

**ALLEN COUNTY COUNCIL MEETING MINUTES**  
**OCTOBER 18, 2012**  
**8:30 AM**

The Allen County Council met on Thursday, October 18, 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, approval of the 2013 budgets and any other business to come before Council.

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

Also Attending: Tera Klutz, Auditor; Nick Jordan, Chief Deputy Auditor; Jackie Scheuman, Finance and Budget Director; Nelson Peters, Commissioner; 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 to the October meeting of the County Council. First on the agenda is the approval of the September 19, 20 and 27 meeting minutes. Are there any additions or corrections?

**Darren Vogt :** Move to approve the minutes from September 19, 20 and 27, 2012.

**Roy Buskirk:** Second.

**Larry Brown:** All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next on the agenda is the financial report, Tera.

**Tera Klutz:** Good morning, Council. So far, we are on track with our revenues. Through September, we are 75% through the year and we are collecting 78% of our revenue after subtracting out reimbursements for property tax refunds. We will be ending the year in the black.

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

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

**Bob Armstrong:** Second.

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**Larry Brown:** We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Thank you, Tera. Nick, would you highlight the employment picture?

**Nick Jordan:** On your agenda, you see the July and August unemployment figures. For Allen County, it has remained constant at 7.7%. Indiana went from 8.3 in August to 8% and the National went from 8.6 to 8.2%.

**Larry Brown:** I believe the September report isn't due until...

**Nick Jordan:** Tomorrow.

**Larry Brown:** Thank you. You see the amount of the appropriations before us but before we get into that, we have Economic Development.

**Nikki Liter:** Good morning, Nikki Liter, Allen County Economic Development and with me is Rod Wilson.

**Rod Wilson:** Rod Wilson with City Securities and representing Indiana Tech.

**Nikki Liter:** Indiana Tech is here to get approval for some refinancing of a mortgage revenue bond from 2002. If you look through the ordinance, it shows that the original amount was for \$13.2 million. Now they are refinancing not to exceed the \$7.5 million. I believe it is around \$6.8 million, is that correct?

**Rod Wilson:** Yes.

**Nikki Liter:** Again, they go through the County just to use our tax exempt status. This is not another building, it is just a refinancing.

**Larry Brown:** Is there a cost benefit analysis?

**Rod Wilson:** There is no cost to the County. The bonds are payable solely from repayments to be made by Indiana Tech. On the bonds, it states that they will not be paid from taxes.

**Roy Buskirk:** How much are the savings for Indiana Tech?

**Rod Wilson:** Indiana Tech is going to save approximately \$450,000. It is going to reduce the interest rate from five percent to a little less two percent.

**Roy Buskirk:** How much life is left on the bond?

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**Rod Wilson:** The final maturity is December of 2017.

**Roy Buskirk:** Thank you.

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

**Kevin Howell:** Just a general question. This is in reference to the Law Library?

**Rod Wilson:** No, in 2002 there was a \$13 million financing for the Conference Center. They have paid down about half of the loan and are refinancing that. Indiana Tech is certainly under construction and the Law Library and other projects are in mind. This particular financing is just a refinancing of a project ten years ago.

**Kevin Howell:** How is the progress of the Law Library coming along?

**Rod Wilson:** Continue the construction every week. It is obviously coming along well. The admissions process has started for a class that is anticipated to start a year from now.

**Darren Vogt:** Move for approval of an ordinance authorizing Allen County to issue an Economic Development First Mortgage Revenue Bond, Series 2012, for Indiana Institute of Technology, Inc. Project.

**Tom Harris:** Second.

**Larry Brown:** Is there any further discussion or questions? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Thank you.

**Nikki Liter:** Thank you.

**Larry Brown:** Mark has asked for a few moments of our time.

**Mark Royse:** Mark Royse, Deputy Director of Economic Development. The Redevelopment Commission has a Capital Fund which is used to acquire property and also position those properties to be ready for Shovel Ready development. Over the last couple of months, they have discussed amending the original guidelines for the Capital Fund to include what was sent out earlier. Items seven and eight, one is for engineering and construction cost and infrastructure improvements planned by the Redevelopment Commission and any other costs or services related to the certification of sites as being Shovel Ready. With the Redevelopment Commission, there are two appointments from the Council and three from the Commissioners. They

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want the Council and the Commissioners concurrence of what the fund was established for. What they are looking for is the support of approving the amendments.

**Larry Brown:** Darren.

**Darren Vogt:** As a member of the Redevelopment Commission, one of the things that we talked about was having land and not being able to get it ready to be certified and having utilities on site and whatever we need to do to make it so we can have a shovel in the ground and a company being able to turn dirt as soon as possible. I really wanted to clarify and make sure that is what we want to do to make it so every property, if the property makes sense. A long-term property, you may not want to put infrastructure all the way in place. The short-term property that has utilities close by, the wording needed to be clear enough for what we were doing.

**Tom Harris:** The guidelines in front of us include the amendments.

**Mark Royse:** Right. Seven and eight would be the amendments.

**Roy Buskirk:** There has been a lot of discussion recently about County Council supporting this program and funds being spent for the Shovel Ready sites and everything. I don't believe that some people understand that because of the property tax cap and 39% of the residences in Fort Wayne are at the tax cap, the only way to increase revenue is to increase assessed value. The City is considering increasing the Option Income Tax which basically the Council here, to my knowledge, is opposed to doing that. With increased employment, it increases the income tax revenue. I am just mentioning these facts to justify the reason why we have been aggressive as far as Shovel Ready sites and trying to bring in additional employment for the community. We all benefit from that.

**Tom Harris:** A question on number eight. You have any other costs or services related to certification. Mark, help me understand without going too deep, what might be other costs?

**Mark Royse:** Specifically, the costs that we are allowed to fund are anything of the onsite nature. The costs include anything from a wetlands delineation, soil borings, title search, dedication of right-of-way when we know that there are additional road improvements needed to serve that site. Those are basically the ones that we have gone through. Demolition of buildings is another thing.

**Tom Harris:** Which, previously, you did not do?

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**Mark Royse:** We have had some of that but the key point right here is to allow the flexibility to extend infrastructure beyond the site. Right now, if it is not adjacent to the site, it is not eligible to that certification.

**Darren Vogt:** One of the other things is that the State's program and the Regional Partnership's program are changing. The point behind number eight was to do a catchall if the program changed within the State or within the region, the Redevelopment Commission has the flexibility to be able to spend the dollars that it had to get the certification.

**Roy Buskirk:** Some of them, on the utilities of water and sewer lines, some of that cost is recaptured?

**Mark Royse:** True. Some of that is captured in Tax Increment Financing.

**Roy Buskirk:** And you also have if someone else taps into that service.

**Mark Royse:** Right. We would enter into a City Utilities Developer Agreement. We have done that on numerous water and sewer extensions.

**Larry Brown:** Tera.

**Tera Klutz:** I am sorry if you already mentioned this but when these costs are incurred, is it our intent to get 100% reimbursement when we sell that property or are we making a donation?

**Mark Royse:** No, we track all of the cost and the Redevelopment Commission cannot sell anything for less than the average of two appraisals. Our best effort would be to at least break even.

**Tera Klutz:** Are the appraisals done on the land as is or as developed land?

**Mark Royse:** As the land sits. If we put the improvement in, it should increase the value of the land from an appraisal standpoint.

**Tera Klutz:** Then is the intent that the original contribution from the Council was seed money and that it will continue to cycle through?

**Mark Royse:** That is exactly what the program was established to do. Once we sell a property, we take that money and go out to buy additional property.

**Tera Klutz:** Is that happening?

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**Mark Royse:** We have sold the excess property on Ryan Road that was part of the SDI property. We have had interest but no final sales on the properties both north and south of the General Mills facility. We still have some work to do on the property across from the General Motors facility.

**Tera Klutz:** Thank you.

**Roy Buskirk:** Some of the properties that you mentioned are Shovel Ready sites.

**Tera Klutz:** They just haven't been able to sell them. That means inventory for us. I agree that we shouldn't bite off more than you can chew. Hopefully we will find some people to buy those.

**Larry Brown:** Darren, what are you asking for?

**Darren Vogt:** We can make a motion. It is more of an informal motion more than anything else because the Redevelopment Commission has the ultimate say. We wanted to bring it here to make sure that there was buy-in from Council that seven and eight were okay. A motion would be good.

**Larry Brown:** A motion in support of these eight things?

**Darren Vogt:** Yes. I move that we should approve items seven and eight to the guidelines for the Capital Fund.

**Tom Harris:** Second.

**Larry Brown:** Is there further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Tera Klutz:** Mark, you may want to check the fund ordinance to make sure that it includes it.

**Mark Royse:** We have.

**Larry Brown:** Next on the agenda is our...

**Tom Harris:** monthly visit from the Sheriff.

**Tera Klutz:** Before he starts, I want to mention that the General Fund is technically out of revenue for appropriations. Any appropriations that you approve today from the General Fund will require a resolution to be approved for the transfer of those funds from the Rainy Day Fund. I have a blanket

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ordinance prepared so that if and how much you approve can be inserted at the end of the meeting.

**Larry Brown:** Okay, thank you.

**Ken Fries:** Good morning, Council. Kenny Fries, Sheriff of Allen County. The first thing on the agenda is the transfer of \$55,000 from Auto Equipment to Gasoline. The new cars have not come in yet but will hopefully be in by the end of the year. We will use Commissary money to pay for the equipment in those cars.

**Darren Vogt:** So, gas is short. You cut that budget last year?

**Ken Fries:** Right.

**Darren Vogt:** You have purchased cars for this year. Help me through this. You have \$55,000 that you are not using. Help me to understand this.

**Ken Fries:** We didn't get cars last year and we had hoped to get some this year but instead we had to take money out of the Commissary. We ordered ten cars. This \$55,000 is used for equipment for those new cars. Some of the equipment that we put in the cars is from the old cars but we also have to buy some new equipment and that is what we use it for. The new cars will be in hopefully by the end of the year. It takes ninety to 120 days to get the cars in. They were ordered, I think, in August. When they come in, we will have Commissary money for that equipment.

**Darren Vogt:** So you are basically going to take that \$55,000 out of Commissary. Then for 2013, are you planning on ordering cars?

**Ken Fries:** I talked to the dealer and told him that we could probably buy one a month but I can't afford to buy a big chunk at a time. They are not willing to order them in one at a time. The way that Chrysler does the paint on them, you have to order more than one at a time. It may be June before we get to order them again. It depends on the amount of money that we have in Commissary at the time and then plan out to 120 days when the bill comes due, will we have the money in there.

**Bob Armstrong:** Can we buy them and he stores them?

**Ken Fries:** If we could afford to buy them and get them delivered, we would take them. It is the initial onset of the chunk of money that we have to pay.

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**Tom Harris:** I will make a motion to transfer \$55,000 from Auto Equipment to Gasoline.

**Bob Armstrong:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Ken Fries:** Moving on to Medical. I think you all have the sheet that my Comptroller, Jill Werling, prepared for you. It has the cost of medical and the anticipated cost if they continue along the same lines for the remainder of the year. It comes up to \$410,000. I would hope that it would be more than enough. We have been very successful working with the Courts and getting those inmates that are very ill, out of our custody. If we pay the bills and we don't have anyone else coming in sick, we will be able to turn money back in to the County.

**Paul Moss:** Is this for claims that you have sitting out there?

**Ken Fries:** No, these are for some that are sitting out and for anticipated cost for the rest of the year. We were asked to bring what it was going to take for the rest of the year.

**Tom Harris:** Do you know what that split is, outstanding versus what is anticipated?

**Ken Fries:** I don't because it is ever changing. The last \$224,000 that we got was put out for bills. We have bills that come in from Diamond Medical and Kroger that are still being paid. I hope that next year, with the new doctor coming in, we will get some reduced cost. We'll see.

**Tera Klutz:** On the spreadsheet, it shows that at the time it was prepared, there was at least \$105,000 of existing invoices.

**Ken Fries:** That was October third.

**Larry Brown:** Kenny, in preparation for whatever efforts that take place for the change in legislation, is someone working on trying to determine how much is pre-existing, as best they can?

**Ken Fries:** Our Medical Director said that she estimates that 75% is from pre-existing conditions. They actually did a spreadsheet for me of the medical cost since 2005, of what we have spent, and it is interesting that in 2008 it was down seven percent from what it had been before. In 2009, when it took

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effect, it went up 16%. The next year, it went up 31% and that is 31% on top of that 16%. In 2011, it went up 20%. In 2012, it has gone up 27% above all of those. It continues to increase every year.

**Roy Buskirk:** With those numbers, you don't know for sure if those are pre-existing or if that is a health condition. I think Council is asking for what is the cost of pre-existing.

**Ken Fries:** The only thing that I can tell you is that when the law took effect in 2009 and we had to take care of pre-existing conditions that is when we saw the increase. You can assume that the majority of those are due to pre-existing conditions. Most major medical issues at the Jail don't begin at the Jail. They begin before they come in. When you need dialysis, it doesn't start at the Jail. When you are pregnant, it started before you came in. Those are the major medical costs that we have. The emergent costs at the Jail are not the big costs. Someone falls and has to get stitches; it is not a major expense.

**Larry Brown:** Darren.

**Darren Vogt:** I was in contact with Senator Wyss and he worked with LSA and there is something about cruel and unusual punishment portion of another case that had to do with the pre-existing conditions. I am trying to get with LSA to figure that out. There may be some things with the Legislature that we may not be able to change. I would like us to look at those folks that are Medicaid eligible and maybe there is a way to do it that way. Just know, there could be something with the pre-existing.

**Ken Fries:** People and the public have to understand that they are still going to get treatment. We are still going to take them to the hospital. The hospital has to figure out how they are going to get paid. It is just like any one of us. If we get injured and we go to the hospital, we are going to have to figure out how to pay the bills. It is the same way with the inmates. They are going to have to figure out how to pay the bills. It shouldn't be on the backs of the taxpayers.

**Roy Buskirk:** Are you working with the company that contacted us?

**Ken Fries:** The doctor is dealing with them and I haven't talked to him to see what is happening. The person that we have doing it has done what she does and how much she has saved.

**Paul Moss:** You are talking about CRS?

**Ken Fries:** Yes.

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**Tom Harris:** As we had talked during the budget discussions, this particular cost is growing exponentially each year. Have we set up a meeting where we are meeting monthly with the Auditor Office?

**Ken Fries:** We haven't but we certainly can. As soon as this whole budget process is through, we can start sitting down and getting into it.

**Tera Klutz:** I have to go to the Merit Board on November first; maybe we could just do it then.

**Ken Fries:** Yeah, maybe the first of every month.

**Tera Klutz:** Sounds good.

**Tom Harris:** As we look at this particular cost, there may be other costs that are growing substantially each year. Maybe we can figure out ways to trim those trends.

**Darren Vogt:** Tera, from a technical standpoint, how are we going to word this?

**Tera Klutz:** You will appropriate it from the General Fund and then you can approve the transfer from the Rainy Day Fund to the General Fund.

**Darren Vogt:** I move for approval of appropriation in the General Fund, 100-5201-421.31-08, Medical, in the amount of \$410,000.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Roy Buskirk:** Sheriff, before you leave, I have a question. In reference to the 9-1-1 move, what is your position on that?

**Ken Fries:** I have been, from the beginning, very steadfast in saying that I do not believe that we should spend money on a facility that we don't own when we already own square footage. It makes absolutely no sense to me to spend money every year to rent a place when we have square footage. That is not good use of taxpayer money. If we can find a place in a footprint that we already have, we ought to use it.

**Roy Buskirk:** Thank you.

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**Larry Brown:** Next on our agenda is the Prosecutor.

**Mike McAlexander:** Good morning, Mike McAlexander, Chief Deputy Prosecutor. We have a request to transfer within our Infraction Deferral Fee Fund 743, \$22,000 out of the Motor Vehicle line into the Contractual line. This is due to budgeting for a vehicle that we thought we were going to purchase this year and now we are not going to do that. We have some shortfalls partially due to the renovation and other contractual obligations with New Haven City Court. This does not require a special resolution.

**Tera Klutz:** Thank you.

**Tom Harris:** I will make a motion to approve the transfer \$22,000 from Motor Vehicles to Contractual.

**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 (Armstrong absent). Next on the agenda, we will hear from the Commissioners.

**Chris Cloud:** Chris Cloud, Allen County Commissioners Office.

**Dawn Rose:** Dawn Rose.

**Therese Brown:** Therese Brown, Allen County Commissioner.

**Chris Cloud:** Fund 249 is used by the County to pay settlement of lawsuits. Typically it is associated with the Jail. We get sued a lot by inmates. There is usually no merit but we have to spend the money to defend it. We budget money in the General Fund to then transfer to Fund 249 and this is what that represents. It now needs to be appropriated in Fund 249.

**Tom Harris:** Just a question with that, in regards to your monthly meeting, this might be another area. Is that a trend there that is leveling out? Is it going up? Are the settlement amounts increasing?

**Therese Brown:** It depends on the day and the weather. You can't necessarily determine when an inmate is going to file a tort claim or any lawsuit.

**Larry Brown:** Roy.

**Roy Buskirk:** Do the video cameras that were installed a couple of years ago help any on the lawsuits?

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**Nelson Peters:** I think the attorneys will tell you yes.

**Darren Vogt:** It doesn't stop them from filing them but it gets us off the hook. Move for approval in the County Liability Fund 249, Settlement of Claims, \$100,000.

**Paul Moss:** Second.

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

**Chris Cloud:** At a previous Council meeting, we had committed to appropriate the unappropriated cash from Fund 273. Due to my negligence of missing Becky's deadlines, we are appropriating in Fund 273 90% of the balance. Mark Royse has identified certain things that this could be used for. We are just appropriating the money like we said we would.

**Roy Buskirk:** Mark Royse has an idea for the remaining balance?

**Therese Brown:** Relative to the discussion that you just had regarding whether it is spec buildings or improvements necessary for properties owned by the Redevelopment Commission.

**Darren Vogt:** Once this is appropriated, we won't know when you spend it. My concern is that you have enough money for economic development projects. As that comes and this money is used for economic projects, I am sure you will let us know about it but make sure to let us know when the funds are depleted so we know where we stand. Move for approval in Special COIT Flood Control Fund 273, Incentives, \$250,000, Drainage Expense, \$250,000 and Contractual, \$500,000.

**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 (Armstrong absent). Next on the agenda is Superior Court.

**Jerry Noble:** If I may take care of two items before we dive into the agenda, I want to thank the Council members because many of you have spent extra time meeting with Judge Dan Heath and going over some things that we felt were important to communicate about. Thank you for the time that you spent doing that. Secondly, and this is probably one that I am going to get in trouble for but I would like to publicly acknowledge that we have a Superior Court Judge that has been named to receive the William H. Rehnquist

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Award. You have probably seen about this in the news. Judge John Surbeck, and I will especially be in trouble because he is in the room, this is a prestigious award. It is a national award for the top State Court Judge in the nation. We are very proud of that and I just wanted to acknowledge that here this morning.

**Larry Brown:** Congratulations, John.

**Jerry Noble:** Totally my idea to bring that up. We appear before you this morning, as you have learned in your meetings with Judge Heath, to address shortfalls in three non-discretionary line items. One is Consulting Services which is outlined in my letter. It has to do primarily with the interpreters for court cases, non-English speaking people that appear before the court. Also it is for psychological evaluations of criminal defendants. Those are the two major drivers of that particular line item. I have provided some information in my letter and we can go into that, if you like. Another line item is the Pauper Attorney account. This is for the appointment of counsel. In the Criminal Division, it has to do with appeals. The Public Defenders are already paid through the Public Defender agency in Allen County. When there are appeals that are taken up, it is something that has to be paid for out of our budget. The other part of the Pauper Attorney account pays for the appointment of counsel on juvenile CHINS matters. That is Children in Need of Services. It will pay for representing parents that face the possibility of termination of their parental rights and that type of thing. Those are the areas of that particular line item. The third one is Guardian Ad Litem. That is to pay for counsel to represent the interest of the child in those types of matters. We appear before you this morning and the first thing on the agenda for us is the appropriations. This has to work in tandem with the Request for Transfer Between Series and that is the next item. We have done everything that we can do to manage this and to bring down cost. In fact, some of these costs are coming down. They are trending down but not to the extent that we had hoped. For example, with the Guardian Ad Litem and the Pauper Attorney in juvenile CHINS matters and termination of parental rights, there was a point in time when we were preparing the 2012 budget where the caseload was trending down. Now it is going back in the other direction. Along with that, there is a dynamic that has occurred and I had not anticipated. That is that there is a tendency towards lengthier hearings. Where someone does not admit to the facts in the case, you have to conduct a Fact Finding Hearing which is a full-blown trial. Instead of taking half an hour to an hour, they take half a day to a day and a half. We have seen a tremendous increase in that kind of expense. These are some of the things that are outside of our control. All of that said, according to the numbers that I have gotten, even with the additional appropriation that we are asking for, we are still going to be coming down on something along the order of

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\$250,000 less than the year before. We have made tremendous strides. It is just that we have some expenses that are beyond our control. We appear before you this morning for that reason.

**Tom Harris:** I have some questions in terms of the budget for 2013. Can you help us understand what your budgeted amounts were for the Pauper Attorney and the psychological evaluations and such?

**Jerry Noble:** Two of the three are budgeted at the same level. As I said, overall we have been trending slightly downward. We hope to control these things. Again, if you look at the charts, you can see that there is a variability there that is a little difficult to control. Pauper Attorney and Guardian Ad Litem are coming in at the same number. When we submitted our 2013 budget and met the allocation by virtue of moving two positions from the General Fund to the ACP User Fees. That left us with a little bit of a cushion that we plowed into the Consulting Services.

**Tom Harris:** Are you able to move funds from these different accounts back and forth?

**Jerry Noble:** Yes. By the time we appeared before you this morning, we have already made the transfers within series to reduce the amounts we needed to come before you.

**Tom Harris:** How much of a lead time, if you will, do you understand that trend? You said it was trending one way and now you switched? Is that on a daily basis, weekly or is it monthly?

**Jerry Noble:** I tend to look at things on a quarterly basis because that is how we submit our statistics to the State Court Administration. It is too early to say what the final numbers will look like for 2012. In the case types that are affected in these line items, the juvenile side is seeing some increases. Judge Pratt is here and could probably speak to that better than I can. It is moving back up again. We think we hit a low in 2011.

**Tom Harris:** The psych evaluations, Judge Avery, we have spoken a little bit about that and do you see that trend going down next year?

**Judge Avery:** It is very difficult to tell because normally they are associated with criminal charges that get filed against an individual. If you have people behaving themselves, we don't necessarily see the trend getting higher. On the other hand, the other factor that comes into play is as the State cuts funding to local community mental health organizations, you have less service being offered and more people that are out there with mental illnesses

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who tend to do things that can get them in trouble. They get arrested and when they are arrested, virtually every time in those cases if their defense counsel is doing their job, they are going to ask for an evaluation. The Criminal Division does the best it can do to control those requests but at a certain point, the law requires that they have to take place. In looking at these figures, because there is this up and down, you look at a five-year period and cross your fingers and hope that the numbers end up being the lower numbers instead of the higher numbers.

**Tom Harris:** A portion of these costs are picked up with various grants and such?

**Jerry Noble:** Yes. Thanks for bringing that up. We have pursued other funding opportunities.

**Tom Harris:** Are those State or Federal?

**Jerry Noble:** The Indiana Supreme Court invites Trial Courts around the State to participate in various grants. One is specifically for foreign language interpreters. We have been applying for that and receiving funds every year since it started which I think was 2003. We have been given more and more money. We work very hard at keeping statistics that they require letting them know how many hours, the languages and if the people are certified. They place a high premium on that. It is very important that we use certified interpreters and there is a rigorous process that people go through to become certified. Their budget cycle is different than ours but in 2012 we applied for next year's grant. We have gotten more money than we had ever gotten before which is about \$21,000. That is something that we pursue and they have been very good to us.

**Tom Harris:** So the State grant opportunity is trending up.

**Jerry Noble:** Yes but I can't guarantee what is going to happen year to year. There are 92 Counties and they invite all of them. There is a pie and we get a slice of it. They recognize that our Court is diligent in using certified people. They recognize that we have a high population of Burmese and so it depends on what happens year to year.

**Tom Harris:** Another question on your budget for 2013. The interpreter is the same amount?

**Jerry Noble:** The interpreter is part of the Consulting line item. For 2013, I think we moved it up about \$20,000. That is what we had to work within the allocation.

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**Tom Harris:** Okay and so that went up \$20,000 and the Pauper?

**Jerry Noble:** The Pauper and Guardian Ad Litem stayed the same.

**Tom Harris:** The challenge is and we appreciate the idea that you are staying within the allocation. That is greatly appreciated. The challenge in any budget is that if we are going to recognize a trend or experience going up, we have to be real about that. I know that you are obviously doing that. We have to do that or we will be sitting here a year from now doing the same thing.

**Jerry Noble:** We are doing other things too. It is largely out of our control but there are small things that we are trying to implement by changing the way that we are scheduling things in the Misdemeanor Traffic Division by trying to bring our usage of interpreters down as much as possible. How well it is going to work and how much affect it is going to have remains to be seen. Believe me, we are in the think tank on these kinds of things all of the time.

**Judge Avery:** If we can find efficiency, we are looking at every means that we can. The difficulty in budgeting for something that we have no control over, do we submit a budget that is the worst-case scenario and then have funds that are left over? On the other hand, does it look like we requested too low by not anticipating the demand? We are stuck trying to find the middle ground to that. That is why we look at five years to try to come up with an idea of what the average is.

**Tom Harris:** We appreciate what you are doing there. I guess the irony is that during the budget process you are working with us to try to reduce cost and make some changes that represent about \$100,000 in the overall budget and yet we are looking at another increase of about \$116,000. That is the irony of it, I guess.

**Larry Brown:** Roy.

**Roy Buskirk:** I guess what Tom was saying about the grants for the Consulting Service, its \$22,000?

**Jerry Noble:** Yes, sir.

**Roy Buskirk:** That is a small percentage...

**Jerry Noble:** It is not as much as we would like. It is probably 20% to 25% of the expense.

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**Roy Buskirk:** On your charts in your letter, you have projected for the interpreter for 2012 at \$87,573. Is that what you had in budget or is that including the increase that you are requesting this morning?

**Jerry Noble:** That is overall. That is everything. That is just on the interpreter side.

**Roy Buskirk:** I understand that. I am just trying to get my mind on each thing. You have projected and so that is with today's request.

**Jerry Noble:** Yes.

**Roy Buskirk:** Okay, so what is your budget for 2013?

**Jerry Noble:** We don't have a budget specifically for interpreters. We have a budget item for Consulting Services which is interpreters and psych evals and a small variety of other things.

**Roy Buskirk:** So you don't have it broken down like your graphs are showing.

**Jerry Noble:** No. I just wanted to show how the expenses were within the Consulting line item.

**Roy Buskirk:** You have \$146,889 is what you have on the graph. That is why I wanted to know if that included today's request. So what have you budgeted for Consulting for 2013?

**Jerry Noble:** Our Consulting line for next year is \$116,371. We moved it up from the \$96,000 or whatever it was.

**Roy Buskirk:** That is a reduction of \$30,000.

**Jerry Noble:** It was an increase of what was budgeted for 2012.

**Darren Vogt:** How much have you transferred from other lines into that line? Your expenses are...

**Jerry Noble:** We have transferred about \$21,700 into Consulting. That is within the series.

**Roy Buskirk:** That is the grant.

**Jerry Noble:** No, the grant is separate.

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**Darren Vogt:** So the \$21,000 plus the grant.

**Jerry Noble:** Correct.

**Darren Vogt:** Councilman Buskirk, are you finished?

**Roy Buskirk:** Go ahead.

**Darren Vogt:** I think I am on the same line. I agree that it is a balancing act and I understand that. I am just looking at the math and at what you are budgeting and I am concerned that you are underfunding lines. In 2012, you budgeted \$357,000 in Pauper Attorney and you haven't spent \$357,000 ever, never spent that low. The trend is going down a little bit but not nearly 25%. The same thing with Guardian Ad Litem, your trend is pretty flat. You budgeted \$120,000 and you have never spent \$100,000. The concern that I see is that in 2007, you had 787 cases and you spent \$180,000. I am using round numbers. You had 404 cases in 2011 and spent \$186,000. You have almost doubled your cost per case. I don't know your business whatsoever. That is the trend that is scaring me more than anything and that is the cost per case is going way up. That is the area that you need to look at. For 2012, you budgeted \$100,000 and again, you have never hit that number. Those are things that I see and there is a flaw in budgeting there. Unless you have a lot of things going to reduce that significantly, you are not going to meet it.

**Roy Buskirk:** It is easy to come back now and request more funding. The budget that you made was not realistic. You needed to cut someplace and so you cut interpreter fees.

**Jerry Noble:** Had we appealed a year ago at this time, it would have been for the \$388,000 that we, in effect, cut. We cut \$388,000 but we are coming back for \$116,000. This is a late appeal, in some respects, but at a much lower number than what we would have been asking for last year. We have been able to do some things. Have we been able to do as much as we like? Certainly not. One of the things that I would have liked to have been able to do is to transfer more out of the 100 Series. Again, it is hard to forecast and we have less opportunity for that than we have most years. If you look at the five-year trend of what we turn back from the 100 Series, it is \$65,000 or more. We are only asking for \$29,000. Again, we are forecasting a best-case scenario. We are going to be able to transfer within series and between series to cover these things. When you are hit with a 7.42% reduction, you are hoping for the best. It is not educated. It is not a wild guess. It is not artificial. We are hoping that certain things line up.

**Judge Avery:** It is a dynamic process.

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**Roy Buskirk:** The 7% reduction that you were asked, we have been hit with more than that.

**Jerry Noble:** I understand that.

**Roy Buskirk:** We have over 9% reduction.

**Jerry Noble:** You have a tough job and I understand.

**Roy Buskirk:** Thirty-nine percent of the homes in Fort Wayne hit the cap. We have lost the revenue of about \$13 million. That is what the trend is. This is what it is going to be going forward until we can get more of these Shovel Ready sites developed, new employees or until the real estate market turns around. That is what we are going to have to live with. Is it possible to move it out of the 100 Series now and reduce your rollover at the end of the year? We have to take this money out of the Rainy Day Fund.

**Tera Klutz:** Historically the Courts have always known that these items, particularly the Guardian Ad Litem and Pauper Attorney are best-guess scenarios at budget time. The trend that we have seen is at the end year they transfer any leftover money to those lines and encumber it into the next year because they know that if anything is going to be short and anything that they don't have control over, it is those items. That is why you see significantly higher expenditures than the budget in prior years. Those encumbrances have gone away because the budgets have reduced. Now we are seeing the fact that they need more money to fund those as well as them working to reduce the overall cost where possible. They can look at all of their line items going into December and you guys can approve transfers in December if that is something that you would permit them to do. From the 100 Series, from 200 and from 400, excuse me, Supply or Capital or Personnel. They could transfer that in December because they will have a better idea. That is why I am saying December. They could encumber the money. Before, we discouraged artificially encumbering money.

**Tom Harris:** How does that play out in terms of timing and such?

**Jerry Noble:** In Guardian Ad Litem, we have virtually close to zero in that and we are sitting on \$6,000 to \$7,000 in claims. The other two line items have a balance that may carry us for a week to ten days. The expenses are not optional to us. I understand what you are saying. You have a difficult job. We are on the same team. This is our community and these are the cases that are brought to us. We are not out there trying to stir up business, believe me.

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**Tera Klutz:** I was not suggesting that Council look at reducing their current appropriation request for the transfer in December. I was suggesting gleaning anything that they may have left in 2012 to help fund the 2013 budget amount.

**Darren Vogt:** That is because the 2013 is budgeted at the same amount as 2012.

**Tera Klutz:** Correct.

**Darren Vogt:** And 2012 is short and if you don't look at some of those additional cost savings, I understand it. I am trying to point out that there is a little budget flaw in there and I understand why. I am looking at caseload and the dollar per caseload and it has gotten to be two-to-one in the last five years.

**Judge Avery:** I think we are trying to develop where we can see potential efficiencies. We are not discarding those. As the problems change and the cases change, we try to adapt to that. As a group, we meet on a regular basis and these are the things that we discuss. We look at what we can do to meet our obligations and still make it more efficient.

**Roy Buskirk:** I think answering part of that is that the trials are longer than what they had been previously and so the cost per trial is going to be greater.

**Judge Avery:** That may change. You just don't have the same number of cases that are taking a day, two days or three days to try. That is the unknown.

**Jerry Noble:** Another unknown this year, is new in my experience, is that we have had multi-day criminal trials that required foreign language interpreters. That is kind of a new thing. It slows down the trial, obviously. They have gone efficiently and quite well in terms of managing the trial. You can imagine the challenge for a Judge to keep it moving and to make sure that everything is done fairly. That was new to us this year.

**Larry Brown:** Kevin.

**Kevin Howell:** Do you have a business manager.

**Jerry Noble:** My title is Court Executive and I kind of run the business side of the Court among other things.

**Kevin Howell:** But you don't have a number cruncher, per se?

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**Jerry Noble:** That is me. I consult the Auditor's Office on a pretty regular basis.

**Kevin Howell:** Judge, what are other Courts doing throughout Indiana who are in a similar situation? Or maybe Allen County and Marion County are unique because they are so large.

**Judge Avery:** I don't think we are unique in the demands that are being made. I will give you an example with the interpreter. At our Judicial Conference in September, there was a presentation made on the use of interpreters. The Supreme Court brought in speakers to point out that when you do a three-day trial, you can't just do one interpreter that is there for three days. Their skills over an hour and a half start diminishing and so you need two interpreters. You need to switch off. It is the Supreme Court telling us that if we are going to do this, we need to do it right. They are changing their requirements and demands on us and we need to respond in that way. Everybody is facing that. Every County is facing that issue. Maybe not to the degree that we do because of our Burmese population and I don't mean to put that onto the Burmese population. Relatively speaking they are a very lawful group of citizens that does what needs to be done. Last year was the first time I had to use a Burmese interpreter in mental health cases. You are talking about people who have come from camps and come to the U.S. with PTSD and we have to take care of them.

**Kevin Howell:** Are there other comparable comparisons within the Midwest in terms of ethnicities and interpreters? I am thinking maybe Chicago.

**Judge Avery:** The only thing I hear with the Burmese is probably Bloomington that has a large Burmese population.

**Kevin Howell:** I assume that they are struggling like you are here.

**Judge Avery:** The language that we run into, we are just a society that is very mobile. There is something like 90 different languages in the State of Indiana that people have come to Court and require interpreters.

**Larry Brown:** Paul.

**Paul Moss:** The Burmese population, a lot of what has been driving that is Catholic Charities and their efforts. Is there any opportunity to have Catholic Charities participate somehow through grants or anything like that given the fact that they have kind of created the situation?

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**Judge Avery:** It is nothing that we have applied for from them and on the other hand, we have not received any word from them that they were offering.

**Paul Moss:** To me, they might have a bit of an obligation in that regard. Different subject, I wouldn't describe it as a flaw in your budgeting. I would describe it as a flaw in our budgeting process. We forced the seven percent onto the departments across the board and I have said before that we would be better if we looked at department-specific. And that is particularly those departments that continually go under the radar because they submit the flat budget. It seems to me that it is a fairly natural reaction for you to look at areas such as fixed costs and variable costs. My natural reaction would be the same, throw a dart and say here is where we think we can cut. It is not terribly surprising to me that we are in this position. It's unfortunate but that is the nature of the beast.

**Darren Vogt:** I want to clarify a statement. The flaw that I was referring to is the fact that they budgeted significantly below what their five-year average was. That is the flaw that I was referring to.

**Paul Moss:** It is semantics, yes, but I don't think it is a flaw. I think they are doing what we asked them to do.

**Darren Vogt:** No, we asked them to budget the actual expenses that they thought might occur. I think that from 2012 and 2013, they made some pretty dramatic cuts in those funding line items. Some of them were 50% and some were even more than that. I think the process that we set up is really good in the fact that budget what you think. Granted, this is a line item that is moving. You try to make sure that you put what you can and what you think will be happening and it fell short. The dollar amount that they put in there was probably a little bit more zealous than probably should have been.

**Judge Avery:** We have tried to cut and as Jerry pointed out, there was a general overall reduction in trying to meet what the Council asked us to do. I guess if you think about it, for us to be \$116,000 short on a \$5 million budget where we have these intangibles that we don't know what the demand is going to be, I don't think it is all that bad.

**Larry Brown:** Roy.

**Roy Buskirk:** The one thing that you can do Judge on the cuts is to also increase revenue. That is through user fees. I would like to ask the Judges or the Courts or your lobbyists, Darren and I have made a couple of trips to Indianapolis about our Youth Center cost. It used to be that the State

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charged us \$60 a day for housing juveniles. They recommended that we build a larger juvenile center, which we did, and after we get it built the State does not charge the Counties for housing juveniles. When we came on, we owed them \$8 million and we paid them and got that debt taken care of. Now, I think that since we are holding juveniles that we could turn over to the State, they should reimburse us for some of the expenses. Our costs are over \$148 a day.

**Judge Avery:** I think we all realize you have a very tough job and the State is not making it easier by cutting their expenses and pushing them off on local governments. All I can say is that I think we are all in this trying to do the best we can given the hand that we are dealt by the State to try and meet the obligations that they place on all of us too. I don't see a problem of going to the State Representatives saying that we can't continue to follow this trend of you putting more responsibilities on local government and you have us with this cap. What do you want us to do?

**Larry Brown:** Tom.

**Tom Harris:** Thank you for that sentiment, Judge. We were having the same discussion with the Sheriff, obviously. At some point, the Sheriff says "Gosh, there is nothing I can do. The cost keeps coming at me and I can't do the user fee." I have talked to you and other Judges and we don't want to get into the position of simply saying there is nothing that we can do. There is too much conflict, too much politics and too much controversy to try to deal with that at the State level and we are just not going to go there and we would encourage you to keep going there. Local governments are going to continue to have that cap. Costs are going up and the State is cutting back. The Feds might be cutting back. We've got to do something and that is going to be the user fee. If people are going to be in that system, then maybe they should pay a little more. I know philosophically from the Judges point of opinion, there are certain things that should be provided to the citizens that should not cost them and I get that. There are other pieces within the structure...

**Judge Avery:** And the Supreme Court tells us that.

**Tom Harris:** I understand that entirely. There are pieces within the judicial system that we might be able to charge more for. I would encourage the process to continue and that we keep looking for user fees.

**Judge Avery:** That is a process that can be carried out with the State. The Legislature controls those decisions. The fees that we charge are the fees that they authorize us to charge. We are not in the position to do that.

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**Larry Brown:** Gentlemen, we have two items before us. One is an additional appropriation, I am sorry, two transfers. Roy.

**Roy Buskirk:** Tera, you are saying that we should not take the transfer of funds for the \$116,000 for this month?

**Tera Klutz:** I think you should approve the items on the agenda for Superior Court. Jerry mentioned that there may be more available in the 100 Series but he is not positive. If there is more that they could transfer at the end of the year, then they can come back. They have already analyzed these amounts and are fairly confident that these can transfer and they can still operate.

**Roy Buskirk:** I will make a motion that we approve from the General Fund for Consulting Services, \$16,412, Pauper Attorney for \$70,264 and Guardian Ad Litem for \$30,283. That is for a total of \$116,959.

**Kevin Howell:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Roy Buskirk:** I make a motion to transfer from Supplies to Guardian Ad Litem in the amount of \$5,000.

**Bob Armstrong:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Roy Buskirk:** I make a motion to transfer from Court Services Clerk, \$4,000, Assistant Supervisor, \$13,000 and Secretary IV, \$7,000 for a total of \$24,000 to Compensation Pauper Attorney.

**Darren Vogt:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Before you leave, Judge Pratt had something on his mind.

**Judge Pratt:** I came up just in case you had any further questions in regards to Children in Need of Services. I had further statistics if you needed that. I will pass this out for your delightful reading. We are the only County in the State that has done a pilot on a Court Performance Outcome for 28 different

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measurements. I think it is important for Council to know that one of the many things that Superior Court Judges are doing to be innovative and reduce costs is one example of that. It demonstrates that we are now able to give far more statistics in terms of the variety of measurements that are required from a Federal viewpoint in terms of child abuse and neglect cases. We are presently the only County doing this. We are now piloting this and training this across the State. I thought Council might be interested in seeing these statistics.

**Larry Brown:** I am sure that after we get a chance to review this that there will be some questions. Kevin.

**Kevin Howell:** I am glad that both of the Judges are here. I know that we have dealt with some budget items here but I want to change the subject. I am a school teacher and I teach throughout northeast Indiana. I see the end result in terms of kids from kindergarten through twelfth grade. Just for the general public and primarily for southeast Allen County because most of the Burmese are in my district, Africans, Muslims, you name it, they are there. What is CHINS?

**Judge Pratt:** CHINS is Children in Need of Services. They are children that have been abused or neglected. There are eleven different categories, statutorily where a child can be found to be a victim of abuse or neglect. CHINS is the acronym for Children in Need of Services.

**Kevin Howell:** Okay. Part two of that is just in general for the folks that are watching TV here. Are parents taken away from these kids or are they put in Jail?

**Judge Pratt:** It is a civil and not a criminal action and it is designed to bring about rehabilitation and restoration of the family, if that is possible. In some instances, it is not and that is where some of our costs have gone up. The termination of parental rights has increased over the last several years because parents have not been compliant or have not been able to be rehabilitated to the point to where the children can safely be returned to their care.

**Kevin Howell:** Third question and then I will be done. Are there translators for every language when they get to the Court system?

**Judge Pratt:** In my Court, I can have the requirement for multiple interpreters because we can have a mother and multiple fathers who all have conflicting interests. I have to have an attorney appointed for every single one of them and in instances I have to have an interpreter for each one of

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them in the Courtroom. It wouldn't be unusual for me to have a bi-lingual family to have four or five attorneys plus Guardian Ad Litem and two or three interpreters for a day and a half trial. That is some of our cost.

**Tom Harris:** Judge, I wanted to say congratulations. This is exactly what I think local government and government needs to continue to do is to figure out efficiencies and how we are going to get better at doing what we are doing. You might consider a consulting fee for all of this training.

**Judge Pratt:** We have a grant from the Supreme Court to do this training.

**Roy Buskirk:** Before you leave, on the Odyssey program, how is that coming?

**Jerry Noble:** We are planning a Phase Three deployment to take place following Thanksgiving Day weekend. It will bring in the rest of Domestic Relations, juvenile and protective orders. The only case types that will not be fully functional in Odyssey will be some of the civil case types and Small Claims. That will be the next phase.

**Roy Buskirk:** I understand that one of the benefits of this program is that someone could be in court in an Ohio County and later comes up here and you wouldn't be aware of the Court action in Ohio.

**Jerry Noble:** Early on in the process, when we converted criminal cases to this, there was an instance where there was a warrant for somebody in another County that was on the Odyssey system that came before our Court. We would have not had any idea that there was a warrant out.

**Judge Avery:** Actually, even within our own County. I have had a mental health case, and mental health is on Odyssey, when I pulled up that case on the computer I have seen that there is an active warrant. We can then deal with that matter right away.

**Jerry Noble:** That is just one of the benefits. Obviously there are a lot more.

**Judge Pratt:** I know that we have talked about this before but it will streamline Family Court operation. Judge Surbeck and I are working on this Reentry Program as these gentlemen come back in and it is impacting a Domestic Relations case or a Child in Need of Services case in terms of them reconnecting with their family. We are going to be able to better identify all of those cases. Right now it is an intensive manual requirement to go in and try to find these cases. We will be able to bring about better outcomes for these families and for people in the community.

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**Roy Buskirk:** The other quick comment I would like to make is on the phone system for the jury. I understand that it is working out good and it is saving County taxpayers money. I know that it has even taken \$10,000 out of the Commissioners budget. Somebody came up with a good idea of saving money without cutting services.

**Jerry Noble:** Thank you for that comment. We are on the cusp of the next improvement on that. It will be an interactive text messaging. Let's say a case in Judge Gull's court pleads out late the night before, we can give the jurors a text message so that they don't have to come in the next day. They can even ask where they are supposed to park. Without having a person enter a text reply, the system is smart enough to respond and tell them where to park. We are about to kick that off.

**Larry Brown:** Thank you, gentlemen. The next item on the agenda, I asked this to be put on. An appropriately concerned citizen brought to our attention that we need to review our decision on the pay level and job description for the Coroner. In your packet you should have a copy of Indiana Code 11-10-3-1 that gives the definition of a physician by Indiana Code. A physician means an individual that holds a license to practice medicine in Indiana, issued by the Medical Licensing Board of Indiana or a Medical Officer of the United States government who is in Indiana performing his official duties. Given that language, I think we need to reconsider. Tera, do you have input?

**Tera Klutz:** Yes, I do. Before you guys make a decision, I want to bring a couple of things up. One is that the definition of physician that you just read applies specifically to the medical care chapter of that statute. They are not universally defining the word physician outside of that chapter. The other thing that I want to bring up is that right behind that statute is the research done by Mike Burris on what other Counties do. The last piece of information is that when Dr. O'Shaughnessy was the Coroner, he was a dentist paid as a physician. That is all I wanted to bring up.

**Larry Brown:** The research of other Counties is totally confusing and inconclusive. That does not mean that we shouldn't do the right thing. It doesn't mean that they are any smarter than we are. All of that said, what is your pleasure?

**Darren Vogt:** The salary ordinance is correct.

**Tera Klutz:** The salary ordinance lists both. What we need you to do is make a determination. Last time you determined and passed that Dr. Nelson was considered a physician based on his credentials. If you determine the same thing, you do not have to do anything. If you want to determine that he is not

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then it will be specifically to that person. If a new Coroner happened to be elected or was filled by caucus, you would make a new determination based upon the credentials of that person.

**Larry Brown:** Paul.

**Paul Moss:** This information is part of what statute? Where is the one that indicates that it is up to us to make that determination?

**Tera Klutz:** You know what? I will look. I know it was in your packet last month.

**Paul Moss:** So this is not associated with that.

**Tera Klutz:** No, they do not reference the Medical Care statute in the Elected Coroner statute that was just read.

**Paul Moss:** So this definition is not necessarily germane to that?

**Tera Klutz:** No.

**Paul Moss:** I am confused.

**Roy Buskirk:** It is stating what a physician is and the Indiana Code is reference to medical care. It is not in reference to the Coroner.

**Paul Moss:** It seems somewhat irrelevant given, and I wish I had it here with me, what is guiding this discussion. The broadness of it, I think is flawed, the wording of it. We made a decision based on other language specific to this.

**Roy Buskirk:** I think the one flaw is to make the Council make the determination.

**Paul Moss:** No argument there.

**Kevin Howell:** How was Dr. O'Shaughnessy's situation handled? What criteria did they use, if any, for that? He was a dentist. What did that Council decide to do?

**Bob Armstrong:** They paid him as a doctor.

**Kevin Howell:** On what basis?

**Bob Armstrong:** I have no idea.

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**Paul Moss:** If I recall correctly, it indicated that we are the determining entity as to the description...

**Tera Klutz:** That wasn't a statute. It was a State Board of Account's email that said that County Council makes the determination on this case and as long as they looked at the criteria that you used to make that determination.

**Darren Vogt:** I think the statute was the issue.

**Paul Moss:** What did they make that determination based on?

**Tera Klutz:** Because the Coroner statute does not define physician. That is why they left it up to County Councils.

**Darren Vogt:** The issue for me was the wording of the statute.

**Tera Klutz:** That wording is in the salary ordinance for Elected Officials. Pursuant to IC 36-2-14-15, the compensation of a County Coroner will be reduced to \$30,548 which is less than the one if he is not licensed to practice as a physician in Indiana as determined by County Council. I put the "as determined by County Council" on the salary ordinance.

**Darren Vogt:** The issue for me is whether they are a licensed physician and that is where we got down to the definition of a licensed physician. I would rather err on the side that it is not a licensed physician. I made the original motion but when I heard the actual statute read that is what brought up the question in my mind. We had it researched a little bit further. I don't think the current situation is a dentist is a licensed physician. It doesn't meet the criteria of a licensed physician in the strictest definition of that. Now, could you throw in all of the other stuff? Maybe you could but that is not what it says in the statute. I will agree that the statute is probably worded poorly.

**Tom Harris:** My impression is that physician is used generically.

**Kevin Howell:** Tera, when you referenced Dr. O'Shaughnessy, were you able to find out what criteria they used?

**Tera Klutz:** No, I do not know. I do know that he was a dentist and he was paid at the same level as a licensed medical physician.

**Roy Buskirk:** There has been a tremendous amount of change since that time. Because of the Taylor University accident on I-69, all Coroners have schooling that they are required to take.

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**Kevin Howell:** To be a Coroner?

**Roy Buskirk:** Yes.

**Darren Vogt:** The statute reads, this is from an email but I will assume that it was typed from the statute and I will make that disclaimer, when fixing the compensation of a County Officer under this title, 36-2-14-15, the County fiscal body shall fix compensation for a Coroner as if he is licensed to practice as a physician in Indiana and compensation for a Coroner as if he is not licensed to practice as a physician in the State of Indiana.

**Tera Klutz:** Further it goes on that the compensation of a Coroner licensed to practice as a physician is one and a half times greater than one who is not.

**Darren Vogt:** So the issue for me is as if he is licensed to practice as a physician. That is where it comes back to me.

**Larry Brown:** The way I look at it, since that section did not define physician and in another chapter we do find a definition of physician, I go back to 11-10-3-1 for the definition.

**Darren Vogt:** I would make the motion that the two people that are running for the Coroner's Office are not licensed physicians. Therefore they would be paid at the lower rate in the 2013 budget.

**Roy Buskirk:** Do we have to rescind the other motion?

**Tera Klutz:** No.

**Roy Buskirk:** I will second that.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 5-2 (Moss and Harris). Moving on, I asked the Board of Commissioners to give us an update on employee healthcare.

**Nelson Peters:** Nelson Peters, Allen County Commissioners Office.

**Chris Cloud:** Chris Cloud.

**Nelson Peters:** Recently, the Allen County Commissioners made a decision to curtail healthcare cost by moving to a single provider. We have gotten to the point where most of our meetings have concluded and the option has been rolled out to the employees. It is our hope that if the claims are the same next

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year as they were this year we will see significant changes to the County's bottom line. It is our responsibility to make those tough decisions. As Commissioners we've got a duty to provide our citizens with effective cost-efficient service. It can mean a couple of things. I think it can mean reducing costs as much as we can but I think it can also mean enhancing service delivery. Since our employees are such a big part of that service delivery, we are appealing to you today to use some of those savings to be applied towards salary increases for our employees. The salary increases will really serve at least two purposes from my perspective. The first is that it will allow employees to better keep pace with what is happening in the marketplace. It will them to keep pace with the increasing costs of bread and milk and those types if things. Secondly, I think it will allow us, as an organization, to keep better pace with the competition and hire and retain the best individuals to provide the quality service delivery that our citizens have come to expect. When I talked with Councilman Brown, I asked what he wanted us to bring to the table today that the decision has already been made and I recognize that this may fall into your budget discussion to come. We have a couple of examples that we would like to present to you. I have an example that is sort of underscores the point that I was trying to make with respect to recruiting. I have job descriptions to match and I didn't run copies of the job descriptions. What are coming in front of you today are four random jobs that were pulled after the conversation that I had with Councilman Brown. I will be more than happy to pull more. These are just comparisons made between the City and the County for the Director of Purchasing, Payroll Manager, Highway worker and our Administrative Assistant who does a lot of the scheduling and stuff and those folks that are in the Mayor's Office. I have long held that our wages are somewhere around 20% behind where the City of Fort Wayne wages are. If you look at this, I think you will find that this actually bears that out. The Director of Purchasing is about 18.5% behind the City's Director of Purchasing. The Payroll Manager is about 35.5% behind. Then you have a range of Highway workers and truck drivers for the County and the City and the same is for the Administrative Assistant. The numbers reflect that. It really ties in to my concern with respect to our ability to stay up with our competition, those people that we are recruiting against. Now, we have been very fortunate in recent past in that the turnover rate hasn't been such as what you might have seen in the 1990's and early 2000's. I am here to tell you that there will come a time if we don't pay attention to these wages we are going to lose the good people that we have and we are not going to be able to recruit the people that will help us with the service delivery that I talked about at the outset. I asked Chris Cloud to put together another example which I think you might find interesting.

**Chris Cloud:** Out of my own curiosity, I started to put together a spreadsheet. From 2007 on, I looked at four different types of employees that we have. The

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first line is the stereotypical regular employee on the grid and getting step increases. On the far right, I put the number, roughly, of how many employees this accounts for. It is about 1,000. The second is a person who is classified and on the grid but has been here long enough to max out their steps. Once you get to, for instance, a PAT 4/7 there is no PAT 4/8. That is about twenty years of experience and that is the cap on steps. If you give increases, they get that but they don't get continual steps. The third one is a Non-Classified employee and there are about 139 of these. These are Chief Deputies, Department Heads and also Deputy Prosecutors. The final group is Elected Officials. The ones that are paid by the State, I took off this list. Merely this is an exercise of where wages went with step increases and raises given by Council and comparing those to the Midwest Consumer Price Index. The Midwest CPI is lower than the National CPI. It tracks goods and services. It is not a true cost of living because it only tracks goods and services but it is a fair number and is commonly used. When you look at it, the bottom thing in yellow is where employees would be relative to the CPI for 2013. For an hourly worker getting steps, these are actual employees and I did not use their names. I picked people that I knew had not been reclassified and had not had a job change. These are people who have been in these jobs with the same rate of pay for this time. The first person on steps is about 4.5% at the end of next year behind cost. The other thing that I gave you is a chart that makes this much simpler to understand. This person would be blue on this chart. Generally speaking, with steps, it is a fairly effective way with an occasional increase from Council as well. The second group, on here is green, are Non-Classified employees and Classified that are maxed out at steps. They end up being treated the same because they only get raises when you give raises. They have obviously not kept as well with CPI. The fourth group is Elected Officials and this particular Elected Official happens to be a Commissioner because I know that they have not been reclassified. You have reclassified a number of Elected Officials. This represents an Elected Official that has not been reclassified. They did not receive one of the pay increases that other employees did and so they are at the bottom of the chart. It is an exercise that at least shows you that at the current pace, in many cases, we're not keeping track with outside world cost. Not that it is your primary job to do that but it is to show you that life is continuing to happen outside of our walls. For some of our employees, they are not hurting as bad but for others, this is bad news. The groups that concern me the most are the Non-Classifieds and the Classifieds that are maxed out of steps. These are people who are bringing a lot of knowledge and experience to the jobs. If they started young with the County and are still here, it is not like they are 70 or 80. They are in the prime earning of their life but are also prime in our career ladder. They are people who are offering a lot to our organization.

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**Nelson Peters:** With that, we would be happy to answer any questions.

**Tom Harris:** With the savings projected with the healthcare change, will employees also realize some savings or is it simply a savings to the County?

**Nelson Peters:** It is simply savings to the County.

**Tom Harris:** Employees will not notice a difference in terms of their cost for healthcare.

**Nelson Peters:** That is correct.

**Chris Cloud:** Having sat through the presentations this week, my deductibles went up slightly.

**Roy Buskirk:** That was going to be my question in regards to deductibles and copays. Are those remaining the same?

**Chris Cloud:** Deductibles for every plan went up.

**Nelson Peters:** We went up as far as the law would allow us to go up without losing our grandfather status.

**Chris Cloud:** That is related to our premiums as well. We haven't raised premiums for quite a while. That is a stickier situation where the grandfathering is concerned.

**Roy Buskirk:** Can you give me an example of one plan? If it was \$1,500 before is it \$2,000 now?

**Nelson Peters:** The deductible on the plan that is most used was \$900 and it went up to \$919 or something like that. I'm sorry, the out-of-pocket went up.

**Paul Moss:** Wouldn't the employee have some savings if they are paying on a percentage basis?

**Chris Cloud:** Yes, because we get higher discounts from our network. They will, up to their deductible number, see a savings in that.

**Tera Klutz:** Only if they incur medical expenses.

**Paul Moss:** We are talking about two different things.

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**Darren Vogt:** We keep talking about savings. There are no savings until we know what our medical cost will be. This is a reduction in unit cost. If we go outside of the realm of what we have been paying, our cost could go up. This is not an exact science. In theory, I think we should probably spend less on healthcare in 2013 based on the amount that we are getting in the discount of the unit cost. I just say that because there is not a direct savings and not a savings until we actually realize it.

**Paul Moss:** But it is also typical of almost every business out there. It is the best you can do from a budgeting perspective is to look at the prior claims history and make some predictions based on that. Obviously the unit cost has changed.

**Darren Vogt:** I don't disagree.

**Larry Brown:** I have a question. Nelson, in your initial presentation you said that next year's cost compared to this year's cost. Isn't that actually last year's cost because this year has not been determined yet?

**Nelson Peters:** In order for us to get the best data, what we looked at was June first through the end of May of this year. If you look at all of the claims that were incurred during that period, it is our hope that if these changes were made next year and they resemble what happened in terms of claims.

**Larry Brown:** I think that is critical because of the trend upward. I was concerned that the upward trend wasn't taken into account. I think that's good. Tom.

**Tom Harris:** I wanted to mention congratulations and I applaud that decision. It is not an easy decision impacting employees. Looking at both the role that you are in, we are looking at cost efficiencies throughout all of County government and that is a tough decision and we hope that other parts of our County government want to also figure out efficiencies even when they are tough decisions. Councilman Vogt, my only thought on your previous comments is that it is a budget and we really don't know in terms of all of the numbers where we are at. Rather it is a best-projected estimate of where we are going to be. That is kind of where this is at. All indications are that there are going to be significant changes.

**Larry Brown:** But salary increase is a real cost.

**Tom Harris:** Correct.

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**Larry Brown:** We know that for sure. Thank you, Commissioners. Is there anything else you wanted to share?

**Therese Brown:** No.

**Larry Brown:** I think that Council is curious, after the headlines and the CCP meeting. What do you know? Is there anything we can do to help you? Please keep us informed.

**Therese Brown:** As the point person that has been involved in a lot of the CCP extraneous conversations regarding location et cetera. Just to let you know, last week I met with Amy Biggs and Mark Becker and Chris Cloud was in attendance. She came forward because as the new appointee she wanted to ask the CCP members if they had thought of a reconfiguration. That had not been something that had not been discussed previously by that Board and it was an opportunity with the Commissioners to investigate any open space or revisiting of any kind of space within the Rousseau Centre. Fine, that is not a problem whatsoever. Be happy that the eighth floor is no longer the discussion since the completion of the eighth floor is nearing its end for Adult Probation to move in. We were under the impression and I think that they had a hard deadline to meet and we were trying, as a group, to get this thing resolved one way or the other. They needed to make a decision and that kept getting pushed back. That said the Commissioners have illustrated in part a memo that will be going to the CCP outlining what things will need to be considered. Metro is already on the sixth floor. Victims Assistance is already located on the sixth floor. Someone is going to have to cover the cost of moving to get this thing opened up so that the floor could be utilized for what they want. That would not be on the Commissioners or this bodies' dime. Also, one of the issues was the raising of the floor and having to go above the ceiling tiles and the asbestos. We are demonstrating that they need to make that effort that if those things can be understood that we are not going to go above the ceiling and if they need to have a raised floor that they can meet it with the current height limitations and all of that, we are open to working with them. No decision had been made. We gave them permission to go forth and look but obviously the CCP needs to come forward to the Commissioners and present what their options are and the things they have decided and how they are going to go about the City of Fort Wayne maneuvering those departments into other spaces.

**Larry Brown:** Having sat in the meeting yesterday as a spectator, I was concerned that out of that CCP meeting at the conclusion, who was going to be the point person and who was going to approach the Commissioners. That wasn't really discussed, I don't think.

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**Therese Brown:** I think at this stage, Amy Biggs is the person by virtue of being the newest and the Chair of the CCP. I also want to make sure that the Commissioners stand firm on the fact that we want to make sure that regionalization is still strongly considered in this process. We have opinion about whether it needs to move out of the basement but if it does need to move out of the basement that there is significant thought put into where they are going to go to meet that need and the amount of square footage will be able to address that. We don't want to move this thing two or three times.

**Larry Brown:** Paul.

**Paul Moss:** Going back to the other topic because it ended fairly quickly, this is useful information.

**Chris Cloud:** That is all it was intended for. It is anecdotal.

**Paul Moss:** I think it is important as far as specifics. Do you have an idea of a potential salary increase?

**Therese Brown:** We would hope that a three percent base pay increase would be entertained. If that were to be plausible that would be wonderful.

**Nelson Peters:** We also understand that there was two percent already on the table as far as making up for some of the PERF changes that occurred last year.

**Paul Moss:** Okay and so you are talking in addition to.

**Nelson Peters:** Right.

**Therese Brown:** Or whatever combination. Ultimately we would like to see the employees given some benefit.

**Paul Moss:** We are going to discuss this during the budget piece but I do want to say that I know there was some frustration tying the two subjects together. I understand that but I do believe it is fairly typical and I do suspect that the County's broker would probably echo this that companies do look at the benefit package and if they are making changes. Obviously you guys made some pretty significant changes which could be viewed by some people as having a negative impact. It is very typical to look at the other piece of the equation which is the salary side. I don't think it is unusual at all to do that.

**Nelson Peters:** While I hope that you will recognize that in no way, shape or form today have we tied the two together. It is incumbent upon us to provide

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the best package for our employees that we can so that the service delivery continues to be optimized. If I could just clarify one other thing, when the question came up about cost to the employees, it is the deductibles that have been increased. For instance, the \$750 deductible will now be \$900.

**Paul Moss:** And that was in order to retain your grandfather status.

**Nelson Peters:** Right.

**Larry Brown:** Roy.

**Roy Buskirk:** Going back to 9-1-1, I assume that the reason as far as no construction above the ceiling is the asbestos.

**Therese Brown:** Yes, sir.

**Chris Cloud:** It is expensive to do that and on top of that, floors six, seven and eight are all tied together on HVAC and you have to shut off the air or add dampers. It just adds money.

**Roy Buskirk:** How many square feet is open on that floor now?

**Chris Cloud:** Open now or could be open?

**Roy Buskirk:** Open now.

**Chris Cloud:** Probably 5,000 to 6,000.

**Roy Buskirk:** There is 12,000 plus on that floor?

**Chris Cloud:** Probably half of the floor is open right now.

**Roy Buskirk:** That would be more than what they currently have in the basement.

**Chris Cloud:** It is set up different. The basement is basically a big square. What is available now is like a big L. It is not the same type of space.

**Roy Buskirk:** I talked to Amy Biggs yesterday concerning this and she is concerned about possible additional square footage needed with the regional. I think they are still aggressively working on that.

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**Therese Brown:** Yes. We have worked with Tim Lee and in trying to work with the Commissioners and Mayors Caucus to see if we can make that happen. That's the goal.

**Larry Brown:** Is there anything else for the Commissioners? Thank you very much. Next on the agenda are Board Appointments. You see a listing of those appointments and who is currently in those positions. It is for your information and consideration over the month. We don't have to make a decision until December. I wanted to give you ample time if any of you know these people, you might want to give them a jingle and see if they are interested in continuing or if they find their schedule to be too busy and want to be replaced. I will try to keep this comment as generic as possible but we have had discussion over the last several years about the Library Board position and the desire of this Council to have that appointment be a current Councilperson. Keep that in mind as you think about this. If we continue with that line of thinking, we will need one of you to step up and take that position.

**Roy Buskirk:** I do have a question on this. I got confused after Maye Johnson was not re-elected and asked her if she was going to step down because it was intended to be a Council member. I thought we had gotten the cart in front of the horse and made Paul a member. Currently we are showing both her and Paul on there. Paul has stepped out and I want to make sure that he is on the Board.

**Larry Brown:** I believe he is.

**Roy Buskirk:** I thought we only had one appointment.

**Larry Brown:** We have two.

**Darren Vogt:** They come up at different times.

**Larry Brown:** Does anyone know if the term of these appointments is by statute or is it by procedure?

**Tera Klutz:** If not 100%, 99% are by statute.

**Larry Brown:** Specific to the Library, could we be in compliance of statute if we made a Councilman appointment every year?

**Tera Klutz:** You mean a new Council appointment every year?

**Larry Brown:** Yes.

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**Tera Klutz:** You would be violating statute. You have to appoint them to a four-year term. You could get them to resign and then you would have to reappoint.

**Darren Vogt:** I think one of the reasons that they do that is for consistency on the Board and learning. There is a learning curve anytime you're on a significant Board. Some of these are significant and the Library Board is one of them. They may only meet quarterly and it may take a year just to get up to speed on stuff. I think that is the issue.

**Larry Brown:** I understand.

**Darren Vogt:** Councilman Moss did not run for re-election and so he would have to resign his position on the Board and assign a Council member to fill the remainder of time.

**Larry Brown:** To fill the remaining term. I just bring this to your attention for consideration month or perhaps two.

**Roy Buskirk:** I was confused because I didn't know we had two appointments to the Library Board.

**Larry Brown:** Help us better understand and consider when we make these appointments, Becky, is it possible to expand this spreadsheet and do a little research to find out how frequently these Boards meet?

**Darren Vogt:** If you could add to that as well how long they have been on that Board? One of the things we did last year was try to shake up the Boards and there are other people that always want to be involved. Some people have been involved for long periods of time and sometimes it is good to shake things up. That would be helpful to know how long they have been on these Boards. If you could get the Chair of that particular group, I do like to talk about how our appointments are doing, are they making the meetings and being active?

**Paul Moss:** Who is on Plan Commission? Roy is that you?

**Roy Buskirk:** Yes.

**Darren Vogt:** That is another thing I wanted to mention. I don't think we should have two County Council members on the Redevelopment Commission. We can talk about that.

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**Larry Brown:** Okay. I think we are going to take a five-minute break and next on our agenda is the budget.

BREAK.

**Larry Brown:** Councilman Armstrong is recovering from recent surgery and has taken a little walk to get some exercise.

**Tera Klutz:** Before we jump into budgets, can I have you approve the Rainy Day Fund transfer to the General Fund for \$526,959?

**Roy Buskirk:** Do we want to do that amount only? We still have zero in the allocation.

**Larry Brown:** I think we need to leave it that way.

**Roy Buskirk:** Okay.

**Tera Klutz:** I need to subtract that \$2,000 off. I just took the total. There was like \$2,800 in the General Fund. Let me grab that real quick. It is \$524,127.

**Darren Vogt:** Move for approval of a transfer from the Rainy Day Fund to the General Fund for the amount of \$524,127.

**Paul Moss:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Roy Buskirk:** So that will put the Rainy Day Fund balance around \$12 million, right?

**Darren Vogt:** Close to that.

**Larry Brown:** We are going to jump right into the budget adoption agenda. First is the Southwest Allen County Fire District.

**Tera Klutz:** We have the ordinances prepared. They are the long ones and you can just read them.

**Darren Vogt:** I have a discussion item before we get to that.

**Larry Brown:** How can we expedite going through this?

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**Tera Klutz:** What we have is that this is your annual budget adoption meeting and that requires you to read the adopting ordinance for Southwest Allen County Fire District, the Airport Authority and Solid Waste. My recommendation is that you read the top paragraph. It has the numbers that have already been presented and have been entered by our office and confirmed by those entities as being correct.

**Larry Brown:** Darren, would you take a turn and maybe Paul can take a turn? It is a lot of reading.

**Darren Vogt:** That's fine. When we get to one I have some questions and concerns. Be it ordained and resolved by the Allen County Council that for the expenses of the Southwest Allen County Fire, Indiana for the year ending December 31, 2013 the sum of \$1,918,240 as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposed herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of the Southwest Allen County Fire, a total property tax levy of \$1,320,793 and a total tax rate of 0.2195, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance. This ordinance and resolution shall be in full force and effect from and after its passage and approval by the taxing Allen County Council.

**Paul Moss:** Second.

**Larry Brown:** Is there any discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next is the Airport.

**Paul Moss:** Be it ordained and resolved by the Allen County Council that for the expenses of the Fort Wayne-Allen County Airport Authority, Indiana for the year ending December 31, 2013 the sum of \$22,302,329 as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposed herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of the Fort Wayne-Allen County Airport Authority, a total property tax levy of \$6,123,322 and a total tax rate of 0.0540, are adopted as shown on Budget Form 4-B and included

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herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance. This ordinance and resolution shall be in full force and effect from and after its passage and approval by the taxing Allen County Council.

**Roy Buskirk:** Second.

**Larry Brown:** Is there any discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Darren Vogt:** Be it ordained and resolved by the Allen County Council that for the expenses of the Allen County Solid Waste, Indiana for the year ending December 31, 2013 the sum of \$1,415,696 as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposed herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of the Allen County Solid Waste, a total property tax levy of \$0 and a total tax rate of 0, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance. This ordinance and resolution shall be in full force and effect from and after its passage and approval by the taxing Allen County Council.

**Roy Buskirk:** Second.

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

**Paul Moss:** Are you ready for the next one?

**Darren Vogt:** Before you do that, if we read this and pass it, we can't make any further adjustments?

**Tera Klutz:** I would recommend that you read this after all of the adjustments have been made. Right now, if you would choose to act upon the Commissioners raise of three percent that means that we would be changing the Health Insurance expense line for the funding of those raises. We can do that and it wouldn't change the totals on this but for protocol I think it is

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better to do it afterward. This talks about attachments, which we have here, but I will have to pencil the changes in.

**Darren Vogt:** So you want to do the discussion first and then pass this.

**Tera Klutz:** Yes, please.

**Larry Brown:** So if I understand you, we will move on to the salary ordinances first and then come back to this last, correct?

**Tera Klutz:** Yes. We have prepared the salary ordinances for all of the Classified employees that are currently on a grid, all Non-Classified employees which are attorneys, doctors, Chief Deputies and we have prepared a separate salary ordinance for Elected Officials and one for Part-Time employees of the County. They are four separate documents with the attached spreadsheets about the salaries. Right now, the ordinances include the two percent bonus that was already approved at a Council meeting. We have a separate salary ordinance prepared in case you decide to do an across the board raise. I gave that to Tom Harris this morning. You can decide that after all of these are passed. The across the board is separate from these salary ordinances because we didn't know it was going to come up.

**Paul Moss:** Does that ordinance, with respect to any raise, does it have Elected Officials included in that?

**Tera Klutz:** Right now it has all employees included except there is spreadsheet for employees that are salaries mandated by the State and also any red-circled employees. They are red-circled at that amount and would forego those cost of living adjustments.

**Paul Moss:** But you could exempt Elected Officials?

**Tera Klutz:** You can exempt anybody you want. They would be written on the bottom of the spreadsheet.

**Roy Buskirk:** The sheet that was passed out by Chris Cloud showed that in 2009 when we gave employees a three percent raise, Elected Officials did not receive any raise at that time.

**Jackie Scheuman:** It was just Council and Commissioners who did not get the raise.

**Roy Buskirk:** Oh, okay. Thank you.

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**Darren Vogt:** I want to bring up the red-circle because we still have an issue that I am concerned about. We put the red-circle process in place and we have a couple of positions that are set at red-circle indefinitely. I am not in favor of that. There are significant differences in pay. Those positions need to be red-circled on a regular plan that we put forth. There are three positions, actually.

**Tera Klutz:** As I recall, those are the positions that you asked me to get. The Council voted last month to get a legal opinion on it. Do you want to share that information?

**Darren Vogt:** The legal opinion says that Judges can set that pay. That is their prerogative. The bigger concern for me is pay equity and having someone doing a job within that position is not commensurate with the work that they are doing. They are paying them significantly more. One is a difference of about \$5,000 and the other is nearly \$9,000. If we don't follow our red-circle process, this opens us up to every time someone wants to do something different, we need to stand behind it and have the Judge come back and prove that the position is warranted to get that pay. I think a Judge would have a hard time going and arguing that I am going to pay you more than the job is worth. That is where I would put the onus back on the Judge because they are asking us to pay someone more than the job is worth. We are phasing in the red-circle based on the policy we have in place. We owe it to the taxpayers that you get paid for what you do. That is what the pay is evaluated at and I struggle with that. We didn't do it with those other folks and why would we do it with these?

**Roy Buskirk:** How come the number is showing in red on page 26?

**Tera Klutz:** I can answer that. The salary ordinance has been adjusted for the new classification. If the current employee who is red-circled should leave, the new classification would be a PAT 4, Step 1 unless it would be someone at a higher step.

**Roy Buskirk:** So actually what they are getting paid is the red amount.

**Tera Klutz:** The red-circled, right.

**Larry Brown:** What is the current red-circle policy?

**Tera Klutz:** The current practice is if the reduction is more than ten percent or the increase is more than ten percent, the changes will happen over a two-year period. If it is ten percent or less, the change happens in one year.

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**Tom Harris:** So that affects two people?

**Darren Vogt:** It affects all three.

**Tera Klutz:** I want to point out that I got the legal opinion and I want to lay out why the attorney said that. As a general rule, County sets all salaries unless statute specifically states otherwise. In this particular statute, it says that the Judge shall set the employees of the program. That was the tough question.

**Darren Vogt:** And the Judge is setting them within a system that we use. That is where the dilemma comes in. I would argue that we have a system in place and you are putting them within our grid and they should fall within that system and the things we have in place.

**Larry Brown:** I agree. Tom.

**Tom Harris:** How many other people are red-circled, in the County, at this point?

**Tera Klutz:** We got a whole bunch that was red-circled with the Clerk's Office. They are within the first few pages of that ordinance.

**Larry Brown:** Are they following?

**Tera Klutz:** They are following the policy. That is because you set those salaries, period.

**Larry Brown:** I think we have to follow policy.

**Darren Vogt:** It does open us up to the fact that the Judges could potentially sue us. I would hope that the Judges realized that we were trying to stay consistent and it has nothing to do with usurping their authority.

**Larry Brown:** So I am just asking procedurally, do we need to identify those three positions in a motion and take action on it?

**Darren Vogt:** I believe so.

**Tera Klutz:** Before you would adopt the full salary ordinance.

**Darren Vogt:** Yes.

**Roy Buskirk:** Why would we do it just on those three?

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**Larry Brown:** Because the other ones aren't following policy.

**Darren Vogt:** They are following policy.

**Larry Brown:** That is what I was trying to say. I had it backwards.

**Darren Vogt:** The motion would be, and I will make that motion, that within the Alcohol Drug User Fees, items 15-16, 15-17 and 13-65 follow the current Allen County red-circle program.

**Bob Armstrong:** Second.

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

**Roy Buskirk:** I'm sorry. They continue to pay them and they wouldn't reduce their wages until the salary ordinance is passed? They never did it? They are not following the red-circle procedure.

**Darren Vogt:** For next year, they are moving them to the UPROB grid. Go ahead.

**Tom Harris:** This was the discussion that we had about moving the Probation Officers off the UPROB grid and onto the PAT grid. By doing so, three employees ended up being red-circled. They are being paid higher than what the PAT grid would do. From the Judge's perspective, they were moving the cost from County General into user fees so the cost of about \$100,000 goes off the General Fund and is now being used in the user fee account. Three employees turned out to be rated lower by moving them to the PAT grid. They will be paid more than what the job is identified to be paid for two years. At that point, the change would take place.

**Roy Buskirk:** I understand that. I don't understand what the problem is. The fact is that they are still being paid the red-circle amount. I am not sure of the date when this took place but it would be at least for another year, correct?

**Tom Harris:** Two years.

**Roy Buskirk:** But some time has already passed.

**Tera Klutz:** No. They were approved today and so the ones that have a ten percent or less change will be red-circled until October 18, 2013. The ones that have more than ten percent will be red-circled until October 18, 2014.

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**Tom Harris:** Then I didn't say it correctly. They will be impacted next year.

**Darren Vogt:** Yes, it is phased in.

**Roy Buskirk:** I knew that this all came before the Personnel Committee and I guess I was thinking that it too effect immediately instead of waiting.

**Tera Klutz:** You guys determined a long time ago that you should give time...

**Roy Buskirk:** No, I mean the adjustment of wages.

**Tera Klutz:** That is what I was talking about. That you would want to give the employee time before they started decreasing to give them the chance to find another job or to get comfortable with the pay.

**Roy Buskirk:** I understood that. What I thought was that this took effect immediately and it doesn't until we approve the budget.

**Jackie Scheuman:** This was tabled at a previous meeting.

**Larry Brown:** So that issue is resolved. Maybe before we get into the four different classifications, it is time to discuss and perhaps decide what we are doing with two percent, one percent, three percent, four percent or whatever. I personally would like to see a full-table discussion and that everybody has an opportunity to give their opinion. Who wants to be so bold as to go first?

**Darren Vogt:** I will. I think we have good employees and great employees and we need to reward them with something. My concern is that as our funds continue to dwindle and we have had to sharpen our pencils, we have done some cost-saving measures hopefully with the healthcare. I would like to see us move forward with some number. What I would propose is two different steps in the process. One is an additional one percent increase in pay over what we did with the two percent for a total of three percent. Then commit to a percentage of 2012 rollover paid out and we work that toward a merit based system of a bonus or straight across the board depending on when we are ready for that. That will give the employees additional take-home pay for 2013.

**Larry Brown:** Question on your proposal. I want to make sure that I understood it. When you said from two to three, of the total of three, two percent would be to those affected by the PERF and one percent across the board or are you saying three percent across the board?

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**Darren Vogt:** Well, the two percent that we have right now is how in our budget?

**Tera Klutz:** Right now, the two percent covers all of the employees impacted by PERF except for Probation Officers who were receiving a 2.2% on the grid. Jackie, did I state that correctly?

**Jackie Scheuman:** Yes.

**Darren Vogt:** Okay. Say that one more time.

**Tera Klutz:** All of the employees covered under PERF except the Probation Officers. They are also covered by PERF but they received a 2.2% from the grid and did not receive the bonus when you allocated it before. Any and everything can be changed; it is just going to take a lot of work. That is currently what the salary ordinance is.

**Roy Buskirk:** You are saying that the Probation Officers received 2.2% from the grid. Is that the July first?

**Tera Klutz:** No, they are paid on a calendar year and so that is their 2013 increase.

**Roy Buskirk:** From the State.

**Tera Klutz:** Yes. We pay it but they set the grid.

**Larry Brown:** So, Darren, please clarify. Are you two and one?

**Darren Vogt:** Yes.

**Larry Brown:** One percent across the board and two percent for PERF except Probation.

**Darren Vogt:** There is more to that. We use that rollover to reward employees. That is part of it. The more we can incentivize them to save and find cost-saving measures, the more we can put back to them. It is a challenge to put it into an increasing cost. A merit based bonus gives some of the Department Heads and Elected Officials the ability to reward those folks that are performing over and above their expectations. That is one school of thought within that. We can have that discussion later. The other would be an across the board even amount.

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**Paul Moss:** So you are suggesting that, at some point in 2013, that we would retro that to January first?

**Darren Vogt:** It would just be a bonus. It would be a dollar amount. The bigger the rollover, the bigger the dollar amount could be. The incentive is for those folks to come up with ways to save money.

**Paul Moss:** What if there is not enough rollover money?

**Darren Vogt:** Then there isn't enough rollover money. That is really scary because we just appropriated half a million dollars out of the Rainy Day Fund. That is why I am hesitant about increasing our cost too significantly. I do want to reward the employees. One way to do that is to give it out of rollover. They are in the trenches seeing what is being spent and finding efficiencies within their department.

**Roy Buskirk:** So, what percentage of rollover would be given to them?

**Darren Vogt:** You can't answer that until you know what the rollover is.

**Paul Moss:** He is talking one percent from the salary. The rollover is typically \$3 million. Does that make more sense?

**Roy Buskirk:** To have a little bit of an idea, would you say up to \$2 million with a million used for a bonus but not to exceed half of the rollover or something. What you mentioned in the fact of the Rainy Day Fund is reduced substantially. It is over 40% this year. We have kind of agreed that half of the rollover would go back into Rainy Day. The other thing is that with this budget, we have no funds available for Council to make additional appropriations for 2013 unless we get it from rollover.

**Darren Vogt:** That is why I am not sure that I want to put a dollar amount on it. You start putting a not to exceed one million and we have a significant rollover, I may be willing to look at a different number. That is why I am not sure I want to put a cap on it. We can have the discussion once it gets there.

**Roy Buskirk:** On the two percent bonus, that is only to the employees that were affected with PERF? There have been some new employees since that time and so do they receive the two percent bonus also?

**Tera Klutz:** The way it is written this time is anybody in a PERF-covered position. The first year it was less complicated. Going forward, unfortunately it sounds like this is how this Council would repay their employees. Again, I will remind you that one percent will not be more money to the employees. It

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will mean that they broke even from the three percent PERF take-home pay reduction that they got the year before. It includes all PERF-covered employees regardless of whether they are new or not.

**Roy Buskirk:** But my question was with the two percent. A couple of other Council members asked me about that during the break.

**Tera Klutz:** And I answered it. It would be three or four people. I wanted to put a perspective on the number of people it would affect. When I mentioned three or four that is it.

**Larry Brown:** Tom.

**Tom Harris:** In going forward, if you are asking for input, another proposal would be the two percent that is already set aside and an additional two percent increase. What that would represent would be a one percent net increase in take-home pay from a year ago. This is a reminder for those listening, a year ago we asked County employees to take three percent of their take-home pay and contribute it into PERF. While I agree with that process, I also think that at this point, we are in a position with the savings that is estimated from the healthcare adjustment that we can offer a two percent increase on top of the two percent adjustment for PERF. Last year, the PERF adjustment was three percent and so basically we would fix that change and correct that process. We were going to spend another year to correct that PERF adjustment but that would take care of it now and then give County employees a one percent net increase in take-home pay. Am I saying that correctly?

**Tera Klutz:** Almost. When you talk about correcting the PERF, you are talking about reducing employees' pay. I don't think you are talking about a correction like that. I think you are talking about correction on leaving them whole. I will say that the estimated savings from the health insurance is approximately \$3 million however to Darren's point we will not realize that all next year so I wouldn't recommend using all of those savings. Surely one million, which is about what that two percent is, will probably happen. Financially, I think that is feasible.

**Tom Harris:** Along with the savings, there is also the rollover component. While I agree with understanding that rollover and waiting, I think we are in a position of doing that. There are a few other thoughts but I will leave it at that.

**Larry Brown:** Roy.

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**Roy Buskirk:** Something like Darren expressed. I am concerned in the fact that we don't know for sure if we are going to have that savings. It is an estimate. Health costs have been going up every year. I doubt that we have the same health costs that we had in 2011. The difference between a bonus and a raise, there are two sides to it. One of them is the fact that a raise is a commitment that every year we will have to be able to find the funds to make the wages. I know one department that cut staff for next year to be able to make the budget allocation. That is the reason I would like to go more to the merit instead of having steps. I know I asked and would like to have a figure on what it would cost us if we do away with steps because there are employees that have two, three or four years into their step that would have to be paid for the number of years since the last time they had a step. I am concerned on two things. One of them is making a larger wage payment and not knowing for sure that in the next three years we would have funds available. Wages are the biggest expense that we have.

**Larry Brown:** Kevin.

**Kevin Howell:** Are we on the path, generally speaking, that we want to give the employees a raise of some sort? Yes or no?

**Darren Vogt:** Yes.

**Kevin Howell:** That is where I am right now, just listening to all of the options right now.

**Larry Brown:** Bob, what is your input?

**Bob Armstrong:** The two percent PERF is already there, right?

**Roy Buskirk:** Yes.

**Larry Brown:** The documents are prepared that way, yes.

**Bob Armstrong:** I appreciated the input that Nelson brought today about the losing of employees and the gap between City and County. I am for the two percent PERF and an across the board two percent pay increase. I would like to see us somehow work in that we are not giving two percent increases every year. Maybe next year we work in a bonus and then the following year, depending on the financial stability of the County go to an increase. Kind of work it back and forth so that we don't continue to spread that wage gap. We want to keep our employees. They are good employees and they do a great job for us. I just think this is the way to go.

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**Larry Brown:** Paul:

**Paul Moss:** Historically, I have been as much of a Scrooge as anybody when it comes to the employee salary adjustments over the years. For better or worse but trying to make sure that the taxpayers' interest is first and foremost. The two percent to make whole for PERF is obviously already built into the budget. It is a double-edged sword. You are reducing the take-home but it is still the employees' money. I kind of vacillate on the impact of that. I understand it is frustrating; particularly at this time, to have your take-home pay reduced but it is still their money. I kind of set that aside. I support an additional two percent in a raise and not a bonus. The primary reason is that you may not be able to do it again for a while. I think we do have an opportunity, at this point, to address that and I believe we will be able to do it from a financial perspective. I am more concerned about the impact of not doing something. I don't recall how many years ago it was that we had to make some pretty significant adjustments to salaries because we went through some market reviews to make sure that we were competitive. Let's face it, our primary competition is the City. I think that the information that Commissioner Peters and Chris Cloud provided was very useful. I hate to see that gap continue to widen. In years down the road when you start to see turnover rates and things of that nature, having to go through that process again and needing to make up a whole bunch. I am also very concerned about the prospect of union activity. One of the reasons that County government, in my opinion, is grossly more efficient than City government is because of the lack of union activity. In order to continue to prevent that, you have to have satisfied employees and salaries are an important component of that. There are other examples as well. You can look at the 9-1-1 Call Center. I think this is somewhat analogous that some of us sat around here and predicted this would happen. As soon as you put the two entities together, a whole bunch of wages had to immediately rise to match the City wage rate. Let's use the Sheriff's Department as an example, if they were some organization efforts from a union perspective, you would see cost rise a whole lot more than we are talking about right now. I think it is money well spent for a lot of reasons and we do have the opportunity. Just to be clear, I am talking about a two percent raise.

**Larry Brown:** I don't know if you were copied on this but this is the history for Allen County salary increases. I think the big jump you are talking about happened in 2000 and it was a ten percent. At the same time, pay grids were compressed from eight to seven. In 2001, there was an across the board \$750 bonus. In 2002, there was three percent. It was zero in 2003 and 2004. I believe that was at the time where there was considerable debt, the County owed the State and that was the effort to pay that back. In 2005 there was three percent. It was two percent in 2006. In 2007, it was two percent. In

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2008, it was 2.5%. Of the 2.5% across the board, Sworn Officers were separated out and Dispatchers received 15%. In 2009, it was three percent. Since then, it has been zero.

**Paul Moss:** Keep in mind that a bonus does nothing in terms of keeping us at a competitive market rate.

**Roy Buskirk:** That was the reason that in 2008 that the Sworn Officers received 9.5% and the Dispatchers received 15%. If we don't watch it, we may have to do it again.

**Paul Moss:** Absolutely and there are still significant disparities out there. It can be argued pretty easily. I just hate to see that gap continue to grow.

**Larry Brown:** Tom.

**Tom Harris:** I would hold out hope on that and it is happening in lots of forms of government including the schools that merit and performance based pay is being looked at. I would be very much in favor of looking to County government moving to a merit based program. My feeling is that we have been on a bit of a rollercoaster with the cap through the State and we have possibly come to a certain end to that. The volatility is starting to slow down in terms of what we are receiving has eased to where we may feel that we are getting to the end of that. Another piece that we talked about is that there are a number of ways that the Sheriff, Darren to your point, none of these are a given. I think we need to be assertive and aggressive in some of these. The Sheriff has a number of ways that they can increase revenues including the aspect of savings of the papers served. Do you recall what that number was? It was a significant number if we increased the fee. There are avenues that we are looking at down the road to curb some of these. Judge Gull made the choice to move those jobs onto the PAT grid and saving the County approximately \$100,000 annually. There are a number of examples like that. The truck loan and I am saying it wrong, for the Highway Department, they are paying money back into the Rainy Day Fund. How much, per year, is being paid back and what is the balance on that?

**Tera Klutz:** The total loan was \$1.6 million and I believe that they made double payments this year. I can tell you what that balance is.

**Roy Buskirk:** That really is an additional to the approximate \$12 million that is the balance of the Rainy Day, correct?

**Tera Klutz:** Correct. The balance is like \$400,000.

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**Tom Harris:** So that is almost paid off.

**Tera Klutz:** Yes, it is almost paid off.

**Tom Harris:** The merit proposal, I mentioned that. A question that I have is can we put a caveat in there that we are looking for a \$1 million rollover in order to make this move forward or are we not in a position to do that?

**Tera Klutz:** I know that we are probably going to have \$1 million of rollover but I want to bring up some information. Because we are capped, you are only going to collect a certain amount from taxpayers. If the City does not increase its levy, by virtue of the tax calculation the County will get more tax revenue as a proportionate share of those property owners that are at the cap than this year. As a result of that, Councilman Jehl emailed me yesterday because he wants to know approximately how much. I said I don't know how much it is. Let me look at some numbers. I can't tell you what it will be next year but I can tell you that because they forewent their 2.9% increase from 2011 to 2012, the County's share or increase in property tax revenue is approximately \$500,000. If they forego again, I can probably increase my property tax estimate. To Darren's point, everything is a revenue estimate. I do feel pretty comfortable doing that.

**Darren Vogt:** Councilman Moss, you said something and I am really torn. I can see going both ways on this, I really can. You said that we may not be able to do this later. That is the part that has me a little nervous. We may not be able to afford the rest of the stuff later but to your point of attacking the budget in a little different manner instead of attacking it across the board increases, I think we need to focus on certain areas of service that may or may not be statutorily required. We look at cutting some of those services and cutting them in big chunks. Maybe that is the approach that we need to make next year. That said, I want our employees to know that we value them. I think of an increase of two percent, I could go that way but I would take off the table anything in rollover for 2013 going to the employees. That is money that is going to have to be set aside for anything else that we may have come forward.

**Bob Armstrong:** So that I understand this, you are saying two percent PERF and a two percent increase with no rollover and you are going to take the rollover and put it back into County General.

**Darren Vogt:** Do whatever we have to do. Maybe that is the funds that we use to buy down the steps and move to merit pay.

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**Roy Buskirk:** There could possibly be in some of these departments that are working 37½ hours, retirements or openings that occur that they work 40 hours and that position not be filled. You have a savings because of the health insurance issue and other expenses. Forty hours is considered to be the standard time for a week. This isn't going to stop this year. We are constantly going to have to look for ways to stretch the dollar.

**Larry Brown:** A specific question to you. Where are you on Darren and Paul's ideas? I am trying to get a consensus here.

**Roy Buskirk:** I can support the two percent. There are some people, if it is their step year, will be getting seven percent plus the two percent bonus which would be nine percent. I took a lot of heat last night on the phone because the Council was being accused of being King Solomon picking and choosing who got raises. I tried to explain that it is the HR Department that makes the recommendations.

**Larry Brown:** I am going to call it the two and two. Two percent PERF adjustment and the two percent across the board increase.

**Roy Buskirk:** We haven't heard from you yet.

**Larry Brown:** I am getting there. I think I am hearing you say that you are okay with the two and two.

**Roy Buskirk:** I can support that, yes.

**Paul Moss:** Can we make it even easier and I will make a motion? You can have more discussion then.

**Larry Brown:** I want to make sure all of the discussion has had the opportunity to get out there.

**Paul Moss:** I will still make the motion though. I am not talking about the two percent that is already built into the budget. I make a motion for two percent across the board raises excluding Elected Officials.

**Darren Vogt:** I am going to let that die for more discussion on that one. I want to have the discussion on why you think Elected Officials should be excluded. I am not saying that you can't make the motion again and I might second it. We didn't discuss that.

**Paul Moss:** Yes, we did. We discussed it earlier.

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**Darren Vogt:** Elected Officials?

**Paul Moss:** We talked about it a little bit.

**Darren Vogt:** I am okay with us excluded but I look at some of our full-time Elected Officials and they do yeoman's work. One that is sitting next to you on the right hasn't seen a pay increase. I am okay if you want to exclude us but I see some of the Elected Officials that are doing outstanding jobs. I struggle with that a little bit.

**Paul Moss:** Didn't we make an adjustment?

**Tera Klutz:** It will be the fourth year without any increase. I want to say, for the record, to be clear on the PERF. I fully support the employees contributing to the PERF but it is a three percent reduction to the employees' benefit and payment package. Before, the County paid us that three percent but they paid it to us in the form of a PERF annuity. It is a three percent reduction that the employees have taken. I am not here to argue whether that was wrong or right. I am here to say that it was a true three percent reduction. Yeah, we are taking home three percent less but before we were taking home three percent more and getting three percent contribution from the County that we can always take with us.

**Larry Brown:** You are a numbers person and remember that this is not a pre-tax.

**Roy Buskirk:** That saves about \$80,000 or something.

**Tera Klutz:** Yes.

**Darren Vogt:** Let's focus on the Elected Official piece.

**Paul Moss:** I am going to revise my motion to just excluding Council.

**Tera Klutz:** Here is the ordinance.

**Paul Moss:** Are you going to second my motion?

**Darren Vogt:** I didn't realize that you had made a new motion. What was it?

**Paul Moss:** To two percent except for County Council.

**Darren Vogt:** Second.

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**Larry Brown:** That was a second? Now, I want to have the discussion about why you are exempting Council.

**Darren Vogt:** I am okay with the amount of money that I am making. I work my tail off for it but I am okay with it.

**Paul Moss:** I can tell you why. I am not going to be here next year.

**Darren Vogt:** Personally I would do the job for no pay. I don't do this for the money.

**Larry Brown:** I just wanted to have the discussion. We have a motion and a second. Is there any further discussion?

**Tera Klutz:** I have some further discussion. When we do our salary ordinances, anytime there is an across the board increase we exclude the people whose salary is mandated by the State and red-circled employees. Historically we have excluded Probation Officers because they have a State mandate grid however if you were to approve this two percent across the board, I would add that I be allowed to include them in the two percent bonus because they also pay PERF. Does that make sense? They pay PERF.

**Darren Vogt:** We don't want to take that away from them.

**Tera Klutz:** Right. Those are my only add-ons. We have a sheet of paper and you can just write down County Council or whatever you want to exclude before you vote.

**Larry Brown:** Good observation. Do you want to withdraw your second?

**Darren Vogt:** Sure.

**Larry Brown:** Do you want to withdraw your motion, Paul?

**Paul Moss:** I guess I can. I can revise it. That was kind of a given that all of the other salaries that are mandated.

**Roy Buskirk:** This is an exception in the fact that they are mandated by the State however by paying into PERF we would want to include them in the bonus.

**Paul Moss:** All Elected Officials and full-time employees of Allen County shall receive a two percent cost-of-living adjustment to their annual salary

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excluding the positions on the attached listing which are the ones that she just referred to and I am going to put County Council on this sheet.

**Darren Vogt:** Second.

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

**Bob Armstrong:** He could just take and put on it six County Council because he won't be back. I am just throwing that out there.

**Larry Brown:** Bob, that is discussion, yes. Having adequate discussion, all in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Moving forward, Tera with the documents that you have prepared, do we need to make any adjustments on them?

**Tera Klutz:** The adjustments that we would want to make will be that I reduce the insurance expense line to fund the two percent raise. I will do that right now and that is all we need to do.

**Paul Moss:** That amount is roughly what?

**Roy Buskirk:** It is dropping a million and adding a million.

**Tera Klutz:** Yes.

**Larry Brown:** So it could be a contingent of those figures? Is that what I am hearing?

**Darren Vogt:** You are just dropping what we had put in the healthcare line to spread out across for the two percent.

**Larry Brown:** Okay.

**Darren Vogt:** The salary ordinances that we are reading aren't changing.

**Tera Klutz:** Yes but I have the major one that is changing.

**Darren Vogt:** You are going to hand that to Paul to read anyway. Do we want to start with the Non-Classified employees?

**Tera Klutz:** Yes. No, he has the Classified.

**Darren Vogt:** Okay.

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**Paul Moss:** Be it ordained by the Allen County Council of Allen County, Fort Wayne, Indiana that this salary ordinance includes wages and other compensation received by the employees under the auspices of the Allen County Council for work performed by the employees. Other compensation includes holidays, established by the Board of Commissioners of the County of Allen, plus vacation, sick days and sick day reimbursement allowed as set forth in the Allen County Personnel Manual. Full time employees are employees who are paid from the individual annual salary appropriation lines found within their respective office or department budget; provided that any sworn officer of the Allen County Police Department who completes any portion of his first twelve months of County employment during calendar year 2013 shall, for such period in 2013 which comprises any portion of such initial twelve months of employment, be paid at a rate equal to ninety-seven and one-half percent of his salary as approved herein. Except as specifically excluded full-time employees shall be regularly scheduled to work not less than seven and one-half hours per day on a five day a week schedule. The Auditor shall establish an hourly rate for each full time employee. This hourly rate shall be determined initially by dividing the employee's annual salary by fifty-two, then dividing that number by the regular number of hours the employee is scheduled to work (i.e. 40 hours or 37½ hours per week). Once determined, hourly rates shall only be modified with the approval of the County Council. Departments who are required to operate on a twenty-four hour day may establish a four day on and two day off work schedule. Overtime payments, as required by the Fair Labor Standards Act, are hereby specifically approved. Employees who are on a 37½ hour workweek shall receive straight time for hours worked between 37½ and 40 and time and one-half thereafter. Employees, who are entitled to overtime payment in accordance with the Fair Labor Standards Act and are not otherwise compensated, shall be paid an hourly rate as determined above. Classified employees shall have their step increase effective on the first day of the pay period beginning after their anniversary date. All employees, who are full-time as of December 15, 2012, shall receive a one-time bonus of 2% of their annual salary. Employees classified on the Sworn Officer Grid shall be excluded from this bonus. Departments may elect varying work weeks and hours and shall notify the Auditor of such election. Except, as set forth above or otherwise specifically allowed by ordinance, no other payment shall be made to employees for compensation for work performed. A salary grid is hereby established for all classified positions as presented and approved by the Allen County Council for 2013. Said grid shall be modified in accordance with the preceding paragraphs as required. This ordinance read, consider and adopted by the members of the Allen County Council on this 18<sup>th</sup> day of October, 2012.

**Bob Armstrong:** Second.

**Larry Brown: Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.**

**Darren Vogt:** Salary Ordinance, 2013. Now therefore, be it ordained by the Allen County Council that the attached shall be the salaries of the Non-Classified employees employed by Allen County, Indiana. They shall be paid their annual salary in twenty-six equal payments and shall receive no overtime. Non-Classified employees, employed as of December 15, 2012 and members of the Indiana Public Retirement System shall receive a one-time bonus of two percent of their annual salary. This ordinance read, considered and adopted by the members of the Allen County Council on this 18<sup>th</sup> day of October, 2012.

**Tom Harris:** Second.

**Larry Brown: Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.**

**Darren Vogt:** Now therefore, be it ordained by the Allen County Council that the attached shall be the hourly salaries for part-time employees employed by Allen County Departments that utilize part-time hire. The salary ordinance indicates the range of pay received by part-time County employees for work performed during the year 2013. Part-time employees shall receive no more than the hourly rate established by County Council for hours worked and will not otherwise be entitled to fringe benefits. Those who are scheduled to work a minimum of thirty hours per week in a position that extends for twelve months or more are eligible for Group Health and Group Life Insurance. Unless otherwise specifically allowed by ordinance, no other payment shall be made to part-time employees for compensation for work performed. This ordinance read, considered and adopted by the members of the Allen County Council on this 18<sup>th</sup> day of October, 2012.

**Paul Moss:** Second.

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

**Paul Moss:** Now therefore, be it ordained by the Allen County Council that the attached shall be the salaries of the Elected Officials employed by Allen County, Indiana. They shall be paid their annual salary in twenty-four equal payments and shall receive no overtime. They shall receive a one-time bonus of two percent of their annual salary, subject to statutory compensation limits. Pursuant to IC 36-2-12-15, the compensation of the Allen County

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Surveyor will be reduced to \$42,571 if he is not a registered Surveyor, under IC 25-21.5 or IC 25-31. Pursuant to IC 36-2-14-15, the compensation of the Allen County Coroner will be reduced to \$30,548 if he is not licensed to practice as a physician in Indiana as determined by County Council. This ordinance read, considered and adopted by the members of the Allen County Council on this 18<sup>th</sup> day of October, 2012.

**Darren Vogt:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Tera Klutz:** We have the big ordinance and the resolution yet.

**Darren Vogt:** Resolution 2012-10-18-02 approving transfer between Allen County Economic Development Income Tax (CEDIT) Fund and the Allen County General Fund. Now therefore, the Allen County Council approves \$238,000 to be transferred from the CEDIT Fund to the General Fund during the 2013 calendar year to fund the 2013 General Fund budget. Adopted this 18<sup>th</sup> of October, 2012.

**Paul Moss:** Second.

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

**Paul Moss:** Be it ordained and resolved by the Allen County Council that for the expenses of Allen County, Indiana for the year ending December 31, 2013 the sum of \$157,274,528 as shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition, for the purposes of raising revenue to meet the necessary expenses of the Allen County, a total property tax levy of \$70,296,699 and a total tax rate of 0.6138, are adopted as shown on Budget Form 4-B and included herein. Budget Form 4-A and 4-B for all funds and departments are incorporated by the signing of this form and must be completed and submitted in the manner prescribed by the Department of Local Government Finance. This ordinance and resolution shall be in full force and effect from and after its passage and approval by the taxing Allen County Council.

**Darren Vogt:** Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

**Larry Brown:** Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Are there any recent or upcoming meetings that we need to be aware of?

**Darren Vogt:** There is a Northwest Area Partnership meeting tonight if anyone is interested in attending. It is at 6:30 at the church on Cook Road but I can't remember the name.

**Larry Brown:** Kevin.

**Kevin Howell:** The Maplecrest opening, what time is it?

**Larry Brown:** It is at 11:00 on Tuesday the 30<sup>th</sup>. Are there any liaison reports or updates on committee meetings?

**Roy Buskirk:** "Inaudible"... for getting the City and County ordinances in parallel so there isn't as drastic a change between the County and the City. We are on schedule for having that done around the middle of June and then it will have to go before City Council and the Commissioners for adoption. It should be in place for January 1, 2014.

**Larry Brown:** Are there any comments from the public?

**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 October 18, 2012.

**Paul Moss:** Second.

**Larry Brown:** All in favor please signify by saying aye. The motion passes 7-0.

**Darren Vogt:** Move to adjourn.

**Bob Armstrong:** Second.

**Larry Brown:** All in favor please signify by saying aye. Opposed like sign. The motion carries 7-0. There being no further business the meeting was adjourned at 12:05.