

**ALLEN COUNTY COUNCIL MEETING MINUTES**  
**JUNE 21, 2012**  
**8:30 AM**

The Allen County Council met on Thursday, June 21, 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, Kevin M. Howell and Darren E. Vogt. Absent: Paul Moss

Also Attending: Tera Klutz, Auditor; Nick Jordan, Chief Deputy Auditor; Jackie Scheuman, Finance and Budget Director; Therese Brown, Commissioner 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 and welcome. The first item on the agenda is approval of the May 23<sup>rd</sup> Council meeting minutes.

**Roy Buskirk:** So moved.

**Darren Vogt:** Second.

**Larry Brown:** Is there any discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 5-0-2 (Armstrong abstained and Moss is absent). Tera, would you go over the financial report, please.

**Tera Klutz:** Absolutely. We are approximately five-twelfths of the way through the year and through June we are set to receive our first property tax settlement as well as all of the other tax units within the County. Our expenses and revenue are on track to meet the budget as anticipated.

**Larry Brown:** Very good. Council, are there any questions? Roy.

**Roy Buskirk:** Do you know, off-hand, what percentage of the spring taxes were collected?

**Tera Klutz:** I don't know off-hand.

**Nick Jordan:** Pretty close to fifty percent of what was estimated.

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**Roy Buskirk:** Okay.

**Darren Vogt:** That was my question too.

**Larry Brown:** Are there any other questions?

**Tom Harris:** Are there any particular trends in revenue, at this point? Miscellaneous revenues, I should say. Is it too early to tell?

**Tera Klutz:** Right now, our general revenue that is not made up of property taxes is several revenue types and if I had to make a guess, it would be more than twenty different types. Some of them are trending higher and some are trending lower but overall we are trending right on track.

**Tom Harris:** Okay, thank you.

**Darren Vogt:** Move for approval of the financial report.

**Tom Harris:** Second.

**Larry Brown:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Nick, would you highlight the unemployment figures?

**Nick Jordan:** On your sheet you have March and April. The May numbers were released subsequent to your packets being compiled. For Allen County, May is 7.7%. Indiana is 7.8% and National is 7.9%. Again, these are non-seasonally adjusted.

**Larry Brown:** Okay, very good. You will see a host of appropriations before us and we will start off with Economic Development.

**Nikki Liter:** Nikki Liter, Economic Development. A few weeks ago I sent you copies of the CF-1 numbers. Just as a reminder, companies that file for an abatement have to file, for the life of the abatement, a compliance form to make sure that they are doing what they promised on the Statement of Benefits. The County's policy is that they are in compliance if they have created or retained at least 75% of the total number of full-time positions or 75% of their total salaries that they outline on the SB-1. If that isn't the case, the next thing we look at is investment dollars to see if they have invested at least 75% of what they said they were going to invest in their projects. The next thing that we look at is the things that the company can't control such as economic downturns. With that said, if you want to go through it, I can answer questions.

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**Larry Brown:** Council, what is your pleasure? Do you want a moment to scan it?

**Darren Vogt:** Nikki, can you just highlight any that were potentially in any kind of jeopardy of not reaching the 75%?

**Nikki Liter:** As I looked through the employment numbers first, as jobs created or retained, there were a couple of companies that fell under the 75%. One was the same one that we have had for the last few years. But when you look at the spreadsheet with their investments, they were exceeding the investment dollars. As far as the other way around, some of the projects that we had last year are just now filing for their abatements. Those aren't necessarily completed projects and so they do have some time to get those numbers up. One in particular, outside of Grabill, has projected a few years before they would hire everybody that they promised to hire. That is why their job numbers are going to look low right now.

**Tom Harris:** Nikki, what is the communication between your office and those companies? Do you give them updates or do they contact you to let them know that there may be some concerns there?

**Nikki Liter:** Not usually unless there is something really bad because I am familiar with the project and for example the one outside of Grabill I know is not complete yet and they don't expect it to be complete yet. If they have questions on the CF-1, they will typically call the Auditor's Office. I don't usually make contact unless the project has been done for a while and it is not looking good.

**Tom Harris:** Which, by the way, there aren't any that are sending off bells and whistles at this point?

**Nikki Liter:** Not in my opinion.

**Larry Brown:** Roy.

**Roy Buskirk:** On the list there are seven that are less than 75% on the employment.

**Nikki Liter:** Okay.

**Roy Buskirk:** Is that correct? So what has to be done as far as terminating the tax abatement?

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**Nikki Liter:** We haven't gone that route yet. As I said, if the employment numbers are under the 75%, I look at the investment dollars. In these cases, the investment dollars exceed the 75% and so we have never gone that route.

**Roy Buskirk:** I think you misunderstood my question. What is the route to terminate the tax abatement?

**Nikki Liter:** First of all you have to do an audit of the company to make sure that the numbers they are filing are true. That is up to Council to do that. Then they are allowed to have a hearing to decide if they want to appeal whether they should have their tax abatement. It is a long legal process.

**Roy Buskirk:** I know that there is a committee that is looking at some of this but I just wanted to know. One of them is only four percent as far as retaining or creating new jobs.

**Nikki Liter:** And that is a project that is not completed yet. It was just approved last year.

**Roy Buskirk:** How many years do they have to attain it?

**Nikki Liter:** I believe their commitment to get the 300 to 400 employees was at least three years.

**Larry Brown:** Nikki, technically don't they have the entire duration of the abatement period to meet those numbers?

**Nikki Liter:** They put an estimation project completion date on the applications and SB-1's. That is what the Assessor's Office looks at too.

**Larry Brown:** For both employment and real property?

**Nikki Liter:** Do you mean real and personal property?

**Larry Brown:** Yes.

**Nikki Liter:** Yes, they usually put the same dates on both of those.

**Roy Buskirk:** Actually on real property, it doesn't start until they have completed the investment.

**Nikki Liter:** Right. They can file a partial 322 that first year or they can hold off and do the full 100% the following year when the project is completely done.

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**Tom Harris:** I particularly appreciate the update. Just as we obviously want to make sure that the unemployment rate is going the right way, we also want to take seriously the abatement process. Staying on top of that, I guess that is why I asked if you contact the companies. I guess the signal needs to be consistent that we take this process seriously and that we are going to continue to review stats throughout the process.

**Nikki Liter:** It is in your policy that staff takes care of that.

**Larry Brown:** Is there any other discussion?

**Darren Vogt:** Move for approval of Resolution 2012-06-21-03, County Council approving 2012 pay 2013 real and personal property compliance with Statement of Benefits CF-1 forms.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Thank you, Nikki.

**Ken Fries:** Good morning, Council. Kenny Fries, Sheriff of Allen County and I am here to request for permission to apply for the Bulletproof Vest Partnership grant. We apply for this every year and this year we are applying to help replenish the vests and this should cover the cost of about twenty vests. I think you have the paperwork that shows we got \$620 last year. We requested \$11,780 and got \$620. It is all based on the number of requests and the amount of money and the population. It has gone down significantly.

**Tom Harris:** Is there a reason for the significant drop-off?

**Ken Fries:** If you look at 2007, we got \$11,927. It has continually dropped since. Maybe it is a lack of funding with the DOJ but I don't know.

**Darren Vogt:** If you look at the numbers, it is actually the high mark. It could have been that nobody applied that year or who knows what. You said it is based on the number of people that apply.

**Roy Buskirk:** And 2008 was an election year.

**Bob Armstrong:** Do these vests go bad?

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**Ken Fries:** Yes. They have a five-year shelf life. There is a refresh program that buys forty to forty-five a year. That includes stab vests for the jail and bulletproof vests for officers.

**Larry Brown:** It is in our documentation but would you care to mention the cost per vest?

**Ken Fries:** Right now it is \$589 per vest but I think it is going to change because we are sending out Requests for Pricing. The company that we had was cheaper and had done a very good job for a couple of years but the last year they had not gotten the vests to us when we needed them. There were some that were found in the factory two months after they were manufactured. We are going to see if we can get a better price from someplace else but with the same quality. We are hoping to keep it there or lower.

**Darren Vogt:** Are you using the Purchasing Department to help you figure that out?

**Ken Fries:** Captain Lawhorn handles that and I don't know if he has gone through Bob or not. I know that we talked to him the last time.

**Darren Vogt:** It might be a good idea. It is a unique item that is for sure.

**Roy Buskirk:** The State might have a price for statewide on something like that.

**Ken Fries:** The last time, we were getting them cheaper than they were. When we were originally buying them, they were \$900 apiece and in checking all of the different places we were able to get a substantially lower price.

**Larry Brown:** Is that something that the Sheriff's Association should consider negotiating?

**Ken Fries:** Probably but I don't know that they can do as good a job as we have been doing. Maybe what we should do is find out who gets the lowest price and have everyone go there.

**Darren Vogt:** Move for approval of the request to apply for the Bulletproof Vest Partnership Grant.

**Tom Harris:** Second.

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**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Good morning, Mike.

**Mike McAlexander:** I am Mike McAlexander, Chief Deputy Prosecutor. We are asking for an appropriation from our Infraction Deferral Fee Fund for the building. I think that you know that after many years of waiting for the lawsuits to get done, we are finally starting construction on this project. Over the past few years, we had budgeted in the IDP Fund some money for this but I think you also know that when the bids went out on this, it is considerably higher than what they had been bid on in 2009. This is all part of the project started when the Election Board and Voter Registration moved out of the Keystone Building. We are finally at the point where we can put up some offices in those areas. Those were pretty large places without individual offices.

**Larry Brown:** Roy.

**Roy Buskirk:** Where do the Infraction Deferral Fees come from?

**Mike McAlexander:** We have a deferral program that is generally traffic tickets for first offenders that come in with a speeding ticket or other tickets on the State statute. They can pay a fee for that and if they maintain good behavior, the charges are ultimately dismissed. There are court costs that are paid through the legislative funds as well.

**Tom Harris:** So in essence, it is a user fee.

**Mike McAlexander:** Yes.

**Tom Harris:** Ultimately those funds for the renovation, what is it going to do in terms of service and productivity for the department?

**Mike McAlexander:** When the Election Board was there, they had 12 employees on the first floor and we had 55 on the second floor with the same amount of square footage. This is partially getting people out of three and four-person offices.

**Tom Harris:** The individuals that need to come into your office will remain on the first floor and not have to go to the second?

**Mike McAlexander:** Right. There is a customer service aspect that most of our walk-in people are child support in our 4D program. It will be easier for them to come in and get our services on the first floor.

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**Larry Brown:** Darren.

**Darren Vogt:** On the lawsuit, the outcome of the lawsuit was that we won. Is that a fair statement?

**Mike McAlexander:** No, we lost the lawsuit at the trial level and it was upheld in the Court of Appeals. I am not someone who can speak to the specifics of this.

**Darren Vogt:** Okay, I will go to the Commissioners' Office then.

**Roy Buskirk:** But it did run about \$100,000 more than what it was in 2009.

**Mike McAlexander:** Yes.

**Larry Brown:** Is there a motion?

**Tom Harris:** I will make a motion and by the way, I had a chance to meet with Mike and the Prosecutor and went through the entire facility. I think it will enhance and improve the overall services in the Prosecutor's Office. It will probably improve some security issues as well. The fact that it is a user fee concept and the people that are using it are paying into it is beneficial for the community. I will make the motion for the appropriation in the Infraction Deferral Fee Fund 743 in the amount of \$200,000.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Next we have a series of salary ordinances and are starting out with the Department of Planning Services.

**Tracy Mitchener:** Good morning, Tracy Mitchener, Assistant Human Resources Director. The first one is the Office Manager to the Office and Finance Manager. This is from PAT 3/7 to OSS 6/2. This should have always been on the OSS scale. The person is retiring so there is no need for red-circling or anything. The other one is for the Assistant Office Manager and is from an OSS 6 to an OSS 5. This could result in red-circling.

**Roy Buskirk:** This is all because the current Office Manager is retiring and so the whole department is being restructured. Tracy also scored the positions and some of the positions were actually scored lower than what they currently are.

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**Tracy Mitchener:** These changes had all been approved through the Personnel Committee.

**Larry Brown:** I should have prefaced this on the agenda that we are going to handle these by department instead of each individual position. I think it is important to note that the Personnel Committee approved both of these.

**Roy Buskirk:** I want to point out though that sometimes the Personnel Committee approves them to move them forward for full Council discussion.

**Larry Brown:** That being said, if there is discussion that needs to take place, we would rely on the Personnel Committee to bring it to our attention.

**Roy Buskirk:** I am a little surprised that the Department Head didn't come up with you. Kim, do you have anything that you want to add?

**Kim Bowman:** No.

**Roy Buskirk:** I will make a motion to approve the salary ordinance changes. Oh, Bob, you are going to read them, right?

**Bob Armstrong:** Yes.

**Roy Buskirk:** Okay, go for it.

**Bob Armstrong:** Consideration of salary ordinance amending the pay for employees within the budget of the Department of Planning Services, 100-3701-419.

**Roy Buskirk:** Second.

**Larry Brown:** Do we need to further state the position names?

**Tera Klutz:** I would say from Office Manager to Office and Finance Manager, PAT 3/7 to OSS 6/2 and Assistant Office Manager from OSS 6/3 to OSS 5/3.

**Bob Armstrong:** I will add on. The first position is Office Manager to Office and Finance Manager from PAT 3/7 at \$47,398 to OSS 6/2, \$37,200. The other one is Assistant Office Manager from OSS 6/3 to OSS 5/3, from \$39,060 to \$37,079. That will be red-circled until June 21, 2013.

**Roy Buskirk:** Second.

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**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Tracy Mitchener:** Thank you.

**Larry Brown:** Next we have the Commissioners. Good morning, Chris.

**Chris Cloud:** Chris Cloud, Commissioners' Office. We have two quick items before you. Whenever the Commissioners sell real estate, we have to get your approval. On item number one, there is no money involved but INDOT is requiring us to get your approval anyway. The Commissioners own all of the land west of IPFW and all the way to the Red Cross and we lease it to the IPFW Foundation. It is a 99-year lease. Fort Wayne is doing a trails project and they wanted a permanent trail easement on land that we own running along the electrical easements. AEP conveyed the land to us and now we are conveying the trail easements to the City of Fort Wayne. We own the land but they have full use of it. INDOT is requiring your approval as if it were a sale of land. The Commissioners approved this about two months ago in a meeting and it just came up recently when the Fort Wayne right-of-way buyer was doing some work.

**Larry Brown:** Do you want to go ahead and do the other one?

**Chris Cloud:** Yes. Wallace Street was a building that we owned and housed ATOS programmers. Part of the co-location project, we were able to move the programmers in-house and so we freed up a building to sell. The appraisals came back at \$76,000 but the realtor was able to sell it for \$80,000 and so we are actually above our appraisals. That has not happened in quite a while. We request your permission to proceed with that.

**Darren Vogt:** I want to clarify one thing. On the IPFW property, the lease was in exchange for the Cooperative Extension being housed in their area. Just to let you know that it is not that we gave IPFW the land. It was in return for that.

**Roy Buskirk:** That is something that we need to discuss because they are raising the rent on the Extension service.

**Darren Vogt:** We can gladly discuss that. I am happy to do that.

**Chris Cloud:** I think Councilman Vogt worked very hard a couple of years ago to get that lowered.

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**Bob Armstrong:** Resolution 2012-06-21-01 approving the trail easement to the City of Fort Wayne and Resolution 2012-06-21-02 approving the sale of the Wallace Street property.

**Darren Vogt:** Second.

**Roy Buskirk:** Discussion? Where is the \$80,000 going? With the remodeling of the Rousseau Centre, I thought it was agreed that these excess properties would be sold and the funds would be used to cover the cost of remodeling.

**Tera Klutz:** By State law, the proceeds from a sale of property or equipment must go back into the fund that the property or equipment was paid from. If it cannot be traced, then the proceeds must go into the General Fund. For the Board of Health building recently, the General Fund paid for that and the proceeds would go into the General Fund. If CUM CAP paid for the Wallace Street building, the funds would be deposited in CUM CAP. If there is no record or receipt of the transaction, it will be deposited into the General Fund.

**Roy Buskirk:** Okay. Most of the remodeling funds came out of the General Fund.

**Tera Klutz:** They are not related.

**Roy Buskirk:** I understand but that would be the appropriate place for it to go anyhow because the General Fund is where the money came from to do the remodeling. I understand what you are saying.

**Darren Vogt:** Just for the question, do we know where the Wallace Street was purchased from, at this point?

**Tera Klutz:** I don't, off the top of my head.

**Darren Vogt:** Okay, so if it was determined that it was purchased from some other fund, it will go in there. The controller of that fund should then, in turn, put it into the General Fund.

**Tera Klutz:** No, we don't transfer funds. Let's say that CUM CAP is a property tax fund and property tax is restricted for the maintenance and capital buildings and improvement. There are certain things that the money cannot be used for. That money will stay in the fund that it was used for and the purposes that the fund was created for.

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**Darren Vogt:** Okay. So from a memory standpoint, with the agreement that Councilman Buskirk is talking about, that the money from the sale of those buildings would be used to help ride down the cost of renovating building, we need to know that from a budget standpoint.

**Tera Klutz:** If it was CUM CAP, CUM CAP can pay for renovations. I am sure that something can be worked out.

**Roy Buskirk:** We still have additional remodeling that will be taking place in the resource center.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Chris Cloud:** Thank you, Council.

**Larry Brown:** Next on the agenda are some more salary ordinances.

**Joe Brita:** Good morning, Council. I am Joe Brita with the Allen County Juvenile Center. Judge Sims wanted very badly to be here but he had to go to Indianapolis for a Judicial Conference.

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

**Chandra Reichert:** Chandra Reichert, Allen County Juvenile Center.

**Karlene Thompson:** Karlene Thompson, Allen County Juvenile Center.

**Larry Brown:** Tracy, do you want to lay it out?

**Tracy Mitchener:** Yes. We have the Director of Detention. This is taking some of the duties of the Assistant Superintendent. It is overseeing 75 employees and four Supervisors. We also have the Director of Security and Training coming off the UPROB grid and going into the PAT grid. We have a System and Technology Coordinator position and a Youth Care Specialist who is actually functioning as an Addictions Counselor. We wanted to make sure that her job duties really reflected what she is doing. Is there any discussion?

**Roy Buskirk:** Before you are the proposed changes on the reconstruction of the organization. Since you are the liaison, Tom, do you want to go ahead?

**Tom Harris:** No, go ahead.

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**Roy Buskirk:** They came before the Personnel Committee and proposed these changes because of the structure of ACJC. Tracy has scored the positions and these are the classifications that they fall into now.

**Tom Harris:** I had an opportunity to meet with the staff and the Judge and one of the things that I liked particularly is it kind of flattens out the hierarchy. One of the trends going on in the private sector is that the hierarchy is flattened more and more and that is the trend that we are seeing here instead of having several layers. You have more people directly involved clear up to the Superintendent and less hierarchy in between. That is what came to mind for me. One of the questions that I had for the Judge, at that time, was maybe in terms of headcount. How did that play out? Is it an add plus one or a minus?

**Chandra Reichert:** No, it will be no additional positions with the elimination of some of the other positions and the creation of these two, we will stay the same.

**Tom Harris:** And in terms of overall cost for the change, how did that play out?

**Chandra Reichert:** We can put it within our budget. There will not be any fiscal impact.

**Tera Klutz:** Isn't there an overall increase in the salaries?

**Chandra Reichert:** There is.

**Roy Buskirk:** So there is an increase as far as the salary portion of your budget.

**Chandra Reichert:** Yes, there is.

**Roy Buskirk:** So when you say you can pay it out of your current budget that means that you have excess in your current budget. So next year you will probably want an increase to cover the additional cost.

**Chandra Reichert:** We will make adjustments wherever possible or try to absorb it all on our own.

**Tom Harris:** I guess that was the discussion that we had with the Judge. Through a reorganization, which is simply what this is, one looks at the total impact in terms of cost, efficiency, headcount and all of those and it was

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coming out neutral. There are cost increases for some of the individuals but overall there was a leveling out. Is that a fair statement or not?

**Chandra Reichert:** It is. It is based on us moving individuals off the UPROB grid that do not serve in a probationary function. Those individuals were scored and where they fall on the PAT grid is where the significant amount of the change is.

**Tracy Mitchener:** They really shouldn't be on the UPROB grid if they are not probation officers.

**Tom Harris:** And that had been going on for a number of years, right?

**Chandra Reichert:** Originally we had put the Family Relationship Court together with Wood Youth Center and that created the Allen County Juvenile Center. In doing that eight years ago, we didn't know exactly what duties would change and where it would fall out and where we would be operating. Today we have been able to go back and see where duties need to lie and where responsibilities should be and this is the structure that we came up with.

**Tom Harris:** And with the Personnel Committee, these all passed?

**Darren Vogt:** Yes. The thing that I thought was important is that when we built the building eight years ago, there were two different programs and they operated the same way under a new building. Now they are really looking at the operation under one roof and realizing that these are the ways that we need to do it. They are really looking at it from top to bottom. It made a lot of sense, in reality. One question that I do want to ask is about the cook and those kinds of things that we talked about. How is that conversation coming and when should we expect to see something from that?

**Karlene Thompson:** We have met with a couple of different vendors and we are finalizing those numbers and should have something put together for you soon.

**Darren Vogt:** Great. I will get the rest of you up to speed that weren't there. Part of the reorganization is taking some part-time cooking staff and making them full-time staff. Councilman Buskirk had wanted something different done with that such as going to an outside vendor and looking at the cost and that is what we asked them to do. We wanted them to go in and figure out how much they were spending on the food service. For the youth, there are certain requirements and certain nutrition requirements that they have to meet and there are other organizations that do that and meet those things.

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That is what they are looking at now to see if they can do it for less with an outside source.

**Tom Harris:** One other point that I mentioned to the Judge and Joe, you probably realize this, but now you have more individuals reporting up to you and the challenge is for the Superintendent to have more direct reports versus less. I guess that is more of a burden or more of a challenge for you. My hat's off to you for that.

**Joe Brita:** Not for long though.

**Bob Armstrong:** Okay, we have for consideration from ACJC, four salary ordinances today. The first one is the consideration of a salary ordinance establishing the pay for the Director of Detention, PAT 7/2 at \$56,412. The second one for consideration is the amending of the pay for the Director of Security and Training from UPROB, \$46,141 to PAT 6/5, \$61,514. The third one for consideration is establishing the pay for the System and Technology Coordinator, PAT 5/2, \$46,821. The fourth is amending the pay from Youth Care Specialist, PAT 3/2, \$37,856 to Addictions Counselor, PAT 4/2, \$42,601. All of these changes, if passed, will take effect June 30, 2012.

**Darren Vogt:** Second.

**Larry Brown:** Is there any additional discussion or questions? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Eric Zimmerman:** Good morning, Council. Eric Zimmerman, Director of Court Services for Allen Circuit Court. I am here this morning to request the authorization of a salary ordinance for a Court Hearing Officer that the Circuit Court has in the 4D Program. We have the funds within the budget for 2012 to cover this. This will have a net affect around \$1,324. I will remind the Council that two-thirds of the Court Hearing Officers' expenses are reimbursed by the Federal government. The \$1,324 will get reimbursed of \$882 with an ultimate cost to the County of \$442. Moving into 2013, the same numbers will be in effect, \$1,324 will be the difference. I am going to work very diligently to find that in our budget so that there will be no net affect next year. I will also state that Judge Felts was successful in lobbying and promoting legislation and the Court Hearing Officer will move to a full-time State Magistrate on July 1, 2013. Any cost associated to the County will then be removed for that Magistrate. The reason that I bring it up is that we have a very fixed cost moving forward with the amended salary ordinance. We are pretty confident that we can cover this in our existing salary.

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**Tom Harris:** This would be that one exception that not only are you finding the funds this year without asking for additional funds and are finding it in your own budget, but it actually goes away in next year's budget because it will be taken over by the State.

**Eric Zimmerman:** Correct. We will have roughly six months into 2013 that we will have to budget for. The State is on a July first to June 30<sup>th</sup> cycle.

**Darren Vogt:** And the reason for this increase is because the State gave a 2.2% increase to the rest of the State's judicial system.

**Eric Zimmerman:** That is correct. Pursuant to statute again, a Court Hearing Officer is required to make what a Magistrate makes.

**Larry Brown:** Questions?

**Roy Buskirk:** Yes. We currently have thirteen Magistrates, is that correct?

**Eric Zimmerman:** Circuit Court has one and Superior Court has many but they are all State paid.

**Roy Buskirk:** It has always been, in the past, and the Judge has worked very diligently on that but twelve of the thirteen have been paid by the State and we had one paid by local.

**Eric Zimmerman:** That is correct.

**Roy Buskirk:** So now all thirteen will be paid by the State.

**Eric Zimmerman:** That will come July 1, 2013.

**Roy Buskirk:** That kind of surprises me why it isn't July 1, 2012.

**Eric Zimmerman:** I can't answer that.

**Roy Buskirk:** Do you anticipate the Courts wanting additional Magistrates now?

**Eric Zimmerman:** I can't answer that question. I know there is a judicial study that takes place every year. Pursuant to that is part of why the legislation was successful in the 2012 session because of that workload study. If there were Magistrates to be added, it would be at the State level.

**Roy Buskirk:** And the 2.2% increase is July first?

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**Eric Zimmerman:** That is correct, of 2012.

**Roy Buskirk:** Thank you.

**Larry Brown:** Is there any further discussion? Bob.

**Darren Vogt:** I am going to handle this one. Move for approval of a salary ordinance amending the range of pay for Circuit Court, 100-6102-412, Magistrate/Hearing Officer, 13-80, in the amount of \$108,064. Effective 7/1/12.

**Tom Harris:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Did you want to wait for Judge Gull?

**Jeff Leffers:** Judge Gull has a jury trial and so she can't be here today.

**Larry Brown:** Okay, proceed, please.

**Judge Avery:** I am Judge Avery with the Allen Superior Court.

**Jeff Leffers:** I am Jeff Leffers, Director of Operations for Allen Superior Court. I am subbing here for Jerry Noble today.

**Tracy Ripplinger:** Tracy Ripplinger, Project Manager IT.

**Jeff Leffers:** Before we get started on the discussion of the Court Reform Grant, could I ask if any of the Council members have received a jury postcard announcement? Have you received a jury notice of any kind, in the past?

**Darren Vogt:** You mean the summons to appear as a juror?

**Jeff Leffers:** Well, we have a new system now and we send out postcards.

**Darren Vogt:** I did just that.

**Jeff Leffers:** Did you receive a postcard and fill out your jury summons via phone or internet?

**Darren Vogt:** I was through the old system.

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**Jeff Leffers:** The reason that I mention this is that we had a good jury system before and now thanks to the County Council, we have a much better jury system. It is friendlier for the public and much more user friendly and convenient. Jurors can fill out the questionnaire with interactive voice response or the internet and we also have a texting module that we hope to add here shortly. That was through your efforts and we had to do that because we had to keep up with the technology for our jurors and that is the reason that we are here today. We have to keep up with technology for the Bud Meeks Justice Center and that is why we would like your support to apply for this \$40,000 Court Reform Grant. I will turn it over to Judge Avery, on that note and we have Tracy Ripplinger who is the Project Manager for the work that we are doing in upgrading the technology in the Bud Meeks Justice Center.

**Judge Avery:** Just to follow up a little bit about what Jeff was talking about with the jurors and about two weeks ago, if you read the Journal, they had an article about the changes with questionnaires for jurors. Now they can do it online or through making a phone call to the Jury Administrator's Office. It saves considerable postage of mailing out the questionnaires. Now we can mail a postcard at a much less cost than sending out the questionnaire. This was the first month to see how that worked and we are very encouraged by the results. We were somewhat concerned as to what the response would be because they can request the written questionnaire. Jerry Noble informed me that 3,000 responses came online or through the telephone and very few responses came asking for the hard copy. We are very encouraged by that. What Jeff is talking about with the text messaging, Mr. Vogt I think it was my trial that you came in as a prospective juror. It is typical for jurors to call in the night before to determine if there is a reason for them to report the next day. With going to the text, we will be able to text the prospective juror and let them know if they need to come in or not and save them from needing to call in to find out.

**Jeff Leffers:** Incidentally, we have that feature at no cost because we agreed to do some beta testing and finish up their testing. We got three modules for the price of two.

**Judge Avery:** We are here today with information about the grant for what is phase two. Phase one of this grant was for the Bud Meeks Justice Center to put up a display board. It is much like going to the airport to see where the flights are going. As of yesterday afternoon, it is in place. If you have the opportunity, go to the Bud Meeks Center. Through the State Odyssey and JTAC, they are feeding the information in and as of yesterday afternoon it was displaying upon the boards. It tells individuals that walk in what courtroom they would be in. That was phase one of the grant. Phase two of

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the grant is for \$40,000 from the State Trial Court Administration that will pay for the cost of installing kiosks so that parties that come into the Justice Center can use the kiosk to report in. This will be instead of filling out the slips of paper and taking them in to the Prosecutor or Court staff. They will electronically report in and it is anticipated that they will be able to make payments through the kiosk which will help with the electronic recording and maybe take some of the burden off the office staff that works the windows. There is another kiosk that would be installed in the main Courthouse to be used with jurors that report in for jury duty instead of going to the window. They can report that they are there electronically. I think it is good to note that the State Trial Court Administration is looking at Allen County with these two grants, as we are one of the original Counties that are being offered these services. They are looking to see how well this performs in Allen County and then maybe using it in other Counties throughout the State. So far so good.

**Jeff Leffers:** \$5,000 of this grant request will hopefully be used for discovery and assessment of the Courthouse to see if we can make some improvements there. We are the only Court, as judge Avery said, in the State that is deploying this type of technology. Going back through the jury system, we are arguably the most sophisticated technology in the jury system of any Court in the State and possibly any Court in the Country. No other Court has the texting feature that we have and that is due in a large part to your efforts. I know Mr. Buskirk attended some meetings last year. Altogether, technology is something that we are trying to put to use to make it more convenient and user-friendly for the jurors.

**Larry Brown:** Very good. Tom.

**Tom Harris:** I have had the chance to meet with Judge Avery and some of the other Judges on improvements over there and I appreciate and applaud the efforts of the Court system to continue to enhance and improve your efficiencies. A challenge, along with the applause, would be to measure those improvements. What gets measured gets improved. As you are getting the grants to improve the efficiencies of the Court system, measure those efficiencies and figure out where the cost-savings come. If we put in new technology and are spending the same amount of money three years from now, we haven't totally won the game there. I guess I just encourage you to measure those improvements along the way.

**Jeff Leffers:** That is an excellent point. Also through the efforts of Tracy, it has helped us immensely. We were able to use the \$20,000 that we got last year, it was supposed to be a discovery assessment grant. There was no hardware, software or anything else. It turned out to pay for the hardware,

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software, discovery and everything. That was a team effort and I think we are that much further ahead since we were able to use the \$20,000.

**Kevin Howell:** There is a corollary to what you have been talking about here. Will this possibly improve the contacting of minority citizens, black, white, Hispanic and Burmese and all the rest of that to possibly being jurors?

**Jeff Leffers:** I think there is a lot of potential for that because the key word for Court systems is “access”. When you have access, you are broadening the ability of different members of the public to communicate with the Court. You can access via phone now and via the internet or you can access just by calling the Jury Office. There are more means of communicating with the Court.

**Kevin Howell:** Judge Avery, in your experiences of having jurors, is there an uptick in the number of minority possible jurors?

**Judge Avery:** I think the biggest change that took place several years ago is the fact that the State Trial Court Administration and Supreme Court approved the use of BMV records instead of Voter Registration. When we were using Voter Registration for potential juror names, we did not see the diversity that we now see by using the BMV records. Not only in racial diversity but also age. I think the age of jurors is coming down. We are getting younger perspective jurors. Noticeably, racial diversity is taking place.

**Darren Vogt:** I will speak to that for one second. As someone who just went through the process in your Court, there were about fifty people and it ranged from IPFW students all the way to retired citizens. All colors of the rainbow were there. It was a very diverse group of fifty individuals.

**Judge Avery:** Typically after a jury trial, if the jurors will let me, I will speak to them and answer questions about the process. Having the younger members come through, to hear them say that the experience was something different than what they expected. It helped them to feel more a part of the process. It was good.

**Jeff Leffers:** Starting next year, jurors will only be selected from the BMV for licenses and ID's and the Indiana Department of Revenue. That catches just about everyone.

**Kevin Howell:** Are there any records kept in terms of the diversity of perspective jurors?

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**Jeff Leffers:** That is a good question. In the past that has been done, in some jurisdictions. I think in other jurisdictions, it can also be used in an opposite fashion. It actually works against you. I am trying to think of an example and can't think of one but there are some negatives to that too. We have considered doing that but how? We have to ask them to fill out a survey or make that part of the questionnaire. That has some problems with it also. I can't think of the examples that we have used in the past but there are some issues there.

**Kevin Howell:** Are there other communities around the State or Country that are doing this type of thing?

**Jeff Leffers:** Yes, some of them do that. We looked that there are probably more negatives to that than positives.

**Kevin Howell:** My problem is, and it is a problem, the appearance. There are a lot of blacks and minorities going into these Courtrooms being tried and they are tried by all-white juries. The perception in the black community is that you don't have a shot at it. They are not on the jury because they haven't been notified. I have never been notified.

**Jeff Leffers:** Mr. Howell, when you talk about a digital age and you are marking a certain ethnicity on a questionnaire, those can sometimes be digitally tampered with too. What you want to go for, and we went to the National Center for State Courts, is we devised a method to make sure that we have a fair and balanced distribution of jurors and that they were randomly selected. The whole key is random selection throughout the County. That is what our studies have done.

**Judge Avery:** I would say, anecdotally, what I have seen in the twelve years that I have been on the bench is once they made that move to expand the jury pool to BMV records, it is a much more diverse jury pool that comes in. What Jeff is talking about is true from the standpoint that when you come in as a perspective juror, years ago there was a lawsuit that said we were not being appropriately random and that jurors were being selected. We have gone to a system that when the jurors come in, their numbers go through another computer spin. If there are three jury trials, you don't know which trial you are going to get until they go through the computer and then fifteen to twenty minutes before you start, we now have the list of who the perspective jurors are. It is very random of who comes in. The law somewhat protects in selection of perspective jurors, in that it allows attorneys to object if a particular ethnicity is being challenged and presumptively taken off that jury if it is for reasons of race, religion or one of the Federal offenses.

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**Jeff Leffers:** Those are excellent questions and we need to be challenged by questions like that too.

**Kevin Howell:** Okay, moving forward then, are you able to make this information public in terms of what you just talked about?

**Jeff Leffers:** Yes. Which part, the ethnicity issues?

**Kevin Howell:** The ethnicity and the whole process.

**Jeff Leffers:** We have tried to do that. I sent Councilman Buskirk and Councilman Harris and Channel 21 did an extensive piece. It was a front page story in the Journal Gazette. That is also why we brought it up here because we know that this is public access and it is a good way to get the word out.

**Kevin Howell:** As an aside and then I am done, you might want to consider using some of the ethnic newspapers like Frost. I know Hispanics have their own newspaper and Burmese have their own newspaper.

**Jeff Leffers:** That is a good point.

**Kevin Howell:** The perception is still there in 2012.

**Larry Brown:** Roy.

**Roy Buskirk:** I think the one thing that took place was when they switched from Voter Registration to the BMV. There were a lot of different groups that did not sign up to vote and so they were left out totally.

**Jeff Leffers:** I think you are right.

**Roy Buskirk:** I do have one question. Is the computer program just in English or are there other languages available for the individual to use?

**Jeff Leffers:** Right now we deployed these new modules in English. There is consideration where we are deciding to do some things in Interactive Voice Response (IVR) with other languages. We have to see where we are and then make that determination depending on the demand and the response.

**Judge Avery:** The other issue that arises from that is the fact that the information that comes in right now comes from Odyssey. That is a State informational system and until they can accommodate other languages, it limits what we are able to do. We have to coordinate with them. While it

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might be our intent, signs to tell them which Courtroom and such, we can handle that.

**Roy Buskirk:** Isn't it amazing that the things we would like to do locally we have others that control us through State and Federal requirements? Kevin, I really think this will broaden the selection very much. You still have one person involved and that is the Defense Attorney as far as the selection of the jury.

**Judge Avery:** The system that is there, this grant came about because of a complaint of someone who went over with a family member who had a problem and had never been in the Bud Meeks Center before. They had no way of knowing. They had to ask some of the regulars about where to go and what to do. This will help people who come in and have not been through the system to get a better understanding of what they need to do.

**Larry Brown:** Darren.

**Darren Vogt:** Make a motion to approve permission to apply for the court Reform grant for Phase Two of technology improvements at the Bud Meeks Justice Center.

**Roy Buskirk:** Second.

**Larry Brown:** Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Next is Community Corrections.

**Sheila Hudson:** Good morning, Council. My name is Sheila Hudson and I am the Director of Allen County Community Corrections.

**Jeff Stevens:** Jeff Stevens, Senior Finance Manager.

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

**Sheila Hudson:** The first item that I would like Council to respectively consider is the appropriation of the 2012-2013 Community Corrections Budget. This is the second year of the biennium and it has different parts. I would be happy to explain each one of them if you wanted me to.

**Tom Harris:** From a question standpoint, it looks like about an 18% overall increase in the budget and maybe an understanding of that.

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**Sheila Hudson:** It is probably in Project Income and that would be an estimate. The State grant is flat-lined.

**Tom Harris:** Okay.

**Jeff Stevens:** The State budget has been very flat-lined for the past three years. We have had a couple of grants come and go in this biennium as well. Project Income is the one that you would see the most market increase. Project Income kind of becomes the brunt of all the increases of salaries, step increases and anything like that. You'll note that there is very little in equipment purchases. It is all services and supplies and about 80% payroll.

**Tom Harris:** So I am maybe getting up to speed a little bit on this but I am showing an overall increase of about \$412,000 but that is broken out into the different components.

**Sheila Hudson:** That is right.

**Tom Harris:** So the 18% is for each of those and not one particular area. You're saying that the 18% is probably salaries?

**Jeff Stevens:** Let me back up a little bit. There is a portion that is the work release residential portion which is in our State grant. The total amount is \$750,000. It is part of this budget. We are only allowed to use \$238,000 as being appropriated to our fund lines. Last year the State took back the \$500,000 and some. There is actually a decrease if I took that out of here. The grant paperwork came over with the full \$750,000 and we had to give back \$500,000, which I really didn't understand. I adjusted what I submitted to you and it makes it look like an increase when in reality it we are going to get back the roughly \$500,000.

**Roy Buskirk:** I guess my one question is there have been additional programs and the expansion of the Kelley House and things of that type and the 18% increase, I don't think it is fair. Because of these additional programs, you have been able to find additional funding through other grants and everything. That is one thing with Community Corrections that there is no General Fund money in your budget. It is all grants. You are selected, and I will toot your horn again for you, for a lot of these grants because of the initiative of the leadership of Sheila. I know that our County is recognized nationally for some of the programs that you have put in and I am really shocked this morning, Sheila, that you don't have some woodcraft here to show us. They are helped to raise funds for the Kelley House.

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**Sheila Hudson:** It is the Kelley House Restoration Wood. It is a woodworking restoration project is what we call it.

**Roy Buskirk:** It helps to relax the individuals, mentally, who are at the Kelley House. You sell the finished product to have the funds go back into the program.

**Sheila Hudson:** That's right.

**Darren Vogt:** It is picnic tables...

**Roy Buskirk:** birdhouses and...

**Sheila Hudson:** We are moving into another area which is really something for a younger, apartment dwelling person. It is pallet furniture. There are pallet tables and outside chairs and is going to be on our storefront in the next couple of days. The Community Projects person said we don't have them priced yet. It is a way that we can cheaply make products and stain them and provide them at a reduced cost.

**Larry Brown:** I appreciate the fact that you are thinking outside of the box. It is important to keep minds active and you have obviously achieved that besides making a buck or two along the way.

**Sheila Hudson:** Thank you.

**Darren Vogt:** Can you speak quickly to the funds. You've got lots of different funds that things flow through. The State-controlled funds have been flat. How is the Project Income Fund doing? Is that up and down?

**Sheila Hudson:** It is an up and down and in fact, today I have an Advisory Board meeting and we are going to talk about that. I don't like to say that Community Corrections is capped but it is saturated because of the limited services and the Project Income money that we are able to generate money from. Most of the money is generated from people who pay user fees and you can only ask for so much. The \$2 million is about all we can generate. To make the budget at the Kelley House, we reduced our staff by 15% and hopefully, over time, that will even out the budget and put everything in the black. One of the things that I wanted to bring up is the ARRA grant was \$648,000 over the years and that is a lot of money to go away. That was over the last three years but that money went towards our medical, psychiatric and psychological cost. I don't want to say that they were unforeseen but the extent of care that is necessary for these men was not anticipated. That is the biggest cost that we have.

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**Tom Harris:** I am looking at this at a 50,000 foot perspective, a little bit. The idea for Community Corrections is simply that the Courts are moving individuals back into society because we can't house or don't choose to house the folks into the jail and such. There are other alternative programs than Community Corrections to do that. When I mentioned earlier that the overall budget might be up a little bit but if we are shifting costs from the jail and other areas over for Community Corrections, then we should maybe see something on the flip side. Conceptually, if that is what is happening and we are trying to move more people through Community Corrections, you have done a tremendous job and as Roy pointed out you are recognized State and Nationally, but we should see some kind of cost savings somewhere in there.

**Sheila Hudson:** The cost savings that I can show you for Community Corrections, but I don't know that there is money shifted from the jail. The Community Transition Fund is a reimbursable fund and is money that is allotted by the State but that doesn't mean we are going to be able to generate that much. That is people coming back out of prison and if they don't have housing, the only housing I have is for the mentally ill and are non-violent male offenders. People coming out of prison are violent, high risk, male and female. If they don't have any place to live, they stay in prison. We could serve everyone if there was a place for people to transition back to. If they don't have a house, they don't come through Community Transition and Community Corrections doesn't receive the early release funds. That is reimbursable too. I am struggling a little bit this year. I have to say that everybody in Allen County who works in alternative sentencing programming, we have all worked on the same page to make sure, it is called a Continuum of Services, where Work Release fits, where Criminal Division services fits and where Community Corrections fits and who they serve. Community Corrections has historically served medium to high to very high risk persons. The services are more intense. That is where my money in law enforcement, dispatch, communications and GPS equipment and now medical goes. I am going to ask for a commitment from the Advisory Board today if that is where they want me to continue. It has been a little rough.

**Tom Harris:** You see the State reform from the judicial system and they are working on ways to reduce cost and make things more efficient and this alternative is probably going to be used more, I suspect, throughout the State. That is wonderful while you have the grants coming but if we see a change in the Federal level and grants start drying up and State's start drying up, ultimately it is going to come back.

**Sheila Hudson:** I was with the Department of Corrections this week. This is my 27<sup>th</sup> year since I started with this program. There has never been a decrease in Community Correction dollars. If there was anything, there was

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an increase. The State Budget Agency is now allocating more money. One of the areas where there is a lot of money is in Community Transition Early Release Program. People don't like to do that. It is a political thing too. You bring people out early and they only serve half their time and they get more time off because they are in classes or have gotten their GED. A lot of Judges aren't really comfortable doing that and so the money that the State agency has allocated for that program continues to build and now they are looking at incentives. We are sitting pretty nicely with that because we deal with the type of person that we deal with. Those people don't go to DOC and serve in prison long. They stay with us.

**Tom Harris:** With that, I will make a motion to appropriate in 2012-2013 Community Corrections budget of \$6,267,722.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Roy Buskirk:** If you could, provide us the number of clientele that you had last year compared to this year. I know that varies considerably depending on how many have early release.

**Sheila Hudson:** It is going down by year. The other thing is that this Community Transition, we serve an average of 400 to 450 a year. If you have the option to remain in prison for another ninety days and you are released to parole for a year instead of coming out on Community Corrections supervision and are required to do all of the obligations that we have, the effects of control on re-entry are notorious. People have the option to refuse it and they will. They use the excuse that they don't have housing or they will work to get them a time cut which makes them ineligible for the program. That has been difficult too. The statute needs to change.

**Roy Buskirk:** Okay, thank you.

**Sheila Hudson:** The second part of this is that we would like to appropriate money that is in this current fiscal year from a 300 series to a 100 series to correct the personnel shortfall that we had. That was granted by the Department of Corrections.

**Larry Brown:** Are there any questions?

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**Darren Vogt:** Can you give us a little more detail on what you are doing? You're just taking the money out of Contractual and putting it into Extra Deputy Hire for extra employees?

**Sheila Hudson:** Yes.

**Jeff Stevens:** That is right.

**Darren Vogt:** Move for approval of the transfer within Community Corrections Fund 234 in the amount of \$99,800. This is from Contractual, Other Repairs and Maintenance and Other Equipment to Extra Deputy Hire.

**Bob Armstrong:** Second.

**Larry Brown:** Are there any further questions? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Tracy Mitchener:** As Sheila mentioned, we are working together to reorganize her whole department. We are going to be looking at Community Corrections and the Kelley House. These two positions are at the Kelley House. There was a Unit Supervisor and she has worked through everything. It was a POLE 5 and we are changing it to an Operations Coordinator at PAT 5. Since there is currently no one in that position, red-circling would not need to be used. The other one has also been briefly mentioned. We have a Case Manager Section Chief to a Community Projects Coordinator. After this position has been approved, they will then be able to market more of the wood projects that were discussed earlier.

**Bob Armstrong:** We have a salary ordinance for Community Corrections on two positions. The first one for consideration is amending the pay from Unit Supervisor, POLE 5/2, \$44,560 to Operations Coordinator, PAT 5/2, \$43,895. The second position for consideration is amending the pay from Case Manager Section Chief, PAT 4/2, \$39,938 to Community Projects Coordinator, PAT 5/2, \$43,895.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). Next on the agenda is the Highway Department.

**Bill Hartman:** Good morning, Bill Hartman, Allen County Highway.

**Kim Yagodinski:** Kim Yagodinski, Controller, Allen County Highway.

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**Bill Hartman:** In the process of the Flutter Road project that we are getting ready to reconstruct between St. Joe Road and Schwartz Road, we received \$686,992 as reimbursement of 80% for right-of-way acquisition. We would like to take that out of CEDIT and put it back into the Flutter Road project towards the 20% match which we hope to spend in October and November this year. It would be for bid-letting and construction.

**Larry Brown:** Are there any questions for Bill?

**Tom Harris:** Just one question. On the Flutter Road, I think the intent is to straighten that out?

**Bill Hartman:** Yes, the signalized intersection that already exists there at St. Joe Road and Maplecrest will be connected from the East with Flutter Road. The jog connection that goes up to St. Joe Road will be a cul-de-sac.

**Tom Harris:** Oh, okay, I see.

**Bill Hartman:** You will have a straight shot all the way from Schwartz Road to Maplecrest.

**Tom Harris:** The intent of that is to enhance travel in that area or growth in that area?

**Bill Hartman:** There has been quite a bit of growth that has taken place in that area. There are subdivisions that are halfway constructed and some that are proposed along that road. There are utilities being extended.

**Tom Harris:** I have had some citizens ask why so much effort on Flutter Road when there are other projects that are out there and need to be done.

**Bill Hartman:** Priority-wise with the Federal money, this is high enough priority to warrant the Federal expansion. It ranks higher than other projects. Flutter, Gump, Coverdale and Bass are the places that there is growth. We are attracting the Federal aid money back that we pay in our gas taxes every time we buy gas.

**Larry Brown:** Roy.

**Roy Buskirk:** The one thing on that is just like the Plan Commission approved a subdivision and 48 lots just this past week on Flutter Road. I think you are aware that the County has a numbering system that they go through and Flutter Road is at the top on the numbering system. One question that I have is about this reimbursement. It is a revolving door on

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this money. The County pays it first and we get reimbursed Federal or State money. That is on actual money spent and not on estimates on construction cost and everything.

**Bill Hartman:** Yes, the reimbursements are. Go ahead, Kim.

**Kim Yagodinski:** That is correct and on the construction amount, we will actually be paying 20% upfront. We won't get a reimbursement on the construction amount. The money that we have gotten reimbursed for right-of-way we want to reallocate or re-appropriate that so the money is available for us to spend on the 20%.

**Roy Buskirk:** So the 80% is paid directly from the State?

**Kim Yagodinski:** That is correct.

**Roy Buskirk:** Okay, thank you.

**Larry Brown:** I have never heard that before.

**Roy Buskirk:** I didn't either. I always thought all of it was.

**Kim Yagodinski:** Certain parts of it. It depends on the project. On Flutter Road, the State is actually going to bid that project and we will pay 20% to the State for that.

**Roy Buskirk:** Oh, it is a State bid, okay.

**Larry Brown:** Just real quick, if you have ever come off of Flutter onto St. Joe, I don't know what the accident history is on it but it can be very challenging.

**Bill Hartman:** Yes, there are hills on both sides of that intersection. With the development out there, it is going to become more and more dangerous.

**Tom Harris:** I make a motion to appropriate in County CREDIT Fund 329, 329-0208-431.4802, Flutter Road in the amount of \$686,992.

**Darren Vogt:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Kevin Howell:** Can you give us an update on Maplecrest as to where we are?

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**Bill Hartman:** Last Friday and this Monday, the southbound two lanes of Maplecrest were completed. The concrete was poured. We still have a ramp to go down to Nelson Road to be poured and the two northbound lanes. That will be a couple of weeks before they get the subgrade ready and get the grade lines set. We are still looking at a November completion date. There is still a trail to be built and curbs to be poured. The signal at Nelson and Maplecrest still needs to be installed and there will be landscaping, of course. It is moving along.

**Darren Vogt:** The intersection at Lake and Maplecrest is fabulous.

**Bob Armstrong:** It should move along pretty good now. The ground isn't wet.

**Bill Hartman:** Yes. We have been working on storm drain issues because last fall we had some unusual issues. We have been adding some storm drains to the project so that when the rains do come back, we can accommodate them.

**Kevin Howell:** Are you still looking at November 12<sup>th</sup>?

**Bill Hartman:** That is the date as of now.

**Larry Brown:** I know it is not a County project but is there still progress moving forward on the section of Lake between State and Maplecrest?

**Bill Hartman:** The City of Fort Wayne and INDOT are working on that. They are hoping to bid that this fall. About the time we open our stretch, they will probably bid their stretch to widen that out to four lanes.

**Larry Brown:** Do you know if that is still their intent?

**Bill Hartman:** Yes.

**Tom Harris:** We won't hit all 75 to 100 projects but the St. Joe Center Road Bridge?

**Bill Hartman:** They poured the north half of the deck which includes the new trail connection Wednesday night starting at 9:00 p.m. until 6:00 a.m. Thursday morning. They closed the road during those hours and poured that half of the deck. That has to cure out and they still have the sidewalk and handrails to pour. We are still looking at a September or October completion date. They will switch traffic over in about two or three weeks.

**Tom Harris:** I didn't know if that was going to get done before school starts.

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**Bill Hartman:** I am not sure either. This was the hardest side because we had to widen the bridge and drive piling into the river to add the trail. On the other side, we don't have to do any widening. We will remove the deck and pour a new deck and so it should go a little faster.

**Larry Brown:** Bob.

**Bob Armstrong:** The Spring Street Bridge.

**Bill Hartman:** The deck is going to be poured starting at 5:00 a.m. tomorrow.

**Bob Armstrong:** I like the quietness. I wanted to know how long it was going to be pulled out.

**Bill Hartman:** The completion date has been extended, I think, until about September 20<sup>th</sup>. It is going to take a little longer but you will have a nice signalized intersection and it will be widened out with turn lanes.

**Bob Armstrong:** The College should like that.

**Bill Hartman:** Yes. It should operate a lot better.

**Larry Brown:** Is Auburn Road our project or State.

**Bill Hartman:** Auburn at Cook? That is the City. Okay, thank you very much.

**Larry Brown:** Good morning.

**Mindy Waldron:** Mindy Waldron, Administrator of the Department of Health. We have several issues today. Janette is here to assist as well. We are in need of an additional appropriation in Unemployment for this year and I did bring a bit of history. It doesn't appear that there has been any under-estimating purposefully or anything. It will just take you thirty seconds to review it and understand that it is a very unpredictable beast for us. Going into the 2012 budget preparation, we had no idea that we would have the three that we do now. We did under-budget, I'm afraid and need an additional appropriation to carry us through the rest of the year. I am glad to answer any questions and Janette will answer any trending issues. As you can see, we try to predict as best we can but it is very diverse each year in terms of what has happened six months after budgeting. I don't believe we have ever had to come for an appropriation this early in the year. It is for some changes that occurred at the end of last year.

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**Roy Buskirk:** Your percentage is set by the State and is done for a year at a time and is done right after the first of the year?

**Mindy Waldron:** For those that are on it at the time.

**Roy Buskirk:** On unemployment, you have an account at the State and when that account gets to a certain point and your percentage of participation has increased, you fill it back up. I think it is after the first of the year.

**Mindy Waldron:** I am not sure exactly what you are talking about. Janette can speak to that. We pay direct.

**Janette Jacquay:** I think what you might be referring to is private employer. For the County, we are reimbursable and we pay dollar-for-dollar.

**Roy Buskirk:** That's right, self-funded.

**Larry Brown:** What is the green and the blue?

**Darren Vogt:** Green is expenditures.

**Mindy Waldron:** Yes, thank you.

**Larry Brown:** The green is actual and the blue is budget?

**Mindy Waldron:** Right.

**Darren Vogt:** Have you guys, as HR, looked to see if this is pretty common throughout the County? As far as dollars up and down all of the time or is it pretty flat? Is she an isolated incident? From her budget standpoint is there a way for her to figure it out. Is there something that trended it or is it pretty much what we do County-wide, same way?

**Janette Jacquay:** This is pretty much what we do County-wide. I think what is challenging for departments that are not in the General Fund and have to try to budget for Unemployment, is predicting how many next year. Employees could be terminated and us not winning the protest. We do protest all just-cause discharges so that the employee does not collect unemployment. We are not always successful. Also, on the other hand, Mindy was not prepared to layoff or downsize as many employees as she did last year. As you know, a laid off employee can collect because they have lost their job through no fault of their own. On top of that equation is the fact that the unemployment extensions still exist. The Federal government just dropped one of the extensions because our State unemployment rate is down. For

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some time, we were carrying 26 weeks of unemployment which is the normal that someone can collect along with two State extensions and two Federal extensions. That allowed some people to collect unemployment for 99 weeks. Again, that is hard for us to predict with employees if they are going to collect for that entire time. Will they fall off our invoice because found another job? Hopefully, yes.

**Mindy Waldron:** To cut in, that is what happened with one of them. They had other employment but all of a sudden we were billed again.

**Darren Vogt:** Once they fall off and lose a job, they are back on the list again.

**Mindy Waldron:** Yes. We had taken that one out of our prediction and now it was back in. It just kind of offset the whole year. That one was a big one.

**Roy Buskirk:** So they leave your employment, they get another job and how many days do they have to be on that job before the other job has to pick up the unemployment?

**Janette Jacquay:** They at least have to be on the other job for three months before the other employer starts to pick that up. But still, the current employer that they are with is only going to pick up a percentage of it. A lot of the fallback is going to be Allen County was the substantial employer. It is based on earned wages throughout a retro period. Many times, we get hit even if an employee is discharged for just-cause and Mindy has had this happen. We win the initial protest and the ex-employee does not collect unemployment compensation. They find other employment, works there two months, gets laid off or downsized from that position, goes and files for unemployment and by statute, Allen County is the one that picks up the charge for that.

**Mindy Waldron:** We have also had people leave our employment, not from discharge but chose to leave, went to another employer and were downsized and then we saw the bigger portion of the unemployment for the remainder of the time that they were paid.

**Darren Vogt:** That is a statute issue there. If they leave willingly, they should not...

**Janette Jacquay:** The State position, from what I have investigated and we are not happy about it either, is that somebody has to pay the unemployment. The employer that has awarded the most wages to that employee should pick up the bill.

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**Roy Buskirk:** That is the same thing with unemployment. People on unemployment are not allowed to take a part-time job. I think some of our programs need to be something like for every two dollars that you earn your unemployment is reduced by one so there is motivation to get out there and even take a part-time job.

**Janette Jacquay:** Agree. The State is in the hole because of their deficit. They are in the red with unemployment and so a lot of different programs within the Department of Workforce Development are being reviewed because they are concerned as to abuse of claimants collecting for too long. They have tightened some ropes which has been more beneficial for Allen County but it still is a challenge for us.

**Darren Vogt:** Move for approval of Health Fund 285 in the amount of Unemployment at \$20,000 and Contractual for \$21,250 for a total of \$41,250.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent).

**Tracy Mitchener:** As you know, I have completed my review of all of the positions in the Health Department. Some of the positions are increasing and some are decreasing. The first two, I would like to lump those together. They are the Health Commissioner and the Department Administrator. When these positions were up with all of the other Department Heads in 2009, they asked not to take the increase at that time. They are now asking for the increase. Do you want me to continue on with the rest of them?

**Larry Brown:** Do you have a bottom line?

**Tracy Mitchener:** The up and down?

**Mindy Waldron:** I did and I brought it. Until yesterday we weren't clear and our finance folks got with Jackie or someone to figure out the red-circle and some of them were over the ten percent and that is almost a year-and-a-half before you realize that. I can tell you what we need for the rest of this year and we will come back later for that. We also have an approximate amount of the changes that Tracy is recommending for our entire department. The bottom line number is about \$8,500 up but that is after the year-and-a-half process when all of those that are going down are realized. Currently what we would need to make it through the rest of 2012 and we are attempting, with the unemployment problem, we have had to take any 100 series that we had and put it in there. So we don't have any extra. We have one open

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position, depending on how long it stays open, that we might be able to shift some of that in there but we will need approximately \$25,000 to make it through the rest of 2012. We would consider that at budget time by making some prioritizations for 2013. Then again, we will start realizing those positions that will be going down over time. Does that help? We will be coming back for an additional appropriation, should these be approved.

**Roy Buskirk:** So in essence what you are saying there is of these eleven different changes in wages that the total overall would be up \$8,500.

**Mindy Waldron:** Yes.

**Roy Buskirk:** Once everything is played through.

**Mindy Waldron:** Correct.

**Roy Buskirk:** The one thing, I know that there has been some discussion on items three and four with the Executive increase from \$121,053 to \$130,000 and that is the fact that was previously stated and I want to emphasize that the Executive Director of the Health Department turned down a raise in 2009 to help us out at that time. That is what this is for now, making up that raise.

**Darren Vogt:** I want to rephrase that as raise. The job was evaluated. I brought it up at the Personnel Committee meeting as to how we recognize when we go through the process of evaluating all of the jobs within a department or within the County, what we do when people say they don't want it. We appreciate that from a Council and budget standpoint but I want to make sure that we are okay with that from an HR perspective. We need to have further conversation with that at the Personnel Committee. Then if we need to, we can bring it back to Council.

**Roy Buskirk:** There were probably close to a dozen Department Heads that were re-evaluated at that time and there were three or four that knew of the financial situation of the County and turned down those raises.

**Tom Harris:** Does your Board approve this ahead of us? Have they already done that or do they approve after what Council does?

**Tracy Mitchener:** They are going to approve after in this occasion.

**Darren Vogt:** Joe Steensma, the President of their Board, was at our Personnel Committee meeting.

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**Mindy Waldron:** They did conceptually approve it in 2008 and 2009. It was to take place shortly after that but it didn't so this will hopefully be a secondary approval in July.

**Bob Armstrong:** Under consideration today is a salary ordinance for the Board of Health is amending the pay for the Health Commissioner from EXEC, \$121,053 to \$130,000. Also, under consideration is a salary ordinance amending the pay for the Department Administrator from EXEC \$70,298 to \$80,000. Consideration of a salary ordinance amending the pay for the Informatics Division Director from PAT 6/5, \$57,669 to PAT 5/5, \$50,814. The reduction is to be taken over a two-year period.

**Darren Vogt:** Continuing with the motion, consideration of a salary ordinance amending the pay for the HIV/STD Disease Intervention Specialist from OSS 5/6, \$39,857 to PAT 3/6, \$42,727. Consideration of a salary ordinance amending the pay for the HIV/STD Disease Intervention Specialist from OSS 5/4, \$36,499 to PAT 3/4, \$39,127. Consideration of a salary ordinance amending the pay from Childhood Lead Poison Prevention Director, PAT 5/5, \$50,814 to Lead/Healthy Homes Division Director, PAT 6/5, \$57,669. Consideration of a salary ordinance amending the pay from Immunization Intake Clerk, OSS 2/2, \$25,069 to Administrative Assistant, OSS 3/2, \$27,246. Consideration of a salary ordinance amending the pay from Neighborhood Improvement Coordinator, PAT 5/3, \$46,090 to Vector Control Assistant Director, PAT 4/3, \$41,935. This will be red-circled until June 21, 2013. Consideration of a salary ordinance amending the pay for Vital Records Division Assistant Director from PAT 3/5, \$41,084 to PAT 4/5, \$46,234. Consideration of a salary ordinance amending the pay for the Emergency Preparedness Director from PAT 6/3, \$52,308 to PAT 5/3, \$46,090. This reduction is to be taken over a two-year period. Consideration of a salary ordinance establishing the pay for the Public Health Nurse, PAT 5/2, \$43,895.

**Roy Buskirk:** I second both motions from Bob and Darren.

**Larry Brown:** Is there any further discussion or questions?

**Tom Harris:** I have one question. This is part of the overall re-evaluation that has been going on? This was the Department of Health's time and that is why all of this is happening.

**Tracy Mitchener:** Yes.

**Darren Vogt:** From the original project in 2004.

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**Tracy Mitchener:** But this time it is going to be done correctly.

**Larry Brown:** And relocation of combining clinics and divisions under one roof accomplished part of that.

**Roy Buskirk:** Darren and I are the only two still remaining from the original Council when this was started.

**Larry Brown:** We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). You are carrying the ball on this next one?

**Tera Klutz:** Yes. On March 16, 2012, then Chief Justice Randall Shepherd signed an order approving a pay increase of 2.2% for Judges and Prosecutors. State law mandates that the County Sheriff be paid at the same rate as the County Prosecutor. Furthermore, the Sheriff's attorney had given us his opinion that this Council could change the salary of an Elected Official in the middle of the year pursuant to this statute that says the County Sheriff should be paid at the same rate as the County Prosecutor. With that, I have two salary ordinances before you. One is an amendment to the last six months of 2011 where the Sheriff missed out on a 1.3% raise at the time that the Prosecutor got it. The other one is effective July first of this year and reflects a 2.2% increase that the Prosecutor will receive on July 1, 2012.

**Roy Buskirk:** So what is the situation with the Prosecutor as far as we are currently paying the Prosecutor a \$5,000 bonus over what the State pays? What about reducing the \$5,000 or when is that possible?

**Tera Klutz:** I don't believe you can change her pay at least in the year that you awarded it. The soonest that you could change the \$5,000 supplement is 2013. If the statute for the Judges is similar to the Prosecutor, and I am not aware of this, saying that the salaries shall not decrease in the term, you would have to adjust yours as hers increases and be effective July 1, 2013. That's if that is even legal.

**Larry Brown:** I might comment on that. I know specifically on the Judges, the way that Tera described the statute for the Judges, we are in a catch-22. Their salary is from July 1 to June 30 and our budget is from January 1 to December 31. Unless we create a document, a resolution or what the proper description of the document would be, so that it is in place stating that for every dollar increase that the State gives to the Judges and Magistrates, we deduct a dollar up to the \$5,000, Judges, or \$4,000, Magistrates, until we are equal.

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**Roy Buskirk:** I guess that is the reason for the question. Does the Prosecuting Attorney and Sheriff need to be handled in the same situation as that? If I recall from a year ago in our discussions on this, actually it is the Circuit Court Judges that are named on that because they are a constitutional position. However, since it covers Circuit Court Judges and was challenged, it would probably lose on the Superior Court side.

**Larry Brown:** It has been challenged and there is case law.

**Roy Buskirk:** Okay.

**Tera Klutz:** I can check with the County Attorney to see if that is a possibility.

**Larry Brown:** You included in your description, the Sheriff. I don't think the Sheriff gets a supplement like the Judges and Magistrates do.

**Tera Klutz:** That is because you pay 100% of his salary.

**Roy Buskirk:** but he gets \$5,000 more than what the Prosecuting Attorney's State wages are.

**Darren Vogt:** The \$5,000 is not included.

**Tera Klutz:** He says he gets \$5,000 more than the State. He is paid exactly what the County Prosecutor is paid. That includes the \$5,000.

**Darren Vogt:** I didn't think that it did.

**Roy Buskirk:** Let's say that it is \$130,000 that the State pays the Prosecuting Attorney. We give the Prosecuting Attorney an additional \$5,000.

**Larry Brown:** And the Sheriff gets the same amount.

**Roy Buskirk:** Yes.

**Tera Klutz:** By statute.

**Larry Brown:** Then you are right and we need to include...

**Tera Klutz:** I will have the County Attorney look into that to see if it is legal and I will report back to you guys.

**Larry Brown:** There is some issue of another year of getting caught.

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**Roy Buskirk:** Yeah.

**Darren Vogt:** Some of the issue is the statute and the term of office. That is one of the catchphrases in that statute. As long as the Judge is still in that seat, there may be some problems with that.

**Roy Buskirk:** But we wouldn't be reducing their wages.

**Darren Vogt:** It is very convoluted, that is the problem.

**Larry Brown:** It has been challenged and we need to create a document that you cannot take their pay down. We could create a document that it is offset, an equal amount, so that they aren't harmed until that \$5,000 is used up, if that is our goal.

**Darren Vogt:** When we had this conversation at last year's budget cycle, I had some conversations with the Judges and the original reason was that the pay of the Judges was not adequate and the Judges have since been re-evaluated. What I would like to do is work with the Judges to see what we can work out from a situation where we work with instead of Council coming down heavy handed and making sure that they are on the same page and why we are doing what we want to do. It isn't a penalty to the Judges but their pay was evaluated and brought up to standard and they know what we are trying to accomplish.

**Larry Brown:** Here is another 2.2% raise that the rest of County employees are not getting.

**Darren Vogt:** Don't disagree.

**Roy Buskirk:** This is one thing in which we had a lot of discussion with the Judges last year and several of the Judges were willing to work with us on the \$5,000. They didn't want to have the impression that they were willing to take a cut in their wages and then ask the State for an increase. The \$5,000 is a history in which in 1995 the Council gave them a \$5,000 supplement because they were underpaid at that time. They have been re-valuated by the State and in one year, all of the Judges throughout the State received a \$20,000 a year increase. That has been since you and I have been on the Council. The Judges get \$5,000 and the Magistrates get 80% of the Judges pay and so they got 80% of the supplement which is \$4,000. We give the Prosecuting Attorney gets a \$5,000 supplement and so therefore the Sheriff gets a \$5,000 increase.

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**Tera Klutz:** If I may add a couple of perspective opinions while you are looking at this, I want to mention that the study that had been done was done nine years ago or so to catch them up to the standard nine years ago. I also want to point out that when you gave raises to the employees, they did not receive those same raises.

**Kevin Howell:** They who?

**Tera Klutz:** The Judges. We are at the maximum supplement that we can give them. The State financial situation is what determines whether or not they get awarded raises from the State. We have been at this opposite scenario before, nine years ago. There is a different standard and cost-of-living today than it was nine years ago. This is their only opportunity to get an increase for cost-of-living through the State. Just because we are not able to tie the timing of when the County can give increases or not give raises at all to when the Judges get increases or don't, may not be as important now as allowing them to get their cost-of-living increase while the State has some money. It is not exorbitant, it is 2.2%. I just wanted to throw that out there for consideration especially if it is not clear legally. We may not want to incur the frustration and the money associated with a lawsuit if it is not clear either.

**Larry Brown:** Okay, bottom line is you are going to check the legality of our proposal.

**Tera Klutz:** Sure.

**Tom Harris:** On this salary ordinance in front of us, both the Sheriff's Attorney and the County Attorney have said that we need to move forward on this?

**Tera Klutz:** The Sheriff's Attorney is the only one that has weighed in on this.

**Tom Harris:** Okay, I see.

**Tera Klutz:** On being able to change the Sheriff's salary in the middle of the year. There is no question that the Sheriff was supposed to be paid at the same rate as the Prosecutor. There was another conflicting law that said you can't change an Elected Official in the middle of the year.

**Larry Brown:** I think we are ready for a motion.

**Roy Buskirk:** So both of these would take place on July 1<sup>st</sup>.

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**Tera Klutz:** One is retroactive and that will be one supplemental pay.

**Larry Brown:** One is back pay and one is moving forward.

**Tom Harris:** I will make a motion for consideration of a salary ordinance amending the pay for an employee within the budget of the Sheriff's Department, 100-0501-421, Sheriff, 13-01, salary from \$130,647 to \$132,280, retroactive to July 1, 2011.

**Bob Armstrong:** So this is the 2011 amended ordinance.

**Tera Klutz:** Yes, the one he just read.

**Tom Harris:** The second one is consideration of a salary ordinance amending the pay for an employee within the budget of the Sheriff's Department, 100-0501-421, Sheriff, 13-01, Salary from \$132,280 to \$135,080 and is effective July 1, 2012.

**Bob Armstrong:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Moss absent). It has been brought to my attention that we need to take a three to five minute stretch break. I apologize that we are dragging on here but we are going to take a three to five minute break.

Break

**Larry Brown:** Next on our agenda is the 9-1-1 and related subject matter. We are privileged to have some key people who have been involved in this. Please identify yourselves and take over.

**Therese Brown:** Good morning. I am Allen County Commissioner Therese Brown.

**John Feighner:** John Feighner and I am an Assistant Allen County Attorney and I am the Attorney for the Consolidated Communication Partnership.

**Chris Cloud:** Chris Cloud of the Commissioners' Office.

**Therese Brown:** Thank you very much for giving us the opportunity to discuss with you today the CCP budget and the funding of the 9-1-1 upgrade that has been out for discussion and/or public comment for a considerable period of time. Now we are at the stage where we need to discuss funding. Chris will

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be forwarding out to you a short PowerPoint presentation. If I could ask that I get through the PowerPoint and then we can go through whatever parts you would like. John will be commenting on the financing portion of this and Chris as well. If there are any questions, could you hold them until we get through this presentation? As I mentioned, there has been considerable discussion over the past few years about several things regarding communications and the 9-1-1 upgrades within Allen County and the City of Fort Wayne. As I believe most of you are aware, a few years ago there was legislation passed that required consolidation of public safety communication organizations. The City and the County entered into an agreement regarding that. Allen County and the City of Fort Wayne created what is called the Combined Communications Partnership. As the Combined Partnership, it was charged with not only creating a budget to take care of the facilitation of dispatch and communications internally but also to look at how they can upgrade the system. On page one you have an overview of the issues surrounding 9-1-1 and the CCP in general. As you are aware, there was a budget shortfall that occurred and we will get into that. There is a necessary action that this Board will need to do subsequent to July 1 because of the change in legislation and how the funding occurs with 9-1-1 fees. There is also going to be discussion and we are currently in discussion regarding revisions to the CCP interlocal agreement between the City and the County. The discussion of the possible relocation of the 9-1-1 Dispatch Center and the P25 upgrade project and the funding discussions that need to take place and how those things will occur. Turn to page two. During some of the negotiations that I have been involved with the City of Fort Wayne, we have determined on both sides that there needs to be more clarification and a fine tuning to the interlocal agreement between both organizations. Not to say that it is a bad document in any way, shape or form but the original document and its intent was based on some information that might not have been consistent in or fulfilled in an accuracy standpoint of all of the expenses or things that needed to be included on either the County side or the City side. Within that agreement, it refers to a 70/30 split. Basically, if I may be so bold, it is based on that document the fact that there is a 70/30 split and the 30% that the County is constrained by; it constrains the City's contribution as well when it refers to 9-1-1 fees. Last year as you are well aware, going into this year and subsequent dialogues during the course of the year, there was a gap in funding due to the fact that there were certain things that were not necessarily captured in the City budget when the initial budget was proposed. That being specifically the Radio Shop and the proportionate share that the Radio Shop is in performing services for 9-1-1 and the Communications Department as well as the Sheriff's Department. There were some things that were not captured. Minor in that area but in some areas it would have been health insurance and other things that the County would have been paying in addition above what would have been budgeted

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specifically in the Sheriff's Departments. The budget also assumed that all 9-1-1 fees would be contributed as only wired dollars were part of the equation. The City and County both are contributing to this gap shortfall. Regarding the CCP interlocal agreement, some of the subjects that we need to address in perpetuity and is something that will be coming forward for discussion because you are the appropriating body at the time when budgets are submitted, is to write into the document a fix that will help alleviate what could be a perpetual shortfall regarding unknown budget items that were not included in the original negotiated interlocal agreement. We have had discussions about changes to the appointments to the Board itself. Currently it is the Sheriff, Chief Deputy Sheriff, Fire Chief and the Chief of Police. It is thought that it should possibly expand to potentially include a Commissioner, a Council member or the Auditor. I say that in jest because we know that the Auditor would love to sit in on another committee. But that said, both sides have not had any agreement whatsoever and initial documents are just floating back and forth at this point. There has not been any commitment whatsoever. Looking at a financial component probably that needs to be within that Board structure so that there's an understanding of that next level and not just operational understanding of how to do the internal inner workings of the department. We need to make sure in this document that there is clarification when say this body or the City of Fort Wayne, for instance, proposes raises or makes reductions in health insurance benefits or anything that could be different, how those could be extrapolated in this document to make sure that they don't get missed. These have been discussed between the Mayor and the Commissioners and the CCP Attorney and the County Attorney. Also, we have the potential of relocation. As you are aware, the location of the Dispatch Center is in the basement of the City-County Building. The Commissioners undertook a study with MSKTD about a year-and-a-half ago and there was a minor amount of opportunity to be able to bump that area out. I believe, and Mr. Cloud you may correct me, that it was an additional 300 square feet that may have been able to be added. It would have been a minimal amount of space relative to what the perceived need is for the actual insertion of the new system. Additionally there is the potential of upgrading HVAC and other aspects, the structure of how each physical location was constructed and needed to be modified. There is a cost associated with that. Ultimately we have looked at locations and in addition to having that study done to locations outside of the City-County/Rousseau Centre and currently are working on gathering additional information to determine whether or not those areas could be feasible or what we will be doing. We are hoping to work with community partners. One of the things that this processed has allowed us to do is engage with local area hospitals, regional partnerships with other Counties and Municipalities. The goal is that if there is a possibility of relocation occurring that we need to entertain scales of economy that will allow us to be able to regionally make some better

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decisions so that we can serve, in the future, the needs of all of the constituents in our area. I will now turn over to Mr. Feighner the financing and the history of the system upgrade.

**John Feighner:** Good morning, members of Council. I was asked to report to you today. I know that many of you have had opportunities to attend some of our CCP meetings. If you look back in time, it was decided with support not only with the CCP but with the City and the County officials generally that we would send out a Request for Proposals. That was done in 2011. That process took a considerable amount of time. Responses were made and ultimately, on November 11<sup>th</sup>, 2011, Motorola submitted the comprehensive response to each of the items that we were seeking to be considered. There were other partial proposals submitted by some vendors. The CCP and staff went into negotiations, did evaluations but because of the questions about the funding that existed at the time, we did not negotiate to any resolution last winter or in the springtime. Fortunately Motorola was willing to hold the price that they had bid. This spring as we made a lot of progress the CCP Board then convened appropriately, several Executive Sessions, for the purpose of negotiating with Motorola. That process essentially happened in late April and early May. If you look at the original bid that Motorola submitted, the base bid was \$20,084,886. I would view that as sort of the retail price. Because they are an authorized vendor in the State, there is a State discount that they provide to organizations and public safety agencies. Because we had a long-standing relationship with them, as you all know the City and the County had purchased our current system from them approximately twelve years ago. They have been providing maintenance support every year. We also got a customer loyalty discount. The discounts total, in round dollars, \$4,300,000. They also had what I would call a list of options. They were asked, as were the other vendors, to tell us what other options could be considered. They laid out a long list. Mike Reichard and the public safety staff reviewed that. We had our own internal discussions and discussions with Motorola. Ultimately the public safety agencies recommended certain options but not most and that was another \$1,360,000. By early May, Motorola's price for the system that we thought was the appropriate system that would be effective for public safety was \$17,384,480. That was not acceptable and we told them to sharpen their pencil and they came back. On May 22<sup>nd</sup>, they provided additional discounts for the same scope of the project, the same equipment and the same software and it came down to \$16,986,484. That is the number that has been out there and publicly discussed and I think everybody understands that. Then you break down the system, radios for the City and County and infrastructure which is hardware and a lot of software, towers equipment and things like that. The City and the County before, and with this time your approval, will split the infrastructure cost 50% funded by the County side and 50% funded by the

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City side. The County subscribers are \$2,904,436. Based upon the May 22<sup>nd</sup> price, the County's share would be \$7,160,207. Motorola, with your support and strong advocacy I might add, was asked if we pay, in effect, cash can we get an additional discount. This is where the contract negotiations are complex. As many of you know, the City is going through its separate process with the City Council. I was not at the meeting but the City discussed it Tuesday and it is my understanding that next Tuesday they will have a second session and presumably they will approve and appropriate funding. It probably will mean that they will pay for their 50% share of the infrastructure, in effect cash, when we install the system. They prefer, I believe, to have financing through Motorola's financial subsidiary which has made the same offer to the County and the City that it could be financed with a lease over seven, eight or ten years. That is probably what they are going to do with their side of the radios. Motorola recognizing that what we are working on right now is basically three agreements. One is for the City for the radios. One is for the County for our radios paid for in cash, so to speak, and a joint agreement with the County and the City. The discount right now that Motorola proposed yesterday or Tuesday, has been distributed to all of you. For the County portion, meaning what we would pay if we agreed to pay during the installation, the discount is \$96,587. So our adjusted price is \$7,063,620. One of the considerations which Bill Fishering and I and Bob Ehrenman and I think the City feels the same way in talking to Tim Haffner and his staff, when you pay for a project, it doesn't matter if you are building something or software or hardware or whatever, you want to retain some money toward the end so that we have assurance that we are going to get what we agreed to get. It is no reflection on Motorola but is just good business. What Motorola has negotiated with us and has not been approved by the Commissioners or been approved by you all, that we would retain ten percent so that at the end of it that would be the final payment. They won't get that last ten percent until everyone is happy and that it works well. That is some security. Obviously they want to have the least amount retained as possible as they are building it out, staff time, computers, we get the equipment and the radios. That is where we are. I can't speak for Motorola but that may be partially why they are careful about a cash discount. Also, as you know, the financing terms were not particularly expensive in the sense that interest rates for everybody in business and government. It is low if you are borrowing, that is favorable. If we are trying to get a return on our tax dollars that are invested with the banks, low is not favorable. That is where we are. The other element that I was asked to talk about was is that the system that is now designed will become a software-driven system. No doubt you will be buying hardware from time to time and replacing some of the radios as we go along. Like before, you would have a maintenance agreement. They have agreed, in response to Councilman Buskirk's suggestion that if the project is completed in November of 2013 which is what we anticipate, the

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first year warranty would extend until January of 2015. We would get a little more than a one-year warranty and would fall in line with the budget. It is not a major deal but there is some risk to them.

**Larry Brown:** Not to interrupt and don't lose your train of thought but completion is anticipated in November or December of 2014?

**John Feighner:** No, 2013.

**Larry Brown:** So the warranty would go until 2016?

**John Feighner:** No, the warranty starts on final acceptance in November of 2013. You get the rest of 2013 and all of 2014 and then the maintenance agreement starts January 2015. What we are anticipating is that is probably going to be a ten-year maintenance agreement. During that you are getting new equipment and as hardware, servers and equipment wear out or get changed or improved by the industry and you are also getting software updates. We are in effect paying as we go to keep the current system current so that it doesn't become obsolete. Obviously there is a price that you pay for that. We have been doing that the last ten years but now because it is software-driven and you have all of the bugs and piracy and all of that, it is more expensive. Their original proposal was in the range of \$580,000 a year and it would then have a small increase. As part of the pencil sharpening that went on, they dropped that down to \$528,756 which starts in 2015 and if you think about it, that is an ongoing savings each year of the maintenance agreement. That is the reality of what their proposal is. They have not made any further discount for cash there because you are really not paying cash now. They are going to get that money in the future.

**Darren Vogt:** Not to interrupt you but they are showing that starting in 2014.

**Chris Cloud:** That was just for illustration purchases at an earlier CCP meeting.

**Darren Vogt:** Okay, great.

**John Feighner:** In effect, that is where we are today. To roll forward, they are expecting, and part of the discussion was, that this would be approved by the City and the County this month. City Council will make that recommendation apparently Tuesday. I haven't talked to the Mayor's staff but I assume he is available on Wednesday, June 27<sup>th</sup> and we intend to have a special meeting of the Commissioners to approve the contract subject to all necessary appropriations by this body as well as any State approvals and all of us will work to expedite that. We anticipate, if you approve it, that what

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will happen is we are looking for an intent resolution today and then a special session of County Council in the first week of July. That is where we are on the financing.

**Therese Brown:** So, as you are aware, there are three opportunities to finance or pay for this system. One is finance-lease with the vendor, bonding against future revenue or bonding or paying cash. The Commissioners' recommendation is suggested that the County utilize cash on hand. The cash on hand that we understand to be general dollar amount between CEDIT and COIT windfalls that the State paid to us earlier this year in the amount of \$4.8 million and the Rainy Day Fund at approximately \$2.3 million. We additionally hope that you will pass, in July at your special session, the gap funding for the shortfall between the budget for 2012 for the CCP of what was submitted and what is needed to make up the differential for the fund. Quite honestly, after much discussion, we sincerely hope that as July first the 9-1-1 fees transition for wired and wireless that you strongly consider retaining the cash balance that is in those combined funds of approximately \$2.3 million. Subsequent, regarding the reason behind that from the Commissioners' standpoint is that we are unaware of what the actual cost would be to relocate the 9-1-1 Center, what the renovation cost would be for that particular area, what the lease amount payment would be if any lease payment would need to be paid, any subsequent shortfall in budget that could conceivably happen and as you are aware, we have not gone through 100% of a year with this particular makeup of structure for this organization. Finally, and quite bluntly, no assurance on our part as least confidence-wide that the funding mechanism that is currently in place for 9-1-1 fees though there was an increase of approximately twenty cents for the wired side and an increase of forty cents to the wireless side that it will be sufficient to maintain the revenue stream for 9-1-1 coming in let alone the statute that was changed and required the State to guarantee a three-year minimum average plus a COLA increase of three percent. I can tell you that yesterday I happened to have a side conversation as President of the Association of Indiana Counties with our Director who said that he had a conversation with the State and it is possibly suggested that they might be feeling a little bit of a pinch and are not sure how they are going to be able to make up for this three percent. That is not a quote but pretty much a "Gee this could potentially be an issue for the State and their coffers." Knowing that every legislative session there is always the potential for funding and anything else that can come up has that potential. That again puts caution to me as a conservative individual when it comes to me as having money in hand than to just throw it to the wind. We should be reserving those dollars back. I suspect that if there is a possibility that the State could be short, we will not be receiving 100% of our dollars down the road. In the back of your mind, that is a thought. I am not sure that it would even happen but yet always remember that anytime the legislative

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session starts, there is always the potential that we would not be getting what we thought we were getting. These are the suggestions and our recommendations to you. We will take any lead that the Auditor has in how we need to make sure that the advertising is done appropriately if you do agree with these suggestions of COIT, CEDIT and the Rainy Day Fund and the advertising of the 9-1-1 wireless dollars that are needed to make up for the gap. Now we are done with our presentation.

**Larry Brown:** At this point, I would like to make you all aware that over the last two to three months or longer, a combination of Roy, Darren, Tom and I have attended probably every offering of a meeting either from CCP, Commissioners or whatever. Before Therese got to the point of the recommendation, for what it is worth, my recommendation after gaining information from Tera and Nick about money that is available and where money could come from, I ditto or support what Therese laid out. That is using our redistribution or correction of error of COIT and CEDIT money from the State. That is about \$4.771 million. Then, taking into account the discount of \$96,587 and the balance of that calculation would come out of the Rainy Day Fund. I guess, let's start off with that as a basis of discussion. Is everybody okay with that? Is anybody not okay with that?

**Darren Vogt:** I think there are other options on the table but before I talk about that I have to understand a little bit more about the possible relocation of the facility. I personally want to know why that is necessary and why it is even being discussed. We have gone through the renovations of two buildings now and all of a sudden we want to pull out a major portion of the basement of the City-County Building. I want to understand that and what kind of cost. I will caution you as you say we need to be cautious of the 9-1-1 money and I agree with that but we also need to be cautious of the Rainy Day Fund. As I look at that, there are other options that are out there. As you all know, I am not a fan of pots of money here and there. This is an opportunity, as I see it, to clear some of that up. I may have some differences.

**Tom Harris:** You lost me on clear some of that up. What does that mean?

**Darren Vogt:** COIT Flood Control is a prime example. That is money that has been sitting there for ten years, probably. It would be the time to get rid of that fund altogether. The Commissioners like to use it for economic development, which is fine. We have never, not supported economic development but it would be one fund that would be able to be eliminated. Money does not go back into that fund, right?

**Tera Klutz:** Yes.

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**Darren Vogt:** It is not a fund that money continues to go into and so we would be able to eliminate that. From an accounting standpoint and a tracking standpoint, it would be gone. That is something that I would be interested in talking about. The bigger picture for me is looking at the dollars associated with moving. I thought I heard something about leasing some property somewhere else from someone else and we have space available.

**Therese Brown:** I will address that. I believe, and correct me if I am wrong because we have had a lot of discussions regarding square footage, but I believe the basement is only about 7,000 square feet currently.

**Chris Cloud:** Usable square footage, I think is between six and seven.

**Therese Brown:** Okay. When the co-location project started, this body requested of the previous Commissioners and current Commissioners to reduce the amount of real estate that we hold. To that end and all of the co-locations that have occurred into Citizens Square and into the Rousseau Centre, we are now in the next phase of moving other departments from other areas. We are moving departments out of the Courthouse Annex. We will be moving Adult Probation out of that particular building and onto the eighth floor of the Rousseau Centre. That will take up the entire floor if you are aware of the amount of space that they take up at the Annex which is about a floor and a half. There is not enough contiguous space in the Rousseau Centre for the remaining parts of the Court system. Also, we have to consider Voter Registration and the Election Board in our discussions. They are currently located temporarily and may be permanently located in the Highway Annex building. To really meet the need of the request of this body to reduce the amount of real estate that we own so relocation, in essence, has not been completed. We would be able to get that building onto the market to be able to sell it and divest ourselves of that building. To be quite blunt, it is my understanding because I have not been involved in this process from its initiation but only in the last few months that the amount of square footage that is available for this system is not sufficient. It is not sufficient for it as it stands and it is not sufficient for future growth. I know growth is not an appropriate term in the context that people might take it but from the context of trying to think of the future. The future being that we are trying to look at, from the Commissioners caucus standpoint and from the Mayor's caucus of Northeast Indiana, regionalization of some of the functions that we perform. Allen County stepping to the plate knows right now with the CCP and the Director of the Dispatch Center that there are two Counties currently interested in joining with us in scaling their services into our services. That would realize dollars for Allen County, scalable to them and to us. For that type of merger to occur, it wouldn't necessarily mean that it would be a one-for-one, meaning all of those individuals would necessarily

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come to work but there is the potential that there would be an increase of space or consoles needed to be able to accommodate for that. We also know that Fire Services or TRAA may be a situation where that may be changing and the dispatch of ambulances may be coming into the area. You are now adding, potentially, more dispatchers relative to need and scheduling. I am not a wizard as to how they do three shifts seven days a week. There are opportunities that are in the near future that may be able to allow for those types of things to occur. The basement does not stand to have enough space to be able to accommodate that. So those inefficiencies, if we are going to be doing this the right way, I assume that is the goal of the whole entire process here, is to move forward logically. We have made no determination of where this location is going to be. There are several options on the table. It is always possible that there may not be a lease. There is always the possibility that there could be a minimal amount of renovation that would have to occur depending on the space. Also, keep in mind that even if it were possible to stay within the basement of the Rousseau Centre, there is still going to be a renovation cost that is going to occur. We think it could be anywhere between a half million to a million dollars. It just depends. Plus the relocation, for a short period of time, to the Public Safety Academy for dispatch to go there while the equipment is being installed into the basement, if it were to play out. That said, those are the reasons behind the investigation of whether or not it needs to stay and the contiguous space usage that we don't have in the building. To your question regarding the Flood Control Fund, of course that is a fund that is available but the Commissioners stand firm that economic development is extremely important to this community and to this body as well. Ultimately knowing the restrictions that we have and there are several things that are seemingly rolling along here that I am not at liberty to discuss but there are several things that are continuing the momentum of positive in this community that it is possible that we may need to leverage those funds in the near future. You may get what you are asking for and the pledges of abatements or buy-downs or whatever could conceivably be gone.

**Chris Cloud:** I would like to add a couple of comments. Co-location predates the CCP. In the meetings and the preliminaries that we had, 9-1-1 was never included in that. The merger of the CCP took place after we identified which groups would be best to move and had all of those meetings. The idea of the CCP and restructuring and all that has gone on was never tied to co-location. It is difficult to separate the two because they are happening somewhat concurrently but they are separate discussions. Number two, call volume has increased since that location was built in 1969 or 1970 and 9-1-1 hasn't moved. The consoles, you would think would get smaller but they have actually gotten bigger. They have multiple monitors and I am jealous of the amount of desk area that these people have to work with. Space-wise, even though technology gets smaller and smaller, the dispatch modules with all

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that they have to work with, it is not like the space can get into a Cracker Jack box. They are dispatching more than they did in 1969 and 1970. I think now is a good time if you are going to upgrade the system; you are going to put in all new equipment, that is the best place to put that. Thirdly, the idea of regional 9-1-1 is not allowable in the current space configuration. That space was designed to be a City-half and a County-half. As much as we have talked about taking down the wall, there is a cost to demolishing that wall and there is a cost to HVAC and electrical improvements. There is a cost to raising the floor on the second half that wasn't done. As Commissioner Brown, Tim Lee and I have explored options for space, what is in the back of our minds is that we want the lowest cost possible. We are not looking for a Taj Mahal for 9-1-1. The best thing for 9-1-1 is a big open room. Remodeling cost is more demo than building. I am confident that if 9-1-1 is relocated from the Rousseau Centre, we are not talking about millions of dollars to modify space. It is much less than that. It is more taking down existing walls and making a wide open space. The places that we have seen, just to see what is available, they are wide open spaces. From my experience in co-location, we are not looking at huge cost. The balance of the money in whatever is needed for that is a sizable cash balance. I don't think Commissioner Brown is saying to take \$3 million and remodel and have a \$200,000 cash balance. I think she is thinking that the bulk of that money that is unappropriated right now is going to be left in there either for State revenues less than thought or if the County was to give raises in the future, how would that be handled. No one wants to grow the General Fund budget so some of that cash balance could be used to accommodate if a maintenance contract goes up or work is needed on the towers, we've got some money to draw from so that we are not touching General Fund dollars. I think that is the purpose of holding back that cash balance. I would not focus too much on a huge expense associated with 9-1-1 co-location because in the back of our minds, we would prefer zero. As we meet with these people, we tell them that this is not a moneymaker for them. When we say community partner, we mean that. We expect them to benefit somehow. We can either help them out with something or they can consolidate something with us but it is not intended to be a huge cost increase.

**Darren Vogt:** I appreciate the explanation. Well said. Before we sell buildings that are out there, we need to look to make sure that if we don't have that agreement that it is a very low cost or no cost to us, we look at those buildings and maybe it is something that we need to consider.

**Chris Cloud:** If Council wants to give us different direction, if we need to slow down on selling everything, let us know.

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**Darren Vogt:** If you are talking about moving stuff around and leasing and leasing is going to cost and we have a building, then slow down. Maybe that building is not usable for what you need to do but I want us to make sure that we are thinking it through.

**Larry Brown:** Sometimes I am guilty of attending so many meetings on some of these subjects that I forget that you guys aren't privy to everything that I have been exposed to. Some of the discussions that have been referred to such as regionalization are extremely fresh. They didn't occur and there wasn't even an imagination that it could occur back when co-location was being talked about. Chris highlighted on the fact that the 9-1-1 Call Center was not involved in the co-location discussions and space needs. Chris is right, the space per operator has increased and not decreased. Another factor, when you talk about existing buildings and whether or not we should get rid of them, in this particular application location, height and all of those things are key, key, key factors. The properties that have been identified as being deleted from the property ownership of the County do not even come close to qualifying for various reasons. It is not like they are selling something that should be kept so that the 9-1-1 Call Center could go in there. There are probably lots of other things that I should be sharing with you but it just doesn't come to mind right now. Tom wanted to ask a question.

**Tom Harris:** I think I just want to make a comment. Once again, I want to caution that every time we talk about consolidation and government becoming more efficient, it seems to grow and there is more cost and more buildings and more properties. I just throw that out there because we've seen it and we have experienced it in even my short time here where promises have been made and things were going to be reduced and costs were going to go down. We have seen cost go up and growth happen where it wasn't supposed to happen. Here we go down another plan of maybe cost reduction or smaller government that we are going to consolidate somehow and we are going to end up with a whole new realm of cost and maybe it is not the Taj Mahal but it is another building or property and more expenses. My concern out there is just that.

**Therese Brown:** Point well made. It is one of the things that Councilman Brown and I have discussed in that there are so many moving parts and that is why I have pointed out the several things that you need to consider as you make this decision. Where it is going to be could possibly level the expense on the County side. Again, it is one of those things that is slowly moving.

**Tom Harris:** Therese, a simple example is the 9-1-1 fees. We are a larger County and we end up not making money, as I understand it. We go to regionalization and we are the larger County and are we going to reap those

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benefits or are the smaller Counties going to get those benefits? I caution you again on that.

**Therese Brown:** Ultimately it comes down to the formula that obviously would be structured. Again, thinking off the top of my head, we would have to work through it that we would not be damaged. We don't want them to be damaged either. It is a volatile fee. There is no way to guarantee how much money is going to come in and what future changes are going to happen with that.

**Larry Brown:** I think an important element to interject here is that we are spending \$9 million on backbone and that is all electronics. That backbone is capable of a lot more than we are going to be using it. We have this expensive backbone and the part that is attractive about regionalization is that other Counties don't have to also spend big dollars on that backbone. There is going to be an appropriate fee for that and the hope is that our cost can be cost increases and maybe the bottom line would become cheaper here by allowing them to use our backbone.

**Tom Harris:** In essence we are doing what the State is doing to us.

**Larry Brown:** Exactly.

**Tom Harris:** The State consolidates and we pay more. It helps the State out in various ways and different things that they are doing.

**Therese Brown:** I also would like to think, and I don't somewhat disagree with your statement, that this is a leadership scenario too. One doesn't like to have the State tell us what to do and if we can have an innovative idea and be a little more on the cutting edge and proactive in northeast Indiana and have the situation where it makes us attractive to economic development amongst other things not only land and the opportunity to build buildings but you are showing that elected officials across the region are collaborating and makes us more attractive. I hear what you are saying but I also know that there is always the potential that if we don't start down a said road, the road will be chosen for us.

**Larry Brown:** Kevin.

**Kevin Howell:** You said there are other Counties that are interested in collaborating with us on this issue?

**Therese Brown:** Yes but not on what is before you today. What we are referring to is relocation. There is potential, not so much in payment on this

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particular issue, but that they would be willing because of their budget restraints being able to meet what they are willing to do with their systems and with dispatch in general.

**Chris Cloud:** So in affect, from a practical standpoint, it might look like in the future if someone calls 9-1-1 in Huntington County that 9-1-1 call may actually go to a call center in a different County. It would be dispatched from a different County but to a local Officer. With the way that technology has improved, you can dispatch from anywhere. I think that is what the Commissioners caucus is talking about. Smaller Counties don't have the size or amount of people in 9-1-1 that we could absorb with little difficulty compared to them maintaining and keeping these people. They may only have three call takers on a shift and we might have thirty on a shift. The idea is to let us do it for you and in exchange you pay us some of your savings. It is not a one-for-one. We don't take their person and put them into our dispatch because we have an unknown capacity and we hope to absorb that capacity with their calls. The hope would be that we wouldn't have to add staff. That would be the ideal situation. How far off that is or how practical that is, I think that in the discussions with the other Commissioners, it is something that they would like to explore. I know that Tim Lee has had those conversations as well. They feel it is an interesting idea and they want to go down that road. How fast and when, we couldn't tell you.

**Kevin Howell:** This almost sounds like Star Trek. We are the big dog here in northeast Indiana and obviously we want to be. So there have been no discussions yet between all nine or ten or eleven Counties in northeast Indiana?

**Therese Brown:** We have been meeting as a collaborative group since January. As subjects come along, one of the things that I had asked Tim Lee to come forward, his group of 9-1-1 Directors have been talking about upgrades to radios and different things with the 800 megahertz radios. Again, I don't want to get you confused with what is before you today. Looking collaborative from the region to get the best bang for the buck on a contract to be able to purchase at a reduced cost, those types of instruments or tools that they need, this has kind of elevated or morphed into more discussion about 9-1-1 in general about scales of economy and what we can do that will help all of the other Counties. When I say "we can help" it is not Allen County just saying come and we will absorb it and you can spend your dollars wherever you want. The point is that we are a region. We want to look regionally economic development-wise and from a coalition, education and trying to have people with the tools that they need to be able to stay here, families doing all of the things that we want this region as a community to do. 9-1-1 communications is just one more of those subjects. So, no, there

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hasn't been any in depth conversation other than it is a very active dialogue that is occurring right now.

**Larry Brown:** Roy.

**Roy Buskirk:** On the direction from this Council on selling the real estate, yes we would like to see real estate liquidated but we also want some common sense used in the fact of possibly holding real estate. One thing is on selling the Courthouse Annex, when it might possibly be better to use the eighth floor for 9-1-1 instead of moving Adult Probation into the Rousseau Centre. I think that needs to be looked at very, very close.

**Chris Cloud:** We did look at that during the discussion of co-location. The cost of that is very prohibitive because of the cost of asbestos abatement that would be required on the eighth floor. On top of all of the other construction, it was quite cost prohibitive.

**Roy Buskirk:** So with Adult Probation you don't have to remove the asbestos?

**Chris Cloud:** No walls above the ceiling. The problem with 9-1-1 is that they need a raised floor and with headroom, that didn't work.

**Roy Buskirk:** It is very shocking to find out that I thought the two local firms that we were talking to and they wanted 9-1-1 located in their facilities and now they are throwing out \$17 a square foot.

**Therese Brown:** Don't get confused in the sense that it is a hard number.

**Roy Buskirk:** I know it is not.

**Therese Brown:** All we asked was for information to be able to then start a dialogue between not only them but a third site that we have had brought to our attention that is actively interested. Again, it is in the infancy. We know that within the next 45 to 90 days, we are going to have to make a decision of where it is going to be. Because of equipment being delivered and the build-out and making things happen. In light of the real estate, we know that the Berry Street Annex is just not capable of handling this particular area. As Chris mentioned, the eighth floor is cost prohibitive just for the sake of the asbestos removal. Quite frankly I have a pretty good feeling, based on the way some of these dialogues have been, they are very interested in wanting to do a good thing and trying to do a good community outreach. I wouldn't get stuck on the \$17. We have our legal groups of individuals that will make sure that we get the best type of contractual arrangement.

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**Roy Buskirk:** I don't see how you can say that the eighth floor is prohibitive when you are talking about ending up with a lease payment. That needs to be taken into consideration. Maybe the removal of the asbestos on the eighth floor is not a prohibitive cost. What are you talking about, a million dollars to remove that?

**Chris Cloud:** Approximately, yes.

**Therese Brown:** That is without raising the floor and doing the cooling and whatnot.

**Darren Vogt:** Can we focus on the dollars? I have a lot more questions that are budget related but I don't want to get into those.

**Roy Buskirk:** I just want to make sure that everybody on the Council understands the 9-1-1 fees. The State now controls those. They made it Statewide at \$.90 which before it was \$.70 in our County. The increase does not mean that we are going to get any of the benefit of that increase. As most of you know, my office is in Wells County and I have been paying \$2.40. That is being reduced to \$.90. The State has said to every County that they are still going to receive the amount of money that they have for the last three-year average. There were more Counties lowered than was increased. Again, that is because of the fact that Wells County is a small County and does not have the population to be able to pay their existing 9-1-1 service. That is why it might be advantageous for them to join with Allen County and Fort Wayne.

**Tom Harris:** My question would be getting back to the intent or resolution. Do we need to, as part of a resolution, have the details in it in terms of how it is funded or just that we are willing to fund it? Does that come in the next vote in terms of how we fund it?

**Tera Klutz:** I think you should take a vote to see if you are in favor of it and how you will fund it. How you choose to fund it, the Commissioners have agreed to work with me on submitting the appropriate paperwork to advertise it so that you can then act on that appropriation.

**Bob Armstrong:** In a special meeting.

**Tera Klutz:** In a special meeting.

**Tom Harris:** But you need a resolution today of the intent to move forward.

**Tera Klutz:** And how you would pay for it.

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**Darren Vogt:** Do we need a special meeting for that?

**Tera Klutz:** You can do it later, but if we can get something to the paper by 3:00 today, the soonest you could meet would be July third.

**Darren Vogt:** If we already have a resolution on how to do it and agree to do it, why do we need a special meeting?

**Larry Brown:** Here is my understanding of the reason. Tera and Therese, please correct me where I am wrong. The Commissioners cannot sign the agreement until the money is appropriated. If they sign it, it has to be conditional.

**John Feighner:** That is what we planned to do, if you agree we would approve it early next week. Presumably the City Council will do likewise. It requires both fiscal bodies. The Mayor approves the contract for Motorola. The Commissioners approve it but it is subject to the final appropriation by this body. Motorola understands that. They wish it wasn't the case but here we are.

**Darren Vogt:** So there is really no need for a special meeting.

**Therese Brown:** But I think from an assurance standpoint, that organization having an actual appropriation done, not necessarily having the DLGF approval. I am sure that everything paper-wise will be fine. Having that would give them the assurance to move forward.

**John Feighner:** I'll give you an example. A lot of times people may buy a car or a house subject to getting financing. Then you go to the closing and in the meantime you got that financing.

**Darren Vogt:** You get the financing because you qualify. If we need a special meeting, fine.

**John Feighner:** I think it is pretty clear legally that we should do it.

**Tera Klutz:** The sooner they have assurance, the better.

**Darren Vogt:** We don't need it legally. We need it for Motorola to be comfortable. That is really the only reason.

**Tom Harris:** And going forward, I guess that John, as the Attorney for the CCP, and the Commissioners for the County are going into this relationship with the City to fund this, are there any pitfalls or concerns that we should

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be aware of or that we need to be thinking about and could come around the block after we pass this either today or in this special session?

**Therese Brown:** I have two comments. One is that to the best of my knowledge I know nothing at this time that would be a problem. Second, this governmental entity entered into the same type of arrangement in 1992 or 1993 with the last upgrade.

**John Feighner:** Effectively we are married together and we need to work together. It is not always easy as we all know. One change that I think all of Council knows, the Auditor and the Commissioners understand and I think the City understands, is that the State law says that for the 9-1-1 Fund starting in July that money is appropriated by County Council. You will still see the budget. It will go through City Council and County Council because there will be General Fund money coming in. CCP will be coming to you for the appropriations of 9-1-1 money.

**Darren Vogt:** That does give us the budget concept but again, I want to hold those conversations until we get done with this.

**Roy Buskirk:** Before, a lot of it was in the Sheriff's budget. It is being pulled out of the Sheriff's budget and put into a separate line item.

**Larry Brown:** Does anybody feel comfortable making a motion for a resolution that identifies our agreement to proceed with the purchase price as identified and describe a funding mechanism?

**Darren Vogt:** I think John has done a good job of laying it out. I didn't expect a large discount but I was hoping for more than three percent. I understand that they have made concessions along the way so to expect it to be a bigger number wasn't really realistic. I do appreciate the fact that they gave us some discount. We'll take the \$1.35 million for the taxpayers.

**Roy Buskirk:** I will say that I also appreciate the fact that Motorola has, in essence, extended their warranty program from twelve months to fourteen months. Hopefully we will get the project completed in October or November of 2013 and the warranty payment period won't start until January 1, 2015. With that said, I will make a motion.

**Darren Vogt:** Can I ask a question before we do that? You know where I stand and I would like to see us use Special COIT Flood Control. I will ask the Auditor and the Commissioner, when was the last time we used funds out of the COIT Flood Control?

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**Tera Klutz:** Last year to pay for part of the co-location.

**Chris Cloud:** That was because you guys made us.

**Darren Vogt:** Let me ask the following question, when was the last time we used COIT Flood Control for economic development?

**Tera Klutz:** Never.

**Chris Cloud:** I believe that the first time that fund was tapped since it stopped drawing money was last year. The Commissioners had never touched it in hopes that it would be there one day for a large-scale project and we would have money available.

**Roy Buskirk:** The other thing going along with that is who pays and this pays in the CEDIT Fund and the COIT Fund is actually appropriated between the County and the City and so therefore that fund is unincorporated...

**Therese Brown:** It is unincorporated Allen County on the County books.

**Roy Buskirk:** Right which actually we are on the 9-1-1 paying the unincorporated County amount and the City is paying the City amount. A good source of part of the revenue is coming out of CEDIT and COIT because of that.

**Darren Vogt:** Don't disagree with that. My concern is just that we are using the Rainy Day Fund, a significant amount of \$2.3 million. I think we are going to hear in a little bit that our budget numbers are going to be different for 2013 and that we are going to need to use additional funds out of the Rainy Day Fund. I have concerns that we are going to go too deep into that. I would like to see us use some of the Special COIT Flood Control. Maybe not necessarily all of it and maybe we will have to push the Commissioners into using all of it in 2013.

**Larry Brown:** The bigger question for me, Darren, is do you want to strap the Commissioners and take away their ability to respond to potential economic development opportunities by taking the money away or are you proposing to do away with this fund and put it into another fund that can be used for economic development opportunities?

**Darren Vogt:** Councilman Brown, I have never steered the Commissioners away from any economic development and never would.

**Larry Brown:** I understand that.

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**Darren Vogt:** I just don't like the fact that we have pots of money here and there. I would rather have it streamlined. If we want to put that money into economic development and do that, great, I am okay with it. That is one option that we have but we haven't done that and the Commissioners haven't asked us to do that. That is another option that we could look at. I just don't like to see it the way that we have it set up.

**Tom Harris:** What is that amount in that fund?

**Darren Vogt:** \$1.5 million.

**Roy Buskirk:** That still comes with how we are going to fund it which we don't need to have an answer on it today, correct?

**Tera Klutz:** You do.

**Darren Vogt:** We do.

**Tera Klutz:** We have to advertise it today by 3:00.

**Darren Vogt:** They want the agreement signed before the end of the month.

**Tera Klutz:** Subject to appropriation.

**Darren Vogt:** It is not going to be done by the end of the month anyway. It is going to be done in July when we appropriate. Here is what I will do. I will make a motion that we spend \$4.8 million that was the distribution error from the State toward the 9-1-1 when we can appropriate that money. I'm sorry, it is \$4.771 million.

**Tera Klutz:** We know exactly what those dollars were and so we can appropriate them.

**Darren Vogt:** All of those.

**Larry Brown:** Is that the end of your motion?

**Darren Vogt:** That is the end of my motion.

**Bob Armstrong:** Second.

**Darren Vogt:** I am just trying to get this done.

**Roy Buskirk:** I know.

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

**Tom Harris:** That leaves how much that we have to fund?

**Larry Brown:** You can just say the balance and the Auditor will figure it out.

**Darren Vogt:** I make a motion that we use \$1 million out of Special COIT Flood Control.

**Tom Harris:** Second.

**Larry Brown:** Discussion?

**Chris Cloud:** As a word of knowledge, that is a Commissioner-controlled fund. You are making a recommendation to the Commissioners on that.

**Tera Klutz:** Right and you are supposed to submit everything for advertisement to us. If you don't submit it then it can't be appropriated.

**Therese Brown:** Right. So I guess the question is what are you going to potentially, if you vote yes on Flood Control, will you be making a motion for a full amount out of the Rainy Day Fund or whatever to cover whatever might not be? Is that our submission?

**Tera Klutz:** I don't think that they are doing that. I think they are saying...

**Therese Brown:** I am just saying that in my conference with my partners and there is not agreement and I don't submit the million dollars that you are passing, are you going to be appropriating or making the suggestion that the full amount needed to finance this project will be covered to move forward? If not...

**Darren Vogt:** You will be holding up the project.

**Roy Buskirk:** It won't fly.

**Therese Brown:** May I be so blunt as to say that I don't think it is appropriate to hold the Commissioners in this position.

**Darren Vogt:** The Commissioners have held the Council in this position in many different situations.

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**Therese Brown:** Possibly before my time but I also think that the delayed hour that we are at, I think that the Commissioners in discussions over the next few days will be able to figure out what we can do to facilitate movement of dollars out of that fund to other economic development interests. Quite honestly I think it is presumptuous to presume in the long run to spend down every dollar that you've got in every other fund just because. I personally find that a little odd. I am putting on my former Auditor hat and I just would like to know whether or not you are willing to request or put in a motion whether or not that dialogue can happen at the special session and let those things occur as they need to occur in that session.

**Tera Klutz:** I would love to add, Therese Brown is a former Auditor and this is going to get very confusing. The ironic thing about that Special COIT Flood Control Fund is that it was funded by an error by the State from COIT and CEDIT. It was the COIT error. She might be able to elaborate but the money is identical to the money that you just appropriated for this project for the State error of a windfall. It was windfall money segregated off to the side just like the \$4.771 million that you just used. Is that correct?

**Therese Brown:** That is correct but it was also regulated up to a certain point in time that it was restricted for specific use.

**Tera Klutz:** It had to be restricted because you can't separate a fund to make a fund without restrictions.

**Therese Brown:** Granted. I am also saying that those funds, when specifically earmarked back in the day, were relegated to a flood control project. That was my point. I just want to make sure that when you guys get your motions and everything done that you are giving enough opportunity for there to be a logical and intelligent discussion about right, wrong or whatever for a future meeting than to have something die if the Commissioners don't submit it.

**Tom Harris:** What would the balance be?

**Darren Vogt:** \$513,513.68 left in COIT Flood Control.

**Tom Harris:** No, actually what is the balance for this resolution?

**Roy Buskirk:** It would be about \$1.3 million.

**Tom Harris:** And that would come out of Rainy Day. I look at it as a compromise that it is coming out of the Rainy Day Fund while the other amount is coming out of the Commissioners' fund. If there would be a need,

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from the Commissioners' standpoint that something else comes up, obviously Council would be willing and interested in sitting down and talking further.

**Therese Brown:** If I might add, I think Councilman Vogt sits on the Redevelopment Commission as your member and one of the things that has been put to discussion between the Alliance and the special committee is virtual buildings versus shell buildings and whether or not we are going to go down that road as we have certified properties regarding economic development and having people locate here with the proper roof heights and the proper square footage, et cetera. I would appreciate the opportunity that, as we go down the road, those things be considered as possible pots of money. Those considerations could be made before you make your vote.

**Chris Cloud:** One of the things you did during co-location was that you advertised all possible sources and then we waited until we got to the meeting to make those decisions. Commissioner Brown cannot make decisions on behalf of the Board. She is only one of three Commissioners. She can't decide this. The other two may be perfectly fine with it or they may disagree with her. She has no idea without having talked to them. If I could recommend that what we did with co-location and advertised all of it, the decision would still be yours to be made. You may end up using only half of both Special COIT and General or whatever. I think that is what she is asking that you do that so in the meantime she can talk to the other Commissioners and you guys can talk it over. At the special session, you can decide to use it or don't use it but at the very least, we have advertised everything and we don't have to have another meeting after that to go back and fix anything.

**Darren Vogt:** That is different than what I thought you were saying.

**Therese Brown:** Granted, we can get into a philosophical discussion about usage and control et cetera. We want to make sure that proper advertisement actually occurs in the total for the movement of this project forward. That is what I am asking for.

**Tom Harris:** How can we word that appropriately then?

**Darren Vogt:** It would be in the advertising. If we are having a special meeting, the advertisement would say that we are appropriating X-amount of dollars out of the Rainy Day Fund, X-amount of dollars out of Special COIT Flood and X-amount of dollars out of CREDIT and COIT. It is pretty simple.

**John Feighner:** It is probably up to \$2.4 million out of the Rainy Day Fund so that you have both.

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**Tera Klutz:** Right.

**Larry Brown:** \$2.29620.

**Darren Vogt:** So we would need an additional...here is what I would be willing to do. I would withdraw my motion. I make a motion that we if we are going to hold a special meeting that...

**Larry Brown:** We have to vote on the withdrawal.

**Darren Vogt:** Okay.

**Tera Klutz:** We never voted on the motion.

**Tom Harris:** If we get the wording right, I am still...

**Darren Vogt:** I think you know where I am going with this. I make a motion that we do \$2.4 million advertisement out of the Rainy Day Fund and \$1 million out of COIT Flood Control, recommendation to the Commissioners to bring that forward at a special meeting of the County Council.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion?

**Roy Buskirk:** I just want to make one comment that I think the Commissioners should be aware of that this Council has backed anything as far as economic development. If you have a plan program in which you need some possible funding since there is the potential for the Flood money to be reduced that I would suggest that you propose it to this Council.

**Therese Brown:** Will do.

**Darren Vogt:** Let me backtrack to make sure that my intent is clear. My intent is to have for the special meeting the COIT Flood Control \$1 million and the Rainy Day Fund of \$2.3 million and the CEDIT and COIT distribution of whatever that balance was. That would give us more than enough money to appropriate. Then the Commissioners can work with us if they feel that the Special COIT Flood is appropriate or not.

**Larry Brown:** We can fine tune the exact numbers in the special meeting.

**Roy Buskirk:** Do we need the amount of that contract approved?

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**Darren Vogt:** We won't need that until the actual final at the special meeting. We will have more set aside than we will actually need.

**Tom Harris:** That was a total of \$8.1 million that is what the motion is made for, right?

**Darren Vogt:** Yes.

**Larry Brown:** No.

**Tom Harris:** I had \$2.3 million from the Rainy Day, \$1 million from Flood and \$4.8 million from CEDIT.

**Tera Klutz:** \$1 million from Special COIT Flood, \$4.771 million from COIT/CEDIT and \$2.4 million from Rainy Day.

**Tom Harris:** Okay then I will second.

**Roy Buskirk:** I already seconded it.

**Larry Brown:** Is there any other discussion? Everybody understands? All in favor signify by saying aye, opposed, same sign. The motion passes 4-1 (Armstrong)-2 (Moss and Howell absent). Okay, we need to advertise today.

**Tera Klutz:** Right and are you going to get the items to me?

**Therese Brown:** Yes, posthaste.

**Tera Klutz:** The General Fund one but what we can do is not advertise for Special COIT Flood without your permission nor the CEDIT Fund. We will work with you on the numbers for COIT and CEDIT. They are a little different.

**John Feighner:** Can we expedite the Local Government Finance too?

**Tera Klutz:** Yes.

**Therese Brown:** I think what we will also add the...

**Tera Klutz:** I don't think you should.

**Therese Brown:** I think add it to the July meeting?

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**Tera Klutz:** I think that is a whole separate issue and I don't think we should mix it in with us getting this done.

**Therese Brown:** We will put that in for the next Council meeting.

**Darren Vogt:** I do want to continue, not now, the budget. That is a major issue when I see \$1.4 million shortfall.

**Chris Cloud:** A big component of that is they assumed all E 9-1-1 revenues would be coming in. The actual gap that we are funding is closer to \$300,000. We can address that. I just wanted to let you know that it is not the gap. That is the assumption of all 9-1-1 fees and we only did wired and that is the wireless.

**Darren Vogt:** Okay.

**Larry Brown:** Okay, if we advertise today, the soonest we could meet would be Tuesday, July 3.

**Tera Klutz:** Yes.

**Larry Brown:** I think the consensus is that we want to meet that week. I am not sure about the two missing Councilmen. I can only say that I am out of town starting the 4<sup>th</sup>.

**Roy Buskirk:** And I think I am too.

**Larry Brown:** Can the majority meet on July 3?

**Darren Vogt:** Morning I can but afternoon I can't.

**Larry Brown:** I am good until 10:30.

**Tom Harris:** We are all good.

**Larry Brown:** Is 8:00 okay? So our next special meeting will be Tuesday morning, July 3 at 8:00. Becky will find out before we are done today. Hopefully it will be right here. Is there anything else on this subject that needs to come before Council?

**John Feighner:** As the Attorney for the CCP, I thank you because they unanimously endorsed the project and I know they will be pleased with your support.

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**Larry Brown:** The next item on the agenda, I am going to let Roy lead this but we are going to have a two to five minute presentation from our Permitting Process Committee Ombudsman. Roy, do you want to introduce our guest?

**Roy Buskirk:** I'm sorry, I was looking at my notes about budgets and everything else. The Permitting Committee started a year-and-a-half to two years ago in order to expedite the permit process and part of the four steps was in having an Ombudsman to work with contractors and architects and everything else. Even Department Heads to try to get a better correlation between the parties and to expedite the field. Three weeks ago we selected the Ombudsman and it is Mike Diamente.

**Mike Diamente:** I will certainly try to keep this brief. I work for Abonmarche and I am a Civil Engineer. On the 21<sup>st</sup> of May, I contracted to be an independent contractor as a single-point source contact for stakeholders inside this building, Department of Planning Services as one of my masters, so to speak, as well as the Joint Oversight Permitting to complement with the Alliance. The idea is that I will be a facilitator for stakeholders for both inside and outside of these walls. That means that I could be involved in a project at any onset potentially through a tax abatement process introduced to a developer coming into the community, someone who is considering expanding and already here in the community or it could be something already under construction that would ask me to assist in potentially resolving a conflict. I see myself as a facilitator and a few of the things that I have been asked to do is strategically look at whether these are complex and large or very small, again is to be determined on a case-by-case scenario. I will give you an example. There are four projects that I have been assigned and one was resolved within several phone calls and completed within a couple of hours. Others I am still working on and have lasted almost the entire three weeks that I have been here. These are kind of nebulous. I am creating my role. I am official and have a space in a conference room on the first floor adjacent to the Department of Planning Services. I have been meeting extensively with the Alliance and the Chamber and the Department Heads in this building. I have yet to meet with the Highway Department and the Surveyor's Office. All in all, it is to try to help with communication flow, facilitate and expedite processes in the programs that are out there. As I understand it, the County and the City put together a program that is ultimately where this is being funded. With that, I will be happy to open it up for questions.

**Tom Harris:** I was going to mention that it is a challenge to take a position that ultimately you will work yourself out of the job. Your thoughts on that and then are you measuring your successes as well as the efficiencies that you are creating? When you figure some of those problems out will you be

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building some of those efficiencies into the system so that they don't keep coming back to you each and every time?

**Mike Diamente:** Multiple questions there. Let me start with in terms of measurement, there is a reporting that is certainly a very measured part of my role to bring back to the committee on every two-week basis. The goal and the hope is that I may be working myself out of a job. I have no problem with that, again it is a contract basis with twelve-month duration with a potential for extension. The goal ultimately is to not have these issues combined with the other three programs being affected by other parties. To the reporting and measurements, there is no question that each project is unique. To have a Vera Bradley who decides to expand or a General Mills decides to move into town or to have someone renovate a building downtown and jump off into a program that might have an issue come up. There may never become an end to this role and that is something that has already been discussed. It is certainly our intent, through the reporting processes with the other three programs with customer service at the center of all of them that we really are doing everything that we can. The reporting piece is one element that is part of the online process that is going to be there for any stakeholder, inside or outside, to be able to effectively understand where they are at, a snapshot, throughout the course of project.

**Tom Harris:** I just wanted to end with a welcome and good luck.

**Mike Diamente:** I appreciate that.

**Larry Brown:** Darren.

**Darren Vogt:** One quick question, I would like you to report back to us on what you are running into. As we hear from developers and folks that there are problems, we like to know what those were. Here is what the problem was and here is what the outcome was. Here is how we fixed the problem for the future. That is what I would like to see.

**Larry Brown:** Let me caution you on what you asked for. This body along with City Council along with the Mayor and along with the Commissioners created a Joint Board. He reports to that Joint Board. Some of the items may be confidential, they may be employee related or they may be department related. Anything that comes to this body will be filtered through that Board.

**Darren Vogt:** I would say this, if it is employee related we can still know that. We don't need to know the details but if you recall, part of the issue was an attitude shift. Customer service is the focus of that. What I hope is that we change the paradigm within County government and the role of DPS and the

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role of the Building Department can help versus not. I don't need to get the details of that but if we had 57 issues and 40 of them were personnel related or whatever the case may be. Those are the things we need to know at the high level and not at the minutiae level.

**Roy Buskirk:** The other thing, Darren, is that you have two from this Council that serve on that Board. Those two should be reporting as to what has taken place. He is one of four phases. You need to hear from all four of them and that should be the responsibility of the representatives from this Council. There might be certain times where it is advantageous to have one of the four come in but not every month.

**Larry Brown:** Thank you, Mike. We appreciate the update. Like Tom said, welcome aboard and I am sorry that we are much later than I anticipated. There are two more items on the agenda. Sorry to hold you but these are important items. Tera has a couple of items on our budget preparation that I would like for her to go over.

**Tera Klutz:** Do you guys want the detail or the summary? Just kidding, I am sure it is the summary. I am just going to pass the summary sheet out. This is the first round of estimates for 2013. Council has traditionally started earlier so that they can make tough decisions if tough decisions are warranted. You have asked that we formulate some initial projections and I am going to go through those now. Our General Fund revenue projections are at about \$81.1 million. That is good news because it is more than last year. Right underneath, you can see that property tax makes up the majority of our budget and our estimate is \$49.2 million. That represents an increase of about two percent or \$1 million from 2012. Our general revenue which is all other revenue, income tax, fees, license excise, interest, rent and all other revenue that goes into the General Fund and that is \$31.9 million. That represents an increase of about 5.9% or \$1.7 million of 2012. That increase is almost entirely made up of the increase in COIT certification that will be going forward for 2013. Today, you agreed to use the extra amount from 2011 and 2012 because we didn't budget for it and we didn't expect it. You just agreed to spend that on Project 25. For 2013, we are going to budget that money into our ongoing revenue. The major components of our general revenue are County Option Income Tax, 37% of it is COIT, 12% is license excise and 6% is Clerk fees. The other remaining 50% is all less than the Clerk fees and are a number of revenues that bring us to the \$31.9 million. Our 2012 adjusted General Fund budget allocation is \$85.4 million. It is an increase of over \$4 million from last year and that is primarily the result of a \$4 million additional amount needed for self-health insurance from the General Fund this year. Our claims are very high. They are record, for this year, to be even higher than they have ever been before. 2011 was a high year

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for us and when we did the 2012 budget, it was early in 2011 and we didn't realize how high they would be. With that said, the amount that we are short still from the current General Fund revenue projections to our adjusted allocation is \$4.3 million. To help offset that, this Council has put aside \$1.1 million this year to keep the employees flat. I do need to back up and say that the adjusted General Fund budget allocation does include \$1.4 million for employees to hold them flat from the PERF reduction that we all took this year. Earlier this year you guys awarded a three percent bonus and now I am recommending that you allocate \$1.4 million into our permanent operation allocation to keep the employees flat. Again, this is not a raise. It is not more take-home pay that the employees will get next year. This is to keep them with the same amount of money that they took home in 2011 and 2012 and for 2013. That is built into the \$89.4 million.

**Roy Buskirk:** They wouldn't, in essence, be participating in PERF.

**Tera Klutz:** No, they definitely would be participating in PERF and will always pay their three percent mandatory contribution. We will be, in essence, raising their annual salary on paper to make sure that their take-home pay does not drop. The only reason I corrected you Roy is that so many employees felt that when you approved the three percent bonus that they did not expect to still see the PERF reduction on their paycheck. We have to be very clear of separating those two out and making sure that the three percent reduction is going to stay around forever.

**Darren Vogt:** I don't want to get you off track but is the \$1.1 million down below...

**Tera Klutz:** The \$1.1 million down below is the amount of money that was set aside by Council to help fund a two percent...

**Darren Vogt:** Two percent...

**Tera Klutz:** That is money set aside now. Also, I am recommending that we move three DPS Economic Development employees to the CREDIT Fund. The CREDIT Fund is also the situation like the General Fund where additional COIT Option Income Tax, the CREDIT Fund will also get an additional amount of revenue based upon the new projections from the State. I have spoken with the Commissioners and they seem favorable to that because the CREDIT Fund will get additional revenue to cover those employees. These three employees have been in the CREDIT Fund before when the General Fund had to do a lot of cutting. Later when the General Fund was doing well and the CREDIT Fund took a hit because of annexations like Aboite, they came back into the General Fund. Now I am proposing that they go back.

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**Darren Vogt:** Is that CREDIT dollar about \$750,000? What number increased it? The only reason is that I looked at the one that was \$1.3 million and that was two years. I figured that was half.

**Tera Klutz:** It was two years.

**Darren Vogt:** So it is about \$650,000 or somewhere in there.

**Tera Klutz:** I am recommending that we use \$1.5 million from the Rainy Day Fund to supplement the shortage this year. I think that will probably be made up possibly in the next few years with the increases in income tax. The final amount that we will need to cut from the General Fund is \$1.5 million this year. Again, the primary result of higher health insurance claims.

**Roy Buskirk:** Will we need to allocate funds to health insurance before the end of the year?

**Tera Klutz:** Yes. Actually, in the next few months, I will be coming to you. If we don't appropriate any money, we will go into the red at about \$1.2 million. We are basically unfunded this year in health insurance claims by \$1.2 million. Also, with that same request that will come in August will be a request for an additional \$2 million just to build up the health insurance fund reserve. That would be a total of \$3.2 million that I am going to request from the Rainy Day Fund because there is no money in the General Fund. That will build a \$2 million reserve, pay for expected claims for this year and I want to note that the \$2 million reserve is the lowest amount of reserve that this fund has had in ten years.

**Darren Vogt:** Just a quick note. The reason that I think this conversation is important is because we have a conversation taking additional funds out of the Rainy Day Fund for 9-1-1 but the decisions that we make can't be made looking this way. They have to be made looking broadly. That is the concern that I have. As the healthcare costs continue to go up, I am a little leery about the current Federal mandate and what that is going to do to us going forward. I don't know if that is going to help or hurt us or get repealed. We need to make sure that we are making decisions broadly.

**Roy Buskirk:** My comment was going to be on the fact that this is why Darren's suggestion of taking \$1 million out of Flood Control is very important. Tera, you have \$2 million that you are suggesting out of the Rainy Day Fund and another \$1.2 million out of the Rainy Day Fund. It is adding up and there was another one in there.

**Tera Klutz:** Just earlier today for the Project 25.

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**Roy Buskirk:** Right, as you can see, which I have tried to be a gatekeeper of the Rainy Day Fund because it can be reduced very quickly if we are not careful.

**Tom Harris:** The last time we spoke, Tera, did we have May numbers in yet from health claims?

**Tera Klutz:** Yes we did.

**Tom Harris:** So they were high as well.

**Tera Klutz:** Yes they were.

**Tom Harris:** So now we are waiting for some good news to come at us in the next few months. We need it, right?

**Tera Klutz:** I think we will have the June and July before we come to you in August. I want to have a little more time.

**Darren Vogt:** Council, if we appropriated all of the money out of the Rainy Day Fund, we would take almost 40% of that. That is real round numbers.

**Tera Klutz:** You have \$17 million.

**Darren Vogt:** And if you took \$2.3, \$1.5 and another \$3 for the health insurance...

**Tera Klutz:** What is the \$1.5 million for?

**Darren Vogt:** That was your recommendation for 2013.

**Tera Klutz:** Oh, yeah.

**Larry Brown:** We need \$7 to \$8 million on a regular basis so that we don't have to go out for private bond.

**Tom Harris:** Rollover is going to tighten based on what happened last year. Rollover shouldn't be as much as it has been in the past.

**Larry Brown:** Let's hope that it is as high as last year.

**Roy Buskirk:** You don't know. That is what shocked the ACJC in the fact that they will be able to take care of the wage increases in this year's budget. In essence, they have excess in this year's budget.

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**Darren Vogt:** They also have a lot of user fees.

**Roy Buskirk:** I think I caught her off-guard but that's the truth. They have excess if they have additional expenses.

**Jackie Scheuman:** That is because of turnover.

**Roy Buskirk:** Right. I know it is hard to project when you have people leaving and you are hiring new. There will be a gap there.

**Larry Brown:** Thank you, Tera.

**Tera Klutz:** You are welcome. I am also going to pass out the draft of your pre-allocation letter. I just want approval from full Council or at least the five that are here, on whether or not you still want to have departments complete the capital expense survey. Do you want them to list every single purchase order that they carried into 2012? Feel free to read it.

**Darren Vogt:** One of the things that I thought is really, really important is number three and number five. As we are looking at continuing cutting and go through all of the recommendations that we are at and knowing the projected cash balances and funds and the grant reimbursement type situations that we have, they might be changing because the grants on the State and Federal level have started to shrink. What I don't want to have happen all of a sudden is that the grant has dried up and now it is too late. Some of those grants don't cycle with our budget and they need to understand that as we are working with our liaison assignments that they realize the situation that we are in now that there isn't going to be a lot of funding going forward.

**Larry Brown:** Tera would like to send this out tomorrow so are there any changes, improvements, word changes or additions?

**Tera Klutz:** We kind of took from you along the way and created it. It is your document that we put together.

**Tom Harris:** What percent increase is the healthcare? In other words, \$4.3 million that you have stated in here is projected deficit, what percent increase is that? That might be interesting to put in there, I guess.

**Tera Klutz:** Okay.

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**Tom Harris:** If that makes sense. Ultimately is that is a number that we are going to try to tackle, reducing that percent on a trend basis, year after year, is something that we need to understand. What is it right now?

**Tera Klutz:** For 2013, I am proposing that we fully fund the 2013 expected claims because there is no fund balance. In previous years, we have been able to underfund the current year's expected claims because the fund balance had been so large.

**Darren Vogt:** Your recommendation was that we cut it by a million and now we are short.

**Tera Klutz:** I agree 100% that it would be interesting but I think the dynamics around the budget number that we came up with for 2012 took into account the fund balance at the time and our claims history. Since both of those have changed, it is about a 50% increase.

**Larry Brown:** I think during the budget time, another discussion in relation to the health fund that needs to take place, I have a spreadsheet that shows a ten-year history and we are spending just about half a million dollars on administration charges for the employee health clinic.

**Darren Vogt:** Can you say that again?

**Larry Brown:** We are spending \$460,000 a year just on administration charges for the employee health clinic. During the time that we have been spending that amount of money, from 2007 to 2008 and 2008 to 2009, we saw it going in the right direction. And even going into 2010 and then into 2011 we start this upward spiral and Katy bar the door. We are continuing to see more healthcare claims. One would hope and predict that having an in-house clinic would make those costs go down but it hasn't.

**Darren Vogt:** Do we have any data on the usage of the health clinic?

**Larry Brown:** That is what I am talking about. We need to have that analysis.

**Tom Harris:** And a lot of this has landed on the plate of the Commissioners. We will be requiring or expecting them to come with some recommendations on what they are going to do with the healthcare cost going into this next year. I think they are working on that right now.

**Roy Buskirk:** I think the clinic is one of the really big benefits that they have.

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**Tom Harris:** We may know in the next day or two from the Supreme Court and what that does. It will be interesting to find out.

**Larry Brown:** There is one more thing and then we will get out of here. We had charged Tera and Nick with investigating and reporting back to us on cost and so forth of I pads similar to what the City has and so that we can get more paperless. Tera and/or Nick if you would like to take that discussion please?

**Tera Klutz:** We looked at the cost of the I pads as well as if there would be any savings and efficiencies with using the I pads. The cost of the I pad will always outweigh the cost of paper because paper is very cheap. What we did find is that when we interviewed other governmental entities that use them, we interviewed the City Clerk and the City Council members, all of the responses were favorable. It came down to efficiency. Instead of always feeling like they had to have the right piece of paper at the right time, they were able to carry the I pad and have access to a lot of old documentation and go through the City Council meetings easier. They said that if there was a bill before them that was controversial, they would still print it out because they still wanted to get through the pages fast and take notes. They felt that with more software, they could be using it better.

**Darren Vogt:** I think that is the key thing, knowing the software. That is where the cost starts adding up. You start adding applications on top of applications to make it work for the amount of different documents that we have. You know I have one and have tried to use it. There are some challenges and limitations without buying additional software and programs to make it work.

**Tera Klutz:** I did research based upon that as well and there were three key pieces of software and applications that were recommended for full function of that. There was a spreadsheet application, a Word document application and a reader application. They are each \$9.99 but you have to buy them in a suite. That is \$30 per I pad. I also looked into getting keyboard cases and stylus so that they would be more functional. I was able to find both of those pretty cheap. They also came with great recommendations. Jim Haley from the City has been very helpful. Chris Cloud has also been helpful. If this is something that Council decides to do, setting up policies on whether or not you are going to allow uploading your personal applications on it or jus the County's applications and policies because it is a County-owned I pad. Those need to be put into place before we purchase them. Also, we need to know how to set up accounts with Apple and Jim Haley has been a help. There is money available in the County Council capital line.

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**Larry Brown:** Very good.

**Tera Klutz:** When I get an estimated cost, I can email that out. We also proposed not only getting Ipad for Council but getting them for the Commissioners as well.

**Larry Brown:** What about support staff like your key people?

**Tera Klutz:** I would propose ten for Council and four for Commissioners. Seven for the Council members and have three rotate between the four of us. If one would go down and need to be repaired, we would have to give up one of ours.

**Darren Vogt:** I am assuming that there is already a County IT policy in place for County IT stuff.

**Tera Klutz:** There is one for computers and one for cell phones.

**Larry Brown:** What do you think Mr. Buskirk?

**Roy Buskirk:** I am writing down notes in my Ipad. If you want liaison reports now...

**Larry Brown:** Where do we want to go with this? Do we want to hear the figures the next time we meet?

**Darren Vogt:** It is ten times \$300, \$400 or \$500.

**Tera Klutz:** It is ten times \$500 plus a couple hundred dollars for programming and that is the case and everything included.

**Larry Brown:** So we are talking about a \$7,000 to \$8,000 expenditure with software.

**Tera Klutz:** Yes.

**Larry Brown:** I am all for the efficiency because you cannot believe the amount of paper that I lose track of.

**Tom Harris:** I use an Ipad for other presentations. I like the idea of being able to demonstrate and share information in public meetings or neighborhood associations or whatever and to be able to have that would be a neat tool as long as it is utilized and as long as we are using it and is not sitting on a shelf.

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**Darren Vogt:** That is the concern that I have that it doesn't end up on the shelf. As I sat at the last City Council meeting, I saw one. The rest all had pen and paper in front of them. I don't want to see us spend money on something that we don't use. I think the setup is critical. I will say that I am technologically savvy but setup is critical. What I would do is volunteer my Ipad that I personally own, if the County would set it up, then use it and see how it is set up and how it works. We would at least have a test dummy without having any money in it. I will pay for the programs that are on there and get that moving to see how easy it is to use.

**Larry Brown:** So you will be the test dummy?

**Darren Vogt:** Dummy was just a word.

**Tom Harris:** As long as it is not in violation of the policy.

**Larry Brown:** There is no policy yet.

**Darren Vogt:** It is has my personal stuff on it but I would give it to them. It is just a thought.

**Larry Brown:** Strictly from an outsider perspective but the one person on City Council that I thought would never touch it is a big user.

**Tera Klutz:** That sounds like a great idea to test that. It is new territory for me.

**Larry Brown:** Cool. Liaison reports, Roy.

**Roy Buskirk:** Some of the questions on the different road projects and such, you can address those to me because I am the President of UTAB. We have that every month and I would be glad to fill you in as far as what is reported. Going on with the permitting process, next Monday at 7:00 pm, Don Elliott from Clarion in Denver will be here giving a report on their recommendations about ordinances. There could be some changes and direction as far as some departments that they have interviewed with. That will be in room 035. Tuesday morning at 9:30, there will be a repeat performance in room 045. I would really recommend that you come. The other thing is that you can go onto the County webpage there is a summary on their report. The summary is very good on their recommendations as far as some changes in ordinances and looking at some departments with suggestions of what needs to be done in some City and County departments. That is one of the phases besides the Ombudsman.

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**Larry Brown:** Is there anything else?

**Roy Buskirk:** I am done.

**Darren Vogt:** In the interest of time, Tera and I met with the Airport Authority and they have some issues that deal with appropriations now that they have to come before us for appropriations. Short version, we may have to do something different with the Airport Authority.

**Larry Brown:** They will also have a binding review for the first time.

**Darren Vogt:** That is a separate issue from this appropriation thing that they have to work through.

**Roy Buskirk:** Larry and I are meeting with them Monday at 1:00.

**Larry Brown:** Bob, anything?

**Bob Armstrong:** No.

**Tom Harris:** Not at this time, no.

**Larry Brown:** Not anything that I can think of at this late time.

**Roy Buskirk:** Tax abatement.

**Larry Brown:** During City Council, at their fifth Tuesday meeting in May, they invited County Council to join in on their discussion on tax abatements. During that discussion, I offered the City to and asked them to join in our group that has been meeting to fine tune our policy and keep it up to date. Tom Smith has taken that offer and has assigned three individuals. I believe our first meeting is next Tuesday. That is about the only thing that I have to share at this time.

**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 June 21, 2012.

**Tom Harris:** Second.

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

**Darren Vogt:** Move to adjourn.

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**Tom Harris:** Second.

**Larry Brown:** All in favor please signify by saying aye. Opposed like sign. The motion carries 5-0-2 (Howell and Moss absent). There being no further business the meeting was adjourned at 12:51.