front desk?

Dave Fuller: Right now, we have been doing it for a year to a year and a half with residential. We still have some issues and I think you are going to be talking about it later about some software updates. There are some issues on the commercial side because we have to be able to get plans and documents on commercial projects that are not required on residential. To do it online, they would have to have a venue to submit those to us. PDF's can be

ALLEN COUNTY COUNCIL MEETING MINUTES

submitted right now but the volume is such that our servers can't handle it. As soon as that software has taken care of it and is approved, then we will be able to move commercial online as well. The ones that are doing it on the residential side are very, very satisfied with not needing to come downtown and the cost of gas, time and labor. It is working very well.

Roy Buskirk: I might add on that, the permitting process and updates and everything that we are doing, part of it is that around the first of February you will be able to pay for them. Currently Dave has a system that the Building Department has been using in the past but all of the departments will have a system that you will be able to do it without the three percent credit card charge. We have had several builders say that if they were just getting one permit, they would probably just pay that but if they are getting multiple permits, they would still come downtown because of the three percent cost. The other thing that Dave was saying is that instead of it being permits for a new house it is multiple permits for a repair job. It is a little misleading if you are looking at the number of permits. Larry and I can take a pat on the back for what we are doing on the Permitting Board in what we have done but we still have a way to go with the software and stuff coming up.

Larry Brown: I am looking for a motion.

Darren Vogt: Move for approval in the Building Department request for a salary ordinance requesting the pay for a Senior Permit Specialist, OSS 3/2 with an annual salary of \$27,791.

Roy Buskirk: Second.

Larry Brown: We have a motion and a second. Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Thank you. Next on our agenda is Human Resources.

Tom Harris: If I can ask one question, when I am looking at the Personnel Committee notes, the salaries are different than the salary ordinance. Is that due to taxes and such?

Nick Jordan: The salaries on the Personnel Agenda are based on the 2012 grids and since we are working in 2013, the ones on the Council agenda and the salary ordinances are for 2013.

Tom Harris: Very good, thank you.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tracy Mitchener: Next up is the Risk Manager going to the Risk Manager/Attorney from PAT 4/4 to SPEC OCC. This is a position that we had in the past.

Larry Brown: Excuse me for interrupting but could you identify yourselves for the record, please.

Therese Brown: Good morning, Commissioner Therese Brown.

Janette Jacquay: Good morning, Janette Jacquay, Allen County HR Director. We are here this morning to ask for an amendment to our salary ordinance of the Risk Manager in the HR Department. Back in 2006, some things changed, as some of you may recall. It was in regards to the legal staff that was downsized just a bit and at that time, a reclassification was done in the HR Department where we had an Attorney/Risk Manager. That was Cathy Serrano who departed in April and at that time she was the HR Director. We are now without an attorney within the department. We are asking for the salary ordinance to be amended so that we can have an Attorney/Risk Manager.

Therese Brown: To be straight forward, over the last eight months, we have had the opportunity to look at the processes that go on within the HR Department. In light of the amount of workload that this department has, many of you are well aware of the dynamics that go on within that venue. That said, we have had two attorneys that are not technically tasked with handling the functions that the prior Risk Manager/Attorney position had been doing and we know that we are putting ourselves in a position of potentially being billed for hours worked. The position was giving benefit of taking care of a lot of HR issues that would not have to task those other attorneys to perform as well as this position that also sits as legal counsel to the Drainage Board and also does Poor Relief Hearings. We know that the cost of paying the hourly rate, which I believe is around \$150 an hour, would be more than what we would want to spend and we would benefit by hiring an in-house attorney to perform these functions. One of the things that we do want to make sure that you are aware of is that the Commissioners will also be reorganizing and have been working diligently on the security aspect that you had asked us to do several months ago and have been able to maneuver quite a few of the functions relative to safety into the HR Department partly with Risk Manager working with our Buildings and Grounds Manager, Dan Freck. The money that we will also be saving to offset what the increase would be will be coming from a security line within the Commissioners' budget. There will not be an additional appropriation needed to take care of the reinstatement of this salary. If you have any questions, feel free to ask them. Mr. Harris, it looks like you have one.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: A variety of thoughts. One that I will throw out is that in the past, way back and several years ago, the attorneys that were contracted with the County and not necessarily within the HR Department continued to help the HR Department. Why did that change or why could we not look at that? Secondly, previously, the attorney was the Director. Initially, in my head, what might happen where an attorney's opinion, as part of staff, is different than the Director's decision of the department? Would that not set the County up for a dangerous scenario?

Therese Brown: I will answer your last question first and that being that one would suspect that the Director and the Attorney/Risk Manager would be working in concert with each other and working through whatever the issues are. Obviously an individual who is going to apply for this position is going to have to be brought up to speed relative to the regulations that government has. We have no predisposed idea of who this person would be, at this point. I would suspect that there would be a level of engagement with our County Attorney to make sure that they understand some of the pitfalls of government relative to the private sector when it comes to different things. I can't answer for you, Janette, but I would assume that you would be working in concert with them.

Janette Jacquay: Yes. Commissioner Brown is correct. Bill Fishing, the Commissioners' legal counsel, has agreed and since Cathy Serrano's departure in March, has been assisting us pro bono. We still needed legal counsel. Mr. Fishing is well aware that if we do bring an attorney into the HR Department that he will be working with him or her to get them up to speed. I can also address your last question. I don't always agree with our current counsel but we do end up with a mutual decision in every case. We talk it through with legal. Some can be very complicated but HR usually defaults to legal. They do understand the law, I am not an attorney. This attorney would work closely with Mr. Fishing.

Larry Brown: Roy.

Roy Buskirk: In summary, it was just a few years ago that we decided to move to have a staff attorney so as to cut down on the cost of the attorney fees.

Therese Brown: I don't think we have the sheet with us today but I think we had taken what the Auditor's Office had given you in the past and tried to delineate some of the things in the past of those attorney costs. You have salaries, obviously, but you also have lawsuits and things that are outside of their scope.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: There was a move by the Commissioners to have an attorney on staff and that is where the attorney was placed and was also the HR Director. Challenging unemployment claims is one of the issues that is then all done as savings for the Allen County taxpayers.

Darren Vogt: Move for approval of Department 43, Human Resources, request for a 2013 salary ordinance for amending Risk Manager to Risk Manager/Attorney, PAT 4/4 to SPEC OFF, \$44,913 to \$55,000.

Roy Buskirk: Second.

Larry Brown: Question and discussion time. I do have a question. My question is as much for me as I hope for the general public. Without getting into specific, confidential cases, which I know you wouldn't, help us appreciate the need for an attorney within Human Resources. What kinds of things?

Therese Brown: There are a myriad of things that Janette could touch on but from my perspective, you have very delicate situations regarding Poor Relief Hearings. Individuals being stressed with how to pay their bills and have been denied need to have someone who is of a stature to help navigate through those types of situations. Also, a lot of employment scenarios that we run into making sure that not only our rules are being followed but again, you have a grievance process of pre-deprivation hearings and you need to make sure that there are balances so that those individuals feel they have the full confidence that they are being heard. I don't know if there is anything else you want to add.

Janette Jacquay: I have lots to add. I will try to keep it short but when a department, and we have close to forty, has an employee issue and it is a complicated issue, many times legal has to be consulted. As many of you know as being business owners, if you terminate someone for the wrong reason, you could likely end up in the land of lawsuits. There is a lot out there right now. A lot of time legal is consulted but not all of the time. You do have a very competent HR Department. On occasion, we do need an attorney to step in and assist us with complicated terminations so that we can prepare for fighting an unemployment claim, which if we lose that can be over \$20,000. That terminated employee could sue us under the EEOC based on any type of discrimination, sexual harassment, age discrimination, race, sex or religion. That can be very costly and would come out of County funds. There is a plethora of reasons why legal is brought in.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: I think part of it is that they are also added other responsibilities outside of the HR Department such as the Drainage Board. It is almost like a part-time job.

Larry Brown: When that happens, it concerns me a little bit where are you going to find an attorney that is so well rounded broad that not only knows employment law and knows if drainage water runs downhill or doesn't. That concerns me that you are getting proper legal representation. Being on the Drainage Board is a totally different career path than employment law. I just hope you are mindful of that.

Therese Brown: Absolutely. We recognize and Bill Fishering is more than willing to assist in the training to make sure there is enough guidance so that they understand some of the things that they need to be dealing with. I don't mean to bring up Cathy Serrano in a negative way and it is not intended that way but anyone walking into the position would not be well-rounded and being able to walk in on day one and have every skill set. I don't know if any of us walked in and had every skill set and knew every rule and regulation on day one. I think that as long as there are individuals out there, I think we have a considerable stable of attorneys that may be interested in this and be able to perform these functions adequately.

Larry Brown: This is a full-time position, correct?

Therese Brown: Yes.

Larry Brown: Are there any further questions?

Tom Harris: The concept is that we are going to change this job and turn it into one that requires the legal background. The current incumbent that is in that position would no longer be qualified for that position. Is that right?

Janette Jacquay: Correct.

Larry Brown: Must they have an active license to practice law in Indiana?

Janette Jacquay: Yes.

Bob Armstrong: To me, it seems like you are taking and filling a position that is not a full-time position and you are giving him added responsibilities to fulfill the obligation to make it full-time. I have a problem with the whole thing. It is kind of scary if we need an attorney HR that is going to work forty or fifty or sixty hours a week. Maybe we should dedicate some of this funding and go back out into the workforce and train our department heads and

ALLEN COUNTY COUNCIL MEETING MINUTES

division heads on a better concept of managing and controlling their employees and departments. It is hard for me to recognize that if you are going to do this, this person is going to be dedicated to HR legal issues forty to fifty hours a week and would still do Drainage Board.

Tom Harris: The upside of my perspective is that you are hiring an attorney on a salaried basis that would be able to work forty, fifty or sixty hours a week and at the same amount versus hiring that out or having other attorneys fill in and get paid at \$200 to \$300 an hour. It is a good question if are there ways that we can reduce those retainer costs of some other attorneys in the County, presently?

Therese Brown: This is going back to a model, if my understanding is correct, to what this body agreed to and that was that it would be a good idea to have this Risk Manager/Attorney position within the department. In essence we are going back to a model that had already been agreed to. Relative to your concerns, Mr. Armstrong, I think it is one of those things where focusing on risk alone is very big. Risk obviously entails legal because we have insurance policies, accidents and all kinds of legal issues that need to be addressed. I think the HR Department, and I think most of you are well aware, has been operating at less than necessary capacity to be able to deliver the services that you are actually bringing up. I think it is the goal of the HR Director, and she has been tasked by the Commissioners, to step up as we support her in increasing staff and giving focus that she is able to get to the department to teach and continue to upgrade. Having legal counsel within the department helps bring that clarity for the department and assists each of those department heads.

Janette Jacquay: On Mr. Armstrong's comment, an attorney in the department is not going to work an attorney job or duties fifty to sixty hours a week. As you know, when personnel problems come up, that is when we need an attorney. It doesn't happen every day and is not always an eight-hour issue. It can be very sporadic. When Cathy Serrano was the Attorney/Risk Manager or was the Attorney/HR Director, she put in fifty if not sixty hours a week. That is not common for the HR Department. We all work overtime.

Roy Buskirk: Do we have any other attorney, hired by the County and considered staff by the County?

Therese Brown: Bill Fishering and John Feighner.

Roy Buskirk: They charge by the hour also.

ALLEN COUNTY COUNCIL MEETING MINUTES

Therese Brown: For things that are outside of the scope of his contract. That could be bonding which is an outside scenario that happens on occasion but not continually. Lawsuits, obviously there are staff resources that have to be utilized to be able to do that. Also, depending on the lawsuit, you have individuals that have to be retained as attorneys through our County attorneys and are experts in specific areas of law. We are looking at how we can continually reduce our cost. That is what we are all focusing on and moving toward. We may be looking at a different model of our attorney scenario coming into the New Year. To answer your question, we have three attorneys on staff. One works with the Sheriff, one with the Commissioners and one with a variety of departments.

Roy Buskirk: This is still the same job. The previous one, Cathy, was doing this before. Is that correct?

Janette Jacquay: Correct and currently Bill Fishering and Carrie Hawk-Gutman are filling in pro bono. We don't know how long they will continue to want to do that.

Tom Harris: I will call for the question.

Larry Brown: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 4-1 (Armstrong) -2 (Moss and Howell absent). Thank you. Next we will hear from Superior Court on a transfer.

Jerry Noble: Good morning, Council. Jerry Noble, Court Executive Allen County Superior Court. With me is Chief Judge David Avery. We appeared before the Council in October with requests for transfers and appropriations and had a vigorous discussion with all of you at that time. One of the things that you mentioned was that we come back in December if we found that there were additional resources available within the 100 Series or anywhere within our budget for transfers. It was to help cover the Pauper Attorney expenses and we are appearing before you with that request. We have looked very carefully and now we are down to the very end of the budget year and the end of payroll. We have looked at the 100 Series and found that we have the resources available in the amounts you have before you. We would like to have the Council's permission and authority to transfer to Pauper Attorney to help offset the expenses that we know are coming before the end of the year.

Larry Brown: Tom.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: I was just going to make a comment that at this point you are not asking for additional funds but simply taking the funds that you have already in your budget for this year and transferring them.

Jerry Noble: Yes, from one series to another.

Larry Brown: Is that a motion?

Tom Harris: Yes it is.

Darren Vogt: I will second that and then ask a question. Is that going to cover all of your costs for 2012?

Jerry Noble: No, I am sure that we will have some. It doesn't come down to the exact dollar by any stretch. We know that the Pauper Attorney monthly claims are about \$36,000 to \$37,000 a month. Between this and Guardian Ad Litem, there will be other costs that will simply be carried over. This is the best that we can do as far as resources available for transfer.

Roy Buskirk: What is your current balance?

Jerry Noble: The current balance is under \$8,000, about \$7,800 to \$7,900.

Larry Brown: You need to read the motion.

Tom Harris: Okay. Move to approve the transfer from FICA, PERF and Assistant Supervisor II totaling \$18,990 to Compensation Pauper Attorney.

Darren Vogt: Second.

Larry Brown: Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Next we will hear from the Department of Health.

Tracy Mitchener: Tracy Mitchener, Assistant Director of Human Resources.

Mindy Waldron: Mindy Waldron, Administrator of the Health Department.

Tracy Mitchener: We have an HIV/STD Prevention Division Director going to a Supervisor, from PAT 6/7 to PAT 4/7.

Mindy Waldron: Personnel Committee did approve this. What we have is a bit of a stop-gap measure due to loss of funds in a grant. For many years, we have received probably \$385,000 for several grants that supported statutorily

ALLEN COUNTY COUNCIL MEETING MINUTES

required duties for our STD staff. It has dwindled to this year where it will be \$230,000. What we have basically done is cut staff over those years. We are at a point where there isn't the ability to do that but they did curb the amount of funding that they would give per position this year. We have, for years, been covering those shortfalls. The Department of Health's budget has been covering those shortfalls but mainly is the benefit lines because they have capped the pay. For this particular position, it is a large cut this year and so what we did instead of cutting positions or pay but not the duties, was to have this particular position reclassified. Some of those duties which were more directorial duties, I will do. This position will then be a Supervisor. That is what we have done so that we can at least cover it for 2013. Because of the red-circle policy, we will need to come before you in January to cover approximately a \$12,000 difference.

Tera Klutz: It is a grant-funded position so you do have the ability to pick either way. You can red-circle or not because of the grant funding.

Mindy Waldron: That is what we asked last week. I will need to rethink that then for January whether we do or don't.

Tera Klutz: Actually the salary ordinance will say today what you decide. You can come back in January and get the funds.

Mindy Waldron: I think we will leave it as we have because we have informed that employee that they would be going down to a PAT 4 cold turkey. Then we said it had been decided that they would be staggered like all of the other staff. I would hate to make that decision here. I think we will leave it as we have that it will be red-circled. We will need to come back for the additional gap but if we decide that isn't something that we will do, we will have to make an amendment. It is probably the right thing to do, to do it consistently.

Tera Klutz: I have a salary ordinance. I don't know if you have both in your notebooks.

Darren Vogt: Move for approval of an amended salary ordinance amending the pay for an employee within the budget of the Allen County Department of Health, 767-7306-441 and 769-7304-441, from HIV/STD Prevention Division Director, 13-98, from PAT 6/7 to PAT 4/7, \$63,623 to \$51,007 until December 20, 2013 and then from \$57,315 as of December 20, 2013 and then \$51,007 as of December 20, 2014.

Tom Harris: Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: I have a question on that. There is no reduction at all on it for a year? The current salary is \$63,623 and it will continue to be that until December 20, 2013.

Tera Klutz: That is correct. I believe that when you adopted the policy, you wanted them to have a year to possibly find another job before the salary decreased.

Roy Buskirk: That's right.

Larry Brown: We have a motion and a second. Are there any further questions or discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Next, we will hear from the Auditor.

Tera Klutz: When the Assessor went to HR to get her GIS position reclassified, the Personnel Committee had requested, I have two GIS Technicians working in my office, that they could have a baseline established correctly by evaluating my two positions. I agreed to that and there was no problem. Tracy spent some time doing a desk audit and we completed the questionnaire. I found out a couple of weeks later that HR recommended that they actually be reclassified up a step on the PAT grid. With that knowledge and knowing that, I think I am obligated to pay them fairly at the rate that HR recommended. I did not request that these be reclassified and it was just as a result of the Assessor reclassifying her position. I still don't know how I am going to pay for the reclassification. I am waiting to hear from some outstanding contractors on how I am going to do the Homestead Verification Audit next year. Depending on how that goes, I may have extra funds to pay for the increases.

Roy Buskirk: Both of them are Step 5.

Tera Klutz: Yeah. There is a five-year window within that Step 5.

Darren Vogt: Move for approval of an amended salary ordinance amending the pay of an employee within the budget of the Allen County Auditor, 100-0201-415 GIS Technician 13-24 and 13-14, PAT 3/5 to PAT 4/5, \$41,905 to \$47,158.

Bob Armstrong: Second.

Larry Brown: Are there any further questions?

ALLEN COUNTY COUNCIL MEETING MINUTES

Bob Armstrong: I have a question. How many of these GIS Technicians do we have?

Tracy Mitchener: As far as I am aware, there are two in the Auditor's and one in the Assessor's.

Tera Klutz: The one in the Assessor's is not doing anything similar to the ones in my office. We have several people that work on the GIS platform. The two in my office actually draw the parcels out which everybody else bases their work on.

Larry Brown: I thought DPS has some.

Tera Klutz: There are a lot of people that work on the GIS platform.

Tracy Mitchener: There is one in the IT Department but that is more of a technical kind.

Roy Buskirk: But I think the ones in Planning Services Department are being transferred to the Commissioners.

Tracy Mitchener: There was one person that was moved to the IT Department under the Commissioners.

Larry Brown: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent).

Tracy Mitchener: Thank you very much and Happy Holidays.

Larry Brown: Next is a transfer within the General Fund.

Nick Jordan: I will take this one. This is for the Joint Oversight Permitting Board. When their money was appropriated, it was appropriated in a Contractual line. The Board needs to purchase some computer software and equipment to continue along with their process. What we are doing is transferring some of those Contractual dollars to supplies and capital so that they can make these purchases.

Roy Buskirk: I thought we were going to have a transfer for what the City had reimbursed the County.

Nick Jordan: That will be in January of 2013, when we will talk about that.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Move for approval of the Commissioner transfer from the Contractual line, 100-4005-411.31-13, \$24,400 to Software, 100-4005-411.29-03, \$13,400 and Computer Equipment, 100-4005-411.43-03, \$11,000.

Tom Harris: Second.

Larry Brown: Are there any more questions? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Now, we enter our discussion time. Would the persons representing the CCP please come forward?

Amy Biggs: Good morning, Amy Biggs, Fire Chief for the Fort Wayne Fire Department and President of the CCP.

Tim Lee: Tim Lee, Executive Director of the Consolidated Communications Partnership.

Chris Cloud: Chris Cloud, representing the Commissioners' Office. Before you today is the amendment to the interlocal that was first signed in February of 2010. It was signed by the Commissioners, both City and County Councils and the Mayor. Since 2010, the CCP has been in operation and it seems to be going quite well. We are quite pleased with the work product that we are getting out of the combined group. Tim has been a great asset. The CCP Board, especially under Amy's leadership, has kind of worked out the kinks of administering the interlocal agreement and how to kind of work together amicably. The Commissioners' Office has enjoyed working with both of them. Any agreement there is usually has to have some tweaks worked out in it. This agreement has a number of tweaks that the Commissioners and City Administration has negotiated in the last few months. I will briefly outline those. The initial split for funding 911 was 70/30 and we have amended that to 80/20. That better reflects the initial spending on both sides before the interlocal began. This will be looked at starting the 2014 budget year, annually, to see if that number that is based on call volume changes. Next year may be 81/19 or 79/21 so that it can fluctuate slightly.

Larry Brown: Pause for just a second.

Chris Cloud: Yes.

Larry Brown: Tim, do you have an automated method of tracking that?

Tim Lee: We track it monthly.

Larry Brown: Curious, manual or automated?

ALLEN COUNTY COUNCIL MEETING MINUTES

Tim Lee: We get an output from the existing CAD system and the existing phone system that gives us those numbers. We keep a monthly running spreadsheet on that.

Larry Brown: Ok, thank you.

Chris Cloud: In addition, the County Council in this document agrees to commit the E911 fees that it gets each year from the State to the CCP. The Commissioners used to control those in the past and the State law changed July first to give it to County Council. It changes the makeup of the operations of the Board. It removes the Chief Deputy Sheriff and puts a County Commissioner on there as the second County appointment. I believe tentatively that will be Therese Brown. It spells out more clearly the budget approval process that was a bit of an issue for the last couple of years. The CCP will first submit a budget to the Mayor and Commissioners just for review. Once we sign off, it will go City Council and County Council for the official budget approval process. It does make a notation that pre-July first of 2012, or what John Feighner likes to call old money, that it should be used for the next generation 911 telephone system and E911 Dispatch relocation that may happen. I will give you a heads up that you should hear about both of those requests very early next year. Tim is in the middle of his RFP process and the Commissioners continue to work with the CCP on dispatch relocation. The other thing that it does is add about eight words. We pulled it from your meeting last month because we had to get technical adjustment for IDACS language. I don't know what IDACS stands for but it looks up criminal history with the big database that you have to be super-secret to access. We needed to make sure that we protected the existing IDACS agreement by carving out responsibility for that existing IDACS Governing Board. Other than that, it is the same agreement as before as far as what they do and how they operate. The benchmarks are the same. We just had to change the funding. It is a three-year agreement just as it was before. It has already been approved by the Mayor, Commissioners and City Council.

Larry Brown: Council, are there any questions? I am looking for a motion.

Darren Vogt: It did adjust the thing on the funding and that was what we talked about.

Chris Cloud: You all had a couple of comments after the draft. One was that it didn't specifically say County Council approves the budget. That was amended and County Council does approve the budget. The other one was that it previously said County Council commits the 911 fees and also General Fund money and we changed that to say any funding that it deems necessary. If you had other funds that you wanted to use, you can use them.

ALLEN COUNTY COUNCIL MEETING MINUTES

We took those suggestions from you and incorporated that in and it was fine with all other parties.

Roy Buskirk: I have a couple of questions. One of them is the fact that there are four members and not an odd number?

Amy Biggs: It is four Board members and the Executive Director. It is actually a five-panel Board with two assigned from the County and two from the City and the Executive Director that oversees the day-to-day operations.

Roy Buskirk: So you have the County Sheriff, a Commissioner, the Chief of Police and the Fire Chief and then the Executive Director.

Amy Biggs: Correct.

Roy Buskirk: All five are voting members?

Amy Biggs: Correct.

Chris Cloud: No, just the four. Two from the City and two from the County are voting members. It is sort of like Drainage Board where the Surveyor is on the Drainage Board but he doesn't vote. They have to reach consensus or three of the four. That is the goal with the professional main knowledge person is sitting there but not voting.

Roy Buskirk: What I was trying to point out is that you have four and so it has to be a three-one vote to pass.

Chris Cloud: Yes.

Roy Buskirk: On the breakdown on the budget, the capital expenditure items are 50-50 between the County and the City and on the daily budget it is 80-20?

Chris Cloud: Correct. The thinking behind that is anything capital that they would buy is the big stuff like the radio equipment and those sorts of things. If General Fund money is used, it is a piece of equipment that is going to be used evenly. You can't distinguish more of one than the other. The 50-50 is the principle that we used for the last couple of years. The radios, we bought on our own but the backbone is split 50-50. That was put in by Feighner so that both sides would not have to put in more than 50%.

Roy Buskirk: How do you determine that a piece is wearing out or not?

ALLEN COUNTY COUNCIL MEETING MINUTES

Chris Cloud: I don't know that saying 51% of the calls over 49% of the call would wear out a piece of equipment earlier or later. It is not operational stuff and I think that with the agreement that you all signed for the backbone, the general wear and tear stuff is covered under the maintenance agreement. The only thing to be spent on is large capital expenses. It is only if General Fund money is used. If it was other funds, you can split it with the City any way that you want to. If they wanted something to be upgraded, they could pay for it all or you could pay for it all. General Fund money is 50-50.

Roy Buskirk: On the disbursements, because the County is the one that receives the 911 money from the State, you have disbursement to New Haven and that allocation is based on the 2008 level?

Chris Cloud: That number has not changed in years. It has been \$48,000.

Tera Klutz: Right. Even though the revenue has gone down, the \$48,000 has stayed the same.

Tim Lee: If you evaluate it on call volume, the monetary amount is only a couple hundred dollars difference.

Roy Buskirk: Even though the 911 funding revenue has gone down, theirs will still be the \$48,000.

Tim Lee: By the appropriation of call volume and revenue coming in, the balance is not going to change.

Roy Buskirk: The other couple of questions that I have refer to the budget. What is the clothing allowance of \$900 for? There are no uniforms worn by 911 operators.

Tim Lee: Our dispatchers purchase their own pants for uniformity and they are either khaki or black pants. We do mandate that our employees wear an insignia logo shirt, polo shirts, so that there is uniformity within the division. That is a reduced number. It used to be \$3,000. We want to keep a professional atmosphere in the Comm Center.

Roy Buskirk: Last year it was \$600 and this year it is \$900.

Tim Lee: And the year prior was \$3,000. Part of it was the employees paid out-of-pocket just so they had enough and so we increased it by \$300 so that they are not paying for their own mandatory clothing.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: There is a line item for gasoline of \$420. Is that reimbursement for mileage?

Tim Lee: I would assume, Roy. Currently we utilize the County Fleet vehicle and the City Fleet vehicle if we are going to training seminars or if I am going to a meeting across the State. That is where that money is coming for reimbursement. We do not own a vehicle for the Comm Center.

Roy Buskirk: Okay, this is credit card purchase for something like gas.

Tim Lee: Yes, sir.

Roy Buskirk: Sometimes it takes me a while to think those things through. On the Seminar fees, is increased from \$30,000 to \$32,000?

Tim Lee: Yes, the Seminar fee is a conglomerate of not only us going to seminars but it also covers for the registration and certifications that we have to have to be a full scale dispatch facility. They have to be EMD, EPD and EFD which is emergency, police and fire dispatchers. That is for the annual certification and it varies by employee from \$300 to \$500 including our national certification that we have to maintain.

Tom Harris: So how much is that difference, roughly? You mentioned that some of that \$32,000 includes the certifications. What is the difference between that and the amount of seminars that you are planning on going to?

Tim Lee: I'll be honest with you that with the transition that we currently had and Chief Biggs has the best definition of it, we need to worry about our own back yard before progressing and going out to seminars.

Tom Harris: And that is why we are asking that question.

Tim Lee: I have paid for the seminars that I have attended out of my own pocket. I don't project that until this whole dispatch movement and new phone project that we will be going to any seminars within the next year. The increase in cost is basically the increase of billing for the accreditation and certifications.

Tom Harris: So that means that the entire \$32,000 is for certifications.

Tim Lee: Yes, sir. If you would like, Tom, I can actually break that down for you and get you something on that.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: The Telephone and Telegraph was \$12,000 in 2012 and now it is \$279,600 for 2013.

Tim Lee: They combined our contract with D & M Communications into that account as well as the crazy amount of telephone service that we pay to frontier. Because of all of the lines that come into the City-County Building, for 911 as well as part of the distribution phone lines into the City and County Buildings, the circuits come into the Communication Center and are roughly \$3,000 apiece.

Roy Buskirk: So if this was combining of previous budget items, what items were closed?

Tera Klutz: Look at 5363.

Chris Cloud: And 5367.

Roy Buskirk: Another thing that caught me off guard was long distance charges.

Tim Lee: That is something, Roy that I don't have an answer for outside of the fact that we are a communication center that communicates with other Counties on a variety of business as well as vendors. We are billed for any long distance calls that are made outside of the Communication Center.

Roy Buskirk: You don't have nationwide long distance with your phone system?

Tera Klutz: If we did, we would have to pay for it and this is how we would pay for it.

Roy Buskirk: Usually it is not too much.

Chris Cloud: I think the County rate, right now, is either two or four cents a minute.

Roy Buskirk: For nationwide?

Chris Cloud: Any long distance.

Roy Buskirk: One last one and that is electricity. Are we now charging the electricity? Last year was zero and this year is \$26,400.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tim Lee: I think that was an incurred cost with the potential cost of moving or renovation. We also have an increase on that because we are now paying utilities for two of the new tower sites.

Roy Buskirk: Previously you didn't have to pay for electricity for the tower sites?

Tim Lee: Tower sites, no. That was a division between the City and the County depending on which tower and who the proprietor was of that tower. Now that the consolidation has brought those tower sites as part of my budget, we are paying the utilities for those sites.

Chris Cloud: In the past, they rented and now they own.

Roy Buskirk: I would assume that is part of what the next item is with Equipment Repair and such.

Larry Brown: Go back up to legal. Is that something that is finally (inaudible). Were you anticipating new legal fees?

Tim Lee: I am anticipating that it drops off substantially. A lot of time was dedicated to the new Memorandum of Understanding which incurred legal fees from both City and County as well as the representation in the CCP. We had everything from the handbook, policy and procedures. Most of those things are now in place. The MOU being finalized, I am hoping and projecting that the number comes down.

Larry Brown: My point is that the 2012 line item was zero and 2013 is \$30,000.

Tim Lee: I think that is just a place holder hoping that we don't need that amount but it is in there to cover attorney fees. Larry, I would have to go back and look to see what was spent.

Chris Cloud: They have had legal expenses this year and so I guess the question would be what line are they using now? The radio project incurred a lot of legal activity. They are paying for it somewhere and it is just a matter of where they took it from to put it into this line.

Darren Vogt: If you look at 43-99, Other Services and Charges, part of it is probably in there.

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: If you jump to the bottom line, maybe there was a different philosophy of which account got used for what, it is a reduction and that is the main thing.

Chris Cloud: Part of the growing pains for them was going from a City budget that had different pockets and going into County 911. In merging that together, once Tim started, he started owning the budget and he found that we didn't have the same names for things. They are trying to realign so that it is in the right line that makes sense for it. You are right the bottom line is that there is a reduction for this year.

Roy Buskirk: Before you had parking. Someone was paying, even though it wasn't much. Now there is no parking being paid in the City-County Parking Garage?

Tim Lee: They are paying for it out of their own pocket.

Chris Cloud: The County provides two spots.

Tom Harris: I have a question that Roy mentioned on the expenses. I will ask the question on the revenue. There have been some questions on the revenue and the forecast. It was six to nine months ago that we had the discussion but is there any further feelings or understanding or expectations on revenue? I will turn that to the Auditor, I guess.

Tera Klutz: Right now we are still in that initial stage of when the State changed. They raised the fee and also the administration. All of the money is distributed or paid to the State and then subsequently to the Counties. We are guaranteed a certain amount of money which is close to the \$2.3 million listed there.

Tom Harris: So we are not guaranteed the \$2.3 million?

Tera Klutz: We are guaranteed the \$2.3 million. There may be more revenue after the year is up and that year ends June 30th. The State 911 Board has not given out any information to indicate whether the revenue that the revenue that they are bringing in is, one, covering the hold harmless amount being distributed to the Counties is over or under. I think they are still in the beginning stages of trying to wrestle to make sure that all of the providers are paying them correctly and so we haven't heard. I am following up with them to try and figure it out.

Tom Harris: In watching this in the coming year, when will we know that things are okay there? Do we know that in June? I only ask that question in

ALLEN COUNTY COUNCIL MEETING MINUTES

terms of budget management. Obviously we want to make sure that the revenue is going to come through as any good business might want to do, right? How might we watch that? Are there quarterly feedbacks or discussions that would tell us that everything is okay?

Tera Klutz: Right now there is no feedback. Emails have gone unanswered. I think that once we can get a handle on the revenue that they are actually bringing in every month, and then we as Counties can decide. They are required, by law, to distribute the \$2.3 million to us. They divide that by twelve and send us 1/12th every month. In order for us to gauge how that compares to the revenue that they are bringing in, we need to know the revenue they are bringing in. It is a State question and I am asking it and I will ask it again after the year is over and I will continue to ask in March. Once we know that, we can move from there. If they are collecting less than what they told us then we will be careful on our budget. If they are collecting more, it is a good sign that we may get an additional distribution.

Darren Vogt: You say that the State has guaranteed the \$2.3 million but they haven't guaranteed the \$2.3 million?

Tera Klutz: They have guaranteed \$2.3 million but what will happen is that they may change the law because they are not collecting enough.

Chris Cloud: That number was the average of the last three years. We are assuming that it should be good.

Tera Klutz: Yes because they raised the fee for land lines and cell phones.

Darren Vogt: They raised it in some and lowered it in others.

Tera Klutz: Correct.

Larry Brown: Tim, I have a question. At Tuesday's CCP meeting, it was voted to grant a two percent across the board wage increase. The budget that is before me has an increase on line item 51-11 of \$7,546. Two percent of the 2012 budget amount is like \$78,000. Are we to assume that you are somehow not filling unfilled positions or is how is that two percent across the board increase going to be accounted for in the budget?

Tim Lee: Coming to the end of 2012, when we hire an employee, it takes about two months to get them through the hiring process. If I've got a vacancy, it creates about a two-month gap. Throughout the year, it created a balance of salary, and I apologize that I don't have the number in front of me, of a little bit over \$140,000. That is what created the under-budget.

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: Surplus, if you will.

Tim Lee: So we utilized that for the two percent instead of coming back to Council to ask for additional appropriations. We try to be fiscally responsible as well as taking care of the employees.

Larry Brown: I didn't hear that discussion at all. Maybe everybody on the Board knew that on Tuesday but I didn't hear that discussion at all.

Tim Lee: Yes, sir, they did.

Larry Brown: It concerned me that they didn't seem concerned about how it was going to affect the budget.

Tim Lee: It was just good fiscal management and communicating with the Board.

Larry Brown: Council, looking for a motion.

Darren Vogt: Move for approval of the Consolidated Communications Partnership, CCP, Interlocal Agreement.

Bob Armstrong: Second.

Larry Brown: All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). Is it agreeable for tabling Board Appointments until and the question becomes when?

Darren Vogt: January's meeting.

Larry Brown: January's regularly scheduled meeting. That's fine.

Roy Buskirk: That might not be a good idea because some of the Boards meet prior to that time. I think we should at least consider it for the Organization Meeting. The Boards have election of officers and everything else.

Tom Harris: Is it possible to do that at the Organization Meeting?

Darren Vogt: Right now the Organizational Meeting, as it stands, is the 17th of January. If we had the Organizational Meeting next week, it would have to be after the Inaugural Ceremony.

Tera Klutz: I really feel that if you wanted to try to have an Organizational Meeting before January first, then you should just do it today because the

ALLEN COUNTY COUNCIL MEETING MINUTES

people that are sworn in would not be able to participate until January first. I don't think that you can legally organize until the first of the year.

Tom Harris: Roy, how many meetings are happening prior to the January meeting?

Roy Buskirk: I don't have that information before me.

Tera Klutz: If there is a particular appointment or Board that you can think of or if you know someone would like to be on, there is nothing that precludes you from making that appointment today.

Roy Buskirk: The Plan Commission is a very important one. They have an appointment to UTAB. UTAB will have a meeting prior to our Council meeting and they will also have their election.

Bob Armstrong: Can we ask them to move theirs back?

Roy Buskirk: I doubt it.

Larry Brown: Roy, since you are in favor of doing it today, are there any current appointees that have expressed interest in continuing on or wanting off? I guess maybe we need to go down through them one at a time. The ABC, Alcohol Beverage Commission, is a one-year appointment. Ozzie Mitson served in 2012. Does anyone know if he wants to continue on and is he willing to continue on? I've seen him but keep forgetting to ask him. I would think that if he didn't, he would have told me.

Darren Vogt: I would assume the same thing.

Larry Brown: Allen County Child Care Facility Board, Roger Brugh.

Darren Vogt: He is still willing to do that.

Larry Brown: PTABOA is Dave Meyers and Judy Macon.

Darren Vogt: Those have to be an R and a D and certified.

Larry Brown: And they are willing to continue on?

Darren Vogt: I haven't talked to them.

Larry Brown: Redevelopment is Darren and Roy.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: My personal opinion is that we don't need to Council members on there. I would be willing to step aside on that. We would need to find a replacement. I can serve until we decide on a replacement.

Larry Brown: Council would still have two appointments; they would just not both have to be Council members.

Darren Vogt: I would be willing to step aside and have Councilman Buskirk stay on there and I will serve until we find a replacement.

Larry Brown: Hopefully you can find somebody by the January 17th meeting.

Darren Vogt: Okay.

Larry Brown: Regional Sewer District is going on until the end of 2013. Woodburn Economic Development is Tom.

Tom Harris: I would be happy to continue on.

Larry Brown: Library Board, obviously Councilman Moss is no longer a Council person but he is a representative on the Library Board until the end of 2014. On Maye Johnson, this Council has talked numerous times that we wanted to have a Council person on that Board. Who is willing to step forward and fill that position? Darren has talked to Maye and she understands that.

Darren Vogt: I think that might be good for Councilman Brown and he might be interested in doing something like that. It might be a good spot for him.

Roy Buskirk: If he is not, I would be willing to serve on that.

Larry Brown: Be clear that we are going to assign Bill that task, is that right? Or do you want it?

Roy Buskirk: I am just saying that I would be willing to serve on it if Bill doesn't want it. I don't understand how we got messed up on it the last time. I didn't realize that we had two appointments on that Board.

Darren Vogt: Timing works out well because you will have one ending in two years and Councilman Brown would be there for four years.

Larry Brown: Another one is the Allen County Economic Development Commission. Steve Bercot is there now. Is there any feedback from him?

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: I asked him at the last meeting and he is willing to serve on it. The short time that I have been on it, he has been very attentive.

Larry Brown: To interrupt and go back up to the top, Councilman Armstrong got a text from Ozzie that he is willing and desirable about continuing on. Now we move down to the Board of Zoning Appeals and Thomas Black.

Roy Buskirk: I had a member of that Board highly recommend that he be reappointed. They feel that he does a very good job.

Larry Brown: Parks and Rec. There has been concern about a couple of areas of representation on Parks and Rec. We have two appointments that are up. One concern is attendance and another is not mirroring Council's conservative approach to budget preparation and things like that. I guess my recommendation, unless you guys know of some names, that we task ourselves to come up with names by the January 17th meeting.

Tom Harris: I may be interested depending on the time of their meetings.

Tera Klutz: Their meetings are evening meetings.

Larry Brown: Four o'clock. I was on it and they are at four o'clock.

Tera Klutz: When were you on the Park Board?

Larry Brown: I was the liaison and I attended the meetings.

Tera Klutz: Okay.

Darren Vogt: I think it might not be a bad idea to have a Council member on that Board. It would lend an understanding of how we operate fiscally and find another replacement for the other one.

Larry Brown: Is that a place for the new guy?

Roy Buskirk: One thing that makes me think is that Bill currently serves on the Board at Park Center as far as the liaison for that.

Darren Vogt: Tom, you wanted to do that?

Tom Harris: If I can verify the four o'clock, it could be problematic for me.

Larry Brown: Sure.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tera Klutz: I would defer to Larry. He was attending the meetings.

Tom Harris: I will check and let you know.

Darren Vogt: Let's defer on those two.

Larry Brown: The next one is City Economic Development. I have no information on that.

Darren Vogt: I don't either. Let's defer and find out.

Tera Klutz: Who is going to be doing this because this is what was said the last time. Who is contacting these people? I think you need to assign those that you are deferring and have them get back with the information?

Tom Harris: You can put my name down on Parks and Rec and I will check on it.

Larry Brown: Roy, would you mind checking with the City Economic Development?

Roy Buskirk: I will see what I can find out. I have no idea why the County is appointing anyone to the City.

Darren Vogt: We haven't had reports from some of these people in years.

Larry Brown: Before we leave this issue, Becky, did you get what we have been talking about so that you can update this?

Becky Butler: Yes.

Tera Klutz: I think we will do a summary when we are all done of who is being appointed today and who you are going to follow up and defer. I think there was still the Leo-Cedarville Regional Sewer District.

Larry Brown: That doesn't expire until end of 2013.

Tera Klutz: Okay, we are good. I have that you are reappointing Ozzie Mitson to the Alcohol Beverage Commission, Roger Brugh to the Child Care Facility, Dave Meyers and Judy Macon to PTABOA, Roy Buskirk to the Redevelopment Commission and deferring the other appointment until next month's meeting. When you defer, it stays until you make another appointment.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: But I could resign. I am willing to resign to keep the appointment. There are some meetings that are going on right now that we need to have both appointments there.

Tera Klutz: Just because they defer it doesn't mean that the appointment expires. Either way we are covered.

Darren Vogt: Okay, that's fine.

Roy Buskirk: I think so that there wouldn't be any confusion, I think he should be reappointed and then he can resign.

Darren Vogt: Just so we don't have any loopholes with the meetings that are going on.

Tera Klutz: Basically the statute reads that if Council fails to make an appointment the current incumbent stays on the Board until another one can be appointed. I think it is fine to reappoint Darren and Roy to the Redevelopment Commission. I have Tom Harris reappointed to the Woodburn Economic Development Commission. I have William Brown appointed to the Library. Steve Bercot to the Allen County Economic Development Commission and Thomas Black to the Board of Zoning Appeals and we are deferring the Parks and Recreation appointments until the January meeting. The City Economic Development Commission is being deferred until the January meeting. Becky has agreed to follow up with the appointments and let them know that they have been reappointed.

Roy Buskirk: So do we say that we are not reappointing these individuals to the Parks and Rec?

Tera Klutz: I think you should not do that unless you have a replacement.

Roy Buskirk: The other thing is that these do not expire until the 31st of December.

Darren Vogt: Now let's talk about whom is handling what. Tom, you are handling Parks and Rec. I will handle the Redevelopment Commission.

Larry Brown: And Roy is handling the City Redevelopment Commission. Do we need to vote on that?

Tera Klutz: You should.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Move for approval of the Board appointments as just read into the record.

Roy Buskirk: Second.

Larry Brown: Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Moss and Howell absent). We have discussed briefly about having an Organizational Meeting after the swearing in of new candidates on December 28th. We would need to advertise that meeting. We could advertise it to start at 12:30 and then whenever the swearing in is over, we could move right into it. However, can we really do that?

Tera Klutz: You guys can meet if you want to but the new members would not be able to participate. I would ask, what would be the purpose of you meeting on that day? If it is to organize, no you cannot.

Darren Vogt: So we have to wait until 2013.

Tera Klutz: And you have to do it in January.

Larry Brown: Could we do it the Monday that you are back, the seventh? Tuesday the eighth? Could we do it early?

Darren Vogt: Eight a.m.

Larry Brown: Eight a.m. on Tuesday the eighth in Tera's office.

Tera Klutz: Yeah. The only thing on the agenda is the organization.

Larry Brown: Yes. Becky, will you take care of notifying the candidate-elect?

Becky Butler: Yes.

Larry Brown: Personnel Committee update on open positions.

Roy Buskirk: What open positions do we have?

Darren Vogt: We talked through it and really thought the process and the whole thing outweighs any benefit we might receive from it. That is what we thought. What we did talk about is saying that after a six-month period, then that position had to come but if a position is open for six months, it might be worth considering. We didn't come to any conclusion that had a valid way that outweighs the problematic process that would have to go through to

ALLEN COUNTY COUNCIL MEETING MINUTES

make sense for the HR Department. We decided that it didn't make sense to do it.

Larry Brown: If I could cut to the chase real quick, you are saying that we are relying on the Department Heads to determine whether or not a position needs to be filled or eliminated.

Darren Vogt: Yes.

Roy Buskirk: If someone has an open position, do we really know enough about that position to try to come up with questions to ask the Department Head, I think it would put the Personnel Committee and the Council in a pretty difficult position. If the position is open for six months, we need an explanation on why they need to fill it. If the rest of the staff has been able to pick up the work, then maybe we need to look at it.

Tom Harris: I would agree. The initial proposal was set up so that we could manage the cost of the budget in the personnel costs. I would rather save that process for a crisis type of moment.

Larry Brown: You don't think this economy is in a crisis?

Tom Harris: I don't think our budget is in crisis.

Larry Brown: My only point in bringing it up to begin with is that we are taxpayer representatives and we are not expected to be experts in every aspect of every job and everything. It is not unreasonable for us to ask for justification.

Tom Harris: That's fair and I would agree that it is something that we can ask those Department Heads rather than adding an additional step in the process. They are tasked with that and that is what they are paid for.

Roy Buskirk: About a month or so ago we asked the Department Heads to look at the services that they are providing and how much of them are required because of statutes or other mechanism.

Larry Brown: You are right, we asked.

Roy Buskirk: I haven't seen anything on that and that would be one of the first things that we would look at. We would want to look at services that are being provided but are not mandated.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tera Klutz: That is Permitting. If you look at the Elected Officials, those are going to be the ones that are statutory and the Department Heads are pretty much optional. You can optionally have a Board of Zoning Appeals. You can optionally have Permits. You can optionally have those other things and I am just saying that those options are pretty costly. A lot of investment is going into those options. A lot of those options are taken because we want our City...

Roy Buskirk: I am not sure that some of those Permits are not optional and that they are mandated. Some of them like your run-off of a site and is over an acre, it is a Federal requirement that it has to be inspected. What we are looking for are the ones that are not mandated. How do we get the word out?

Tera Klutz: I think it is out and was out for three years when we have had to cut our budgets. I can't think of doing something that isn't tied to a statute or an ordinance. You mentioned ordinance and that would be at the County option to pass ordinances.

Roy Buskirk: I think we need to send out an email to all of the Department Heads and ask them to please look at their department and see if there is anything that they are currently providing that they are not required to do by statute.

Larry Brown: I asked that at the Commissioner's and I know that they are working on it. They have made great progress but it is just not quite ready to give to us yet. We can turn the burner up and tell them that we want it by February or whatever. You all received in your packet a 2013 schedule of meeting dates. Is this acceptable with everyone for now? It is basically the third Thursday of every month with exceptions in May and June.

Tera Klutz: It was originally on the fourth Thursday because we are out of town on the third Thursday but when we moved June back, it made more sense to move May back too.

Larry Brown: Is everybody okay with it? This will be our meeting schedule unless something comes up. If something comes up and someone needs to change, we need to know it several months ahead. Otherwise it will be that Council person's loss if they can't make one of these meetings. Is there anything on recent or upcoming meetings or liaison reports?

Roy Buskirk: The Permitting Board is making a lot of progress. We are starting to see where the efforts of the past year or so are coming together. We anticipate having all of the ordinances done by June of next year.
(Inaudible)

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: We have one other item that is for a salary ordinance for the Executive Director Sheila Hudson. She has requested to not take the two percent pay increase. We can discuss it.

Bob Armstrong: She does not want it?

Darren Vogt: She does not want it. It is because of grant positions and losing grants. I have not talked to her about this.

Roy Buskirk: Part of it is that a lot of the people that work in that department are on a part-time basis and they would not receive the raise. Most of her budget, if not all of it, is grant related.

Larry Brown: My concern is that at some point in time, Sheila will move to retirement and I am concerned about having a high enough salary or salary range to be able to fill that position with a qualified candidate of her caliber. There are going to be some awfully big shoes to fill.

Darren Vogt: That is something that we can always evaluate, the pay of the position. It is an \$80,000 salary and is a top level executive in the County, for sure. It could be similar to what we have done with the Nurses in the Jail or IT individuals where we had salaries that weren't commensurate with the outside. I would bet that it is a pretty competitive salary within a governmental entity type of scenario.

Larry Brown: It is in today's market.

Darren Vogt: I will go ahead and make a motion for consideration of approval of an amended pay for 2013 for an employee within the budget of the Allen County Community Corrections, funds 233, 234, 236-9001-423, Director, 13-01, Executive \$80,101.

Tom Harris: Second.

Larry Brown: Is there any discussion? I will tell you ahead of time that I am going to vote against it for the reason that I stated. **All in favor signify by saying aye, opposed, same sign. The motion fails 3-2 (Brown and Armstrong) – 2 (Moss and Howell absent).**

Darren Vogt: Approval to waive the reading on any matter approved today for which it may be deemed necessary for the County Council meeting of May 23, 2012.

Tom Harris: Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: All in favor please signify by saying aye. The motion passes 5-0-2 (Moss and Howell absent).

Darren Vogt: Move to adjourn.

Tom Harris: Second.

Larry Brown: All in favor please signify by saying aye. Opposed like sign. The motion carries 5-0-2 (Moss and Howell absent). There being no further business the meeting was adjourned at 11:28.