

ALLEN COUNTY COUNCIL MEETING MINUTES
APRIL 17, 2014
8:30 AM

The Allen County Council met on Thursday, April 17, 2014 at 8:30 am in the Discussion Room at Citizens Square. The purpose of the meeting was for additional appropriations, transfer of funds in excess of the current budget, grants and any other business to come before Council.

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

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

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

Darren Vogt: Good morning everyone. First on the agenda is the approval of the March 13th meeting minutes. Are there any additions or corrections?

Kevin Howell: Move to approve the minutes from March 13, 2014.

Roy Buskirk: Second.

Darren Vogt: All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next we have the financial report from the Auditor.

Tera Klutz: Good morning, Council. We have the financial statements before you and have had a chance to look at the property tax bills for 2014 and the amount of Circuit Breaker that was applied. It was a little less than what our estimates were and that is good. We left our estimates the same in the financial statements because the true Circuit Breaker won't be known until December after final calculations and collections. I will say that I feel confident that we will be able to collect what our revenue says at this point. The number that is available...

Darren Vogt: Is a pretty good number.

Tera Klutz: The property tax replacement credit that was applied to everybody's property tax bill was funded from that additional income tax. That represented about five percent credit on everybody's tax bill.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Okay, any questions on any parts of the revenue or financial report?

Tom Harris: I will make a motion to approve the financial report.

Larry Brown: Second.

Darren Vogt: We have a motion and a second. Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Nick, can you give the unemployment figures, please?

Nick Jordan: As you can see, the numbers are from January and February, non-seasonally adjusted unemployment rates. March will be out tomorrow. Allen County went from 6.0% to 6.3%. Indiana went from 6.5% to 6.9% and National stayed flat at 7.0%.

Darren Vogt: Great. We are still in the six percent region and that is a good thing.

Tom Harris: We are beating everyone around us, Illinois, Michigan and Ohio and even the National. We are heading in the right direction.

Darren Vogt: We just have to make sure that the incomes are going up as well. That is the key thing. Today we have total appropriations in the General Fund of \$307,643. In other funds, it is \$2,017,772. With that, the first on the agenda is the Sheriff's Department.

David Gladieux: Good morning, Council. I am Chief Deputy Dave Gladieux with the Sheriff's Department. You should have some information in front of you about these two grants that we come in front of you for every year. They are the SCAAP grant and the DAC grant. With the DAC grant, we typically buy the in-car cameras. The SCAAP grant is used for general operations as the Jail. It is for overtime or vehicles to transport prisoners in or technology. We have not earmarked that money yet.

Darren Vogt: Chief Gladieux, can you tell us where the SCAAP funds come from?

David Gladieux: It is the State Criminal Assistance Misdemeanant Fund or something like that. It is the funds that the State collects on crimes, fines and things like that.

Darren Vogt: A portion of that comes back to the County.

ALLEN COUNTY COUNCIL MEETING MINUTES

David Gladieux: A portion of that comes back and it has been going down every year.

Tom Harris: A comment on that, it would be interesting to find out if they are giving less because there is less or are there more people applying for them.

David Gladieux: I don't think there are any more people applying for them but I don't know the answer to that. We were in the low \$30,000 or high \$20,000 range last year.

Tom Harris: The only reason I ask is that we are continuing to watch changes with the DOC in terms of finance and money and funds coming to the local community. One of the ways we can get some of those is through these grants and if they start pulling the grants back, now they are pulling other funds and expecting us to take care of more expenses locally, those are all three wrong directions.

David Gladieux: I never thought of that. As far as the number of inmates that we are going to send to the DOC next year, actually starting in July, if that number changes and that is how they base it, we could be seeing a little bit of a difference there as well.

Darren Vogt: Councilman Buskirk.

Roy Buskirk: On some of these grants, I think we need to start watching to see what other kinds of tie-ins that have requirements that must be done. I mean such as the number of requirements on the number of jailers or...

Dave Gladieux: I see where you are going. These have no stipulations. They are not matching and they are very low maintenance with regards to the stipulations that they want in return.

Roy Buskirk: Even on some of the other grants, we need to be a little more...

David Gladieux: Most of the Federal grants, I know what you are saying.

Roy Buskirk: They say what requirements come along with it. Sometimes it can be greater than what the fund is worth.

David Gladieux: We tend to stay away from those. There are too many strings attached. It is just not worth it a lot of times. These are no-brainers and are just free money, plain and simple.

Roy Buskirk: I appreciate the no-brainers.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Are there any further questions?

Tom Harris: With that, I will make a motion to accept the request for permission to apply for the State Criminal Allen Assistance Program grant as well as the permission to apply for the Drug and Alcohol Consortium grant for in-car video cameras.

Darren Vogt: That was Alien Assistance Program not Allen. I just wanted the record to be correct.

Tom Harris: Oh, I am sorry.

Larry Brown: I will second whatever he said.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. It was just a technical correction on the reading of that. Next up is the Coroner.

Mike Burris: Good morning, Mike Burris with the Allen County Coroner's Office, Chief Investigator. Back in 2010, Council was approached about replacement of two vehicles for the Coroner's Office. One of those was replaced and I am here today to talk about purchasing a new vehicle to replace a 2001 Jeep Cherokee that we currently have. It is a daily use vehicle for one of our Investigators. The vehicle has about 129,000 miles and is thirteen years old and is above the recommended life cycle of vehicles for the County. You should have the repairs that have been done over the years at the Service Center. In speaking with Ron McCoy at the Service Center, he anticipates this vehicle not being sold but being placed back into service in another department. With the repairs that you have, there are also some that have been done since that report was printed. We replaced the throttle body on the engine to take out a whistle or whine that the Service Center repaired. We have also replaced four tires on the vehicle.

Tom Harris: With a quick question, according to this there is a high risk of spiraling and repair costs but he is going to use it in another department.

Mike Burris: One of the things with the Coroner's Office, the vehicles are used and equipped with emergency lights and sirens to get us to scenes quicker, if necessary. The safety factor of the vehicle, the spiraling or rising repair cost, if the vehicle is not used as often as it is in our office it shouldn't be a problem. It would have a much longer life cycle with fewer repairs.

Darren Vogt: Councilman Howell.

ALLEN COUNTY COUNCIL MEETING MINUTES

Kevin Howell: The Coroner got in touch with me about this and I don't have any problems with it.

Mike Burris: The normal services are listed on there but in 2011, there was one repair and three repairs in 2012. There were three in 2013 and we have had it in for repairs in 2014. The repairs so far this year are \$842.

Roy Buskirk: And that includes a set of tires.

Mike Burris: Correct.

Darren Vogt: A lot of maintenance and a couple of minor issues.

Tom Harris: Is this the only vehicle or do you have several vehicles?

Mike Burris: The Coroner's Office has three vehicles on a daily basis and we have the Command Center.

Roy Buskirk: But since November of 2010, there was 103,000 miles and now in December of 2013 it is 128,000. You put 25,000 on it in three-and-a-half years? That is not much mileage.

Mike Burris: That is correct.

Darren Vogt: What is your situation on cars? Are they all take-home cars or are they all pool cars?

Mike Burris: They are take-home cars for the three full-time Investigators.

Darren Vogt: Have you looked at the necessity for three take-home cars for your department?

Mike Burris: Yes. For the full-time Investigators, the vehicles are used at the beginning of the shift on their way in. We have Patty Kite who lives at the north end and if there are items that need picked up at Parkview Regional, she picks those up on her way into work. Becky Stuttle lives southwest and she picks up things from Lutheran. They are used during the day for investigations and during the on-call off-duty hours.

Darren Vogt: I am struggling with trying to figure that out from a take-home car standpoint. I don't have the policy in front of me for meeting the guidelines for mileage but when you are on-call, how many people are on-call at any given time?

ALLEN COUNTY COUNCIL MEETING MINUTES

Mike Burris: One person is on-call from 4:30 in the afternoon until 8:00 the next morning and then 24 hours for Saturday and Sunday.

Darren Vogt: And that is one person weekly or however you do it.

Mike Burris: We rotate it. For the on-call status, there is one person on-call every evening and for the way that the office is set up, there are seven people on-call and everyone takes one day a week and then Monday and Tuesday are double days. You are on call both Monday and Tuesday.

Darren Vogt: Are all of your vehicles driven about the same amount of miles?

Mike Burris: Pretty close.

Darren Vogt: I may not vote against this request but I am looking at that mileage and there has got to be a better way to do that than the take-home vehicle situation that you have. If you really only have on-call during the evening and everything else is during business hours, pool cars sounds like a much, much better way to go. I think you really need to consider that.

Mike Burris: I can take a look at the mileages.

Darren Vogt: I would assume that if you look at where most of those folks live and probably 90% of that is commute miles. That is not what a take-home car should be. I get that your cars have specific equipment and all of that. I understand that part. If they are really commuting to and from work, let them commute to and from work and then use the Coroner vehicle that has the Coroner equipment. I think that is important for efficient use. When there is an on-call situation, they go and use the car then, for sure.

Roy Buskirk: This vehicle used a little over 7,000 miles a year.

Mike Burris: That is correct.

Tom Harris: The expenses since 2010 were just about \$1,000.

Roy Buskirk: In three-and-a-half years.

Tom Harris: \$1,000 and 7,000 miles a year.

Darren Vogt: Let me ask some more questions? What is the age of the rest of the fleet?

ALLEN COUNTY COUNCIL MEETING MINUTES

Mike Burris: One vehicle is a 2005 Trail Blazer and the other is a 2010 Equinox.

Darren Vogt: I may just change my mind on the support of this motion. I would really rather see us look through that process and meet with you before we go and buy another car. Does the \$23,000 include equipping it with the emergency stuff or not?

Mike Burris: That would be the vehicle itself. We would take the emergency equipment from one vehicle to the new one.

Tom Harris: The fact that this car is going to be used in another department plays into it, from my standpoint.

Darren Vogt: Council, are there any further questions?

Bill Brown: I am curious, what is the other department that you mentioned earlier?

Mike Burris: I don't know where Ron was going to assign it.

Roy Buskirk: But the usage in that other department surely is not much less than what it is in this department.

Bill Brown: I was just curious if it was going to be a pool car.

Larry Brown: So, we are going to put this on hold?

Darren Vogt: If there is a motion to table it or we could leave it go or we can do whatever we want to do. Someone can make a motion to support it but it is up to Council.

Kevin Howell: I will make a motion to support this.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. The motion, just to clarify for the record, is to approve Other Capital reduction in the amount of \$23,134 and appropriate in the Coroner's Department for Vehicle, \$23,134. Is there any further discussion on this item? All in favor signify by saying aye, opposed, same sign. The motion fails 2 (Howell & B Brown) – 5 (Harris, Buskirk, Vogt, L Brown and Armstrong).

Mike Burris: I will get the mileage and we will re-address.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Okay, thank you. With that we will move to the Prosecutor's Department.

Mike McAlexander: Mike McAlexander, Chief Deputy Prosecutor. I am here to request two grants. One is the Domestic Violence Coordinator Grant through the Indiana Criminal Justice Institute and we have had this one for about nine or ten years. This person coordinates with victims to ensure that they receive the proper notifications about court dates, procedures and all of those kinds of things. She also assists us with preparing the victims as witnesses for future court dates. As you know, there is a bit of handholding involved with domestic violence victims and a reluctance to cooperate. This position has been invaluable for us in working toward the prosecutions on these types of cases. Most of the salary is covered by the grant but what isn't there is made up with Infraction Deferral funds. The second one is a request from the Drug and Alcohol Consortium. We have been back here before and just a little background on this one, the State of Indiana is in the process for rolling out new breath testing machines. They apparently have had these for three or four years but they haven't implemented and brought them out into the Counties. They have a schedule posted to do that yet this year. Allen County has three breath testing sites. One is at the State Police Post, one at Lockup and one in New Haven. What we find is everybody eventually has to come to the Lockup if they are arrested regardless of where they were originally tested. Sometimes that creates a backlog at busy times and we have more than one person that needs to be tested. To go through the testing process is usually a minimum of twenty minutes to a half-hour for each criminal defendant. We are also under a three-hour time limit from the time that they are initially stopped to when we have the test performed. That is for an easy admissibility and easier for the jury to understand what the test was. We have responded that we felt another location at the Jail would be beneficial to cut down on the waiting times. The other factor that has gone into this is that about a year-and-a-half ago our office instituted a protocol that when individuals refused to take the breath test, the Officers will page a Deputy Prosecutor so that we can come down to Lockup, review the paperwork and get a search warrant. We then fax these to the Judges and if everything works right we get a search warrant and we have the Jail Nurses draw blood. I can tell you that the system is working because I was down there at 3:30 this morning getting a search warrant done. What we find is that we can use the extra room. We have worked with the Jail to locate a position. One of the things that comes in when you do this is we need the new machine from the State and we also need recording equipment. What we do on all of these is video record so we can use this information later in court. It really is invaluable for a jury to understand. Frequently what somebody looks like and acts like when they are under the influence at three or four o'clock in

ALLEN COUNTY COUNCIL MEETING MINUTES

the morning and what they look like at 10:00 in the morning in court is a little bit different. What they have to say can sometimes be very intriguing and pretty determinative of the case. We have applied, through DAC, to get that additional funding to have the room fitted with recording equipment so that we will be able to use it for future proceedings. I think this is something that will serve all of law enforcement and obviously the safety of the citizens from drunk drivers.

Darren Vogt: Great. Council, are there any questions on this? Councilman Harris.

Tom Harris: I have a question on the first grant for the Domestic Violence Coordinator. We requested \$45,000. Do we generally get that amount?

Mike McAlexander: Yes.

Tom Harris: Do we get it all?

Mike McAlexander: The cost, once you get into the benefits, is a little bit more than this but they fund the salary.

Tom Harris: And then it is \$7,800 for the other grant.

Mike McAlexander: Yes, for the recording equipment.

Tom Harris: And that is the total amount of the cost?

Mike McAlexander: Yes.

Darren Vogt: Councilman Buskirk.

Roy Buskirk: I have a question, Mike, when you were talking there about taking the blood test or Breathalyzer within three hours. Isn't it usually the longer you wait the lower the results will be?

Mike McAlexander: That could happen, yes. That is why we get in there to get it done as quickly as possible.

Roy Buskirk: I thought it would be kind of unusual...

Mike McAlexander: The normal OWI case, we usually are in there within a pretty reasonable time and hopefully within an hour or so. Frequently what happens is the Officer makes the stop, they bring them down here and the litany that they go through is that they have to observe them for 20 minutes

ALLEN COUNTY COUNCIL MEETING MINUTES

before they are able to administer the test. You have basically a half-hour to 45 minutes built in if everything goes as smoothly as possible. If the person refuses, they need to notify us so that we can come down. That obviously is a certain bit of delay. Then you have to go through the litany again to make sure the search warrant is signed and we fax it to the Judges. When we are waking everyone up at 3:00 in the morning, it is not the epitome of efficiency. We get that back from the Judges, and they are very cooperative on this, then we administer the test. We use the Jail Nurses for that and frequently they have other things going on too. They were hired to do other things and not just draw blood on OWI defendants. The whole process can take a bit of time. If somebody, while you are waiting to get the search warrant, goes in to use the room on another arrest then you are waiting. You want all of this on tape. We had an incident a while ago where we were waiting on a Nurse and it was going to be ten or fifteen minutes before she was available and the more he read the search warrant, the madder he got. He jumped up and tried to grab the chair to throw at me. The Court of Appeals upheld that. If they refuse to submit or resist, we will file contempt charges against them and ask the Court later to incarcerate them for the contempt of hindering the administration of the search warrant.

Darren Vogt: Councilman Harris.

Tom Harris: I would like to applaud the Prosecutor and yourself for pursuing this. We have seen, recently, some tragic deaths in this area based on drunk driving. I would like to make a motion for both of these grant requests. First is the grant request for the Domestic Violence Coordinator Grant and also to apply for the Drug and Alcohol Consortium Grant for equipment purchases.

Roy Buskirk: Second.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Before you leave, we are going to talk a little bit about HEA1006.

Mike McAlexander: I can stick around, if you'd like.

Darren Vogt: If you've got things to do, no. I just wanted to make sure that you are aware that there is a lot of discussion about that.

Mike McAlexander: I should probably stick around. We are dealing with a lot of issues there.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: If you want to join in on the conversation, feel free. With that, we will move to the Department of Homeland Security, Local Emergency Plan Commission for \$1,753.

Bernie Beier: Bernie Beier, Office of Homeland Security. This request is out of a special fund and is not the General Fund. The Local Emergency Plan fund currently has a balance around \$237,000. There is more than enough to cover the request that we are asking for this.

Darren Vogt: And what is the request for?

Bernie Beier: It is to replace one bigger computer for two smaller ones. The current computer that we have needs to be replaced. It was bought several years ago and does some GIS functions and some database functions. Before, we needed a higher power computer but with the new license agreement that County GIS has a lot of it is web-based now and we don't need the computing power. We just need two systems, one for the database and one for the GIS to replace it. We are just going to buy standard computers like we have all through the County.

Darren Vogt: Councilman Brown.

Larry Brown: Bernie, are these on the refresh program?

Bernie Beier: No, because this is a special fund and not a part of the General Fund. All of the equipment belonging to the Local Emergency Plan Commission is considered more State equipment as opposed to County equipment. We don't put it on the cycle to be refreshed. When it needs to be replaced, we use this dedicated fund for any of those equipment needs.

Larry Brown: Okay.

Darren Vogt: Are there any further questions on that?

Tera Klutz: I have a small question. I just noticed that you were actually leading up to your next transfer for when you get this computer and printing a bunch of reports. Do you find that you are still printing a lot of reports versus emailing or scanning?

Bernie Beier: Not from this system. This system is more making maps and using the database. This is about hazardous materials reporting and on the scene knowing what is on that site that could be a danger to first responders. Most of the use is electronic and printing a three or four page document. The materials data sheet that tells a firefighter how to treat that chemical and

ALLEN COUNTY COUNCIL MEETING MINUTES

what personal protective gear to use but most of the time it is electronic information that we need quickly. We may be doing an exercise plan for it.

Darren Vogt: Council, any other questions?

Bob Armstrong: I will make a motion that we make the appropriation for the Local Emergency Planning Commission for \$1,753 for Office/Computer Equipment.

Kevin Howell: Second.

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

Bernie Beier: That is for the software for these two computers. We had the 300 series money appropriated and we can simply move that between lines. We never appropriate 400 series so that it makes us really think before we come to you to buy equipment.

Darren Vogt: Does everybody understand that?

Bob Armstrong: I will make a motion to approve the transfer in the Local Emergency Plan Commission from Schools and Seminars for \$583 to Supplies and Computer Software for \$583.

Kevin Howell: Second.

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

Jamie Mann: Jamie Mann, Allen County Juvenile Center.

Chandra Reichert: Chandra Reichert, Allen County Juvenile Center.

Jamie Mann: We are here this morning for two requests. The first one is an appropriation in the User Fee account 222 for \$33,873. This appropriation will fund four part-time individuals to work in the truancy intervention program called Check and Connect. Judge Heath was here December 19, 2013 and he gave a very thorough review of the Check and Connect Program. At the time, we were pursuing grant funding to implement the program County-wide. We applied for the 2014 Burn Memorial Justice Assistance Grant with the help of East Allen County. Unfortunately we did not receive the grant and that forced us to go back to the drawing board to figure out our next steps. We were able to do that and we decided to implement a smaller

ALLEN COUNTY COUNCIL MEETING MINUTES

pilot program with just East Allen County and Fort Wayne Community. We are asking for the four part-time employees, one is a coordinator who would have some administrative duties but would also be a paid mentor. There would also be three part-time mentors. One would be going to East Allen County and three would go to Fort Wayne Community. This would be rolled out for the 2014 to 2015 school year. We have signed MOU's with both school systems. There will be a joint panel of seven individuals that will oversee the program, hiring and coordination of all of the services. Our Director of Education will supervise the employees and we are currently screening applications. There is a sense of urgency because the University of Minnesota developed this program years ago and they are coming at the end of May, the 27th and 28th, to do two-day training for the four part-time employees as a variety of individuals that the school systems are going to be sending to the training. We will have the two-day training and then the program will really get rolling when school starts in August. We have told the school Administrators that we are doing this and it is a one-time shot. We will all have our eyes open and looking for additional funding streams for the following school year.

Darren Vogt: Great. One question that I had, I will ask at the end because it is not related to this. Councilman Harris.

Tom Harris: Do we know why we were turned down for the grant?

Darren Vogt: That was my question.

Jamie Mann: We don't. It was a national grant and was not necessarily aimed at truancy intervention. We are on this new trail of pursuing grants and I don't believe it was the right grant for what we wanted to do.

Tera Klutz: I have a question about, I think it is great that Minnesota is coming down to train for two days in May but I am wondering what the part-time people are going to be doing in the summer or are they just taking a big break.

Jamie Mann: They are taking a big break. That is a concern when you are looking for an employee. We want you to come and train in May and then we don't want you looking for a job in the summer. We are asking for a year commitment from these people. We have some applicants that I think that want to work part-time and have young children and would like to have a school year type job. It is going to be challenging but I do think that the person is out there and we will definitely pursue that during the interviews.

Darren Vogt: Councilman Brown.

ALLEN COUNTY COUNCIL MEETING MINUTES

Bill Brown: I know we had a thorough presentation by Judge Heath but briefly, what do you project the outcome will be? Do they look at a percentage of reduction in truancy?

Jamie Mann: It is to help improve school engagement. The Check and Connect Mentor will be in the schools and checking on the juvenile on maybe a daily basis. There will be communication with the family. It is all at improving attendance, improving grades and an overall buy-in to the education system. Ultimately there will be a reduction in crime because there is a link between truancy and crime. Can we show an improvement in recidivism in crime in a one-year period? Probably not but we could look at improving the truancy numbers and improving grades. That is what we are hoping to do so that we can take some small successes and be able to use those to obtain additional funding.

Roy Buskirk: If you are looking for a percentage, I think it is varied in different places where they have had this program. A lot of that is the information that is going to come with the University of Minnesota training.

Bill Brown: I was just looking for a general comment.

Darren Vogt: Councilman Howell.

Kevin Howell: What role will parents play in this program?

Jamie Mann: The mentors are truly going to try to connect and work with the juvenile but if there are issues that the child brings to the mentor's attention such as transportation problems or the parents are going to need assistance with paying bills or whatnot, the mentor could also act as a resource in helping them retain services.

Kevin Howell: So there is no direct connection between this program and getting parents involved in it?

Jamie Mann: The mentor will be based in the school but we want them to have communication with the parents. We want the parents to know what is going on and we want the parents to also buy-in to the education. There will be communication and phone calls or office visits. The mentors could potentially go into the home.

Kevin Howell: Will there be a meeting between the mentor and the parents before the school year?

ALLEN COUNTY COUNCIL MEETING MINUTES

Jamie Mann: Not necessarily before the school year but during the process. The child could be referred to the program at any point during the school year. We might start out in August with three or four participants and by December there could be 25 kids. We will have to determine eligibility criteria that someone from the school system will make the referral to the program and the mentor will gather data to figure out a plan of action for that particular child. Yes, there would be meetings with the parents. The parents have to know what is going on.

Roy Buskirk: Let me add onto that. They try to get the parents involved as much as possible but as you are aware, a lot of times the parents are not involved in the student's life and that is the reason that they are in trouble.

Kevin Howell: I agree with that.

Roy Buskirk: There is an outreach program as part of this for the parents if the parents are willing to participate.

Darren Vogt: Councilman Harris.

Tom Harris: I like this program and I liked it even more when a grant was paying for it. The challenge that we see, and Roy to your comment earlier, is there are a thousand different programs that we could initiate next month in Allen County. Those grants need to come and when they don't come, what do we do? In this case, I guess I would say that at \$33,000 I will support this but I will challenge the Judge to look internally and ask where he can watch costs and expenses to reduce \$33,000 to pay for this. That might be something that we look at during the budget season coming up. Then, if you get the grant, it allows you to move those funds. That's the challenge. We support these based on grants coming through and then when they don't do we stop in our tracks? Probably not and this is a good program and we will probably vote for it. I would challenge the Judge to look internally and I know he and you are doing it to see if you can pay for it that way.

Darren Vogt: Councilman Howell.

Kevin Howell: So you are going to have the program for a year. Have you talked to the various school systems that also support this?

Jamie Mann: Absolutely. We are implementing this with East Allen and Fort Wayne Community. They have been very involved and very committed to this program. They may also be looking at different funding streams. This is a cooperative venture.

ALLEN COUNTY COUNCIL MEETING MINUTES

Kevin Howell: Okay.

Darren Vogt: Are there any other questions, Council?

Roy Buskirk: In following up, Kevin, they met with all four school corporations in the County, with the Superintendents, and they have had to pull the program back to work with two of them because of the lack of getting the grant. They also, Tom in answering you, I worked with the Judge in applying for grants at other sources and it looks favorable that there may be some other grant funds that become available in the future. Most of them have their pledges for this year and that is the reason that they need this funding so they can get started now. When these other grants come onboard, I asked each of the Council members to listen for opportunities to be able to grant. I was sitting in a meeting a couple of months ago and the REMC's mentioned that they had grants available for working with youth. I know the Judge has applied at United REMC and the one on the edge of Ohio, Putnam. This is just the tip of the iceberg. There is a lot more going on with this program. They need this funding so that they can get started. Tera, what you asked was a very good question too. Part of it is the fact that the University of Minnesota is already scheduled and it is hard to change their schedule. It is like hiring the people and then telling them to wait two or three months and then they can start to work.

Tera Klutz: I would rather have that than trying to bankroll them.

Roy Buskirk: Right, exactly.

Darren Vogt: Did you make a motion in there?

Roy Buskirk: I did.

Darren Vogt: Can you make that an official motion somewhere along the line?

Roy Buskirk: I am excited about this program. I think it is really a good thing for the youth of our community.

Kevin Howell: I just don't want to see it start and stop.

Roy Buskirk: This is personnel training. I will make a motion for the Juvenile Probation Service Fund 222 in the amount of \$33,873.

Bob Armstrong: Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

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

Bill Brown: Can I make one comment?

Darren Vogt: Sure.

Bill Brown: Innovation with this type of program is essential. We are living in an era of new normal where there are men fathering over twenty children. That's the numbers that are out there. We have to put it into context and we talk about appearance. You look at the fabric and what the social norms are in some areas of the community and this problem isn't going to go away anytime soon without a big community effort.

Darren Vogt: You have another request before us.

Chandra Reichert: Yes, the next item on your agenda is a request from the same fund, the Juvenile Probation User Fund 222. It is in the amount of \$19,920. We are starting to replace some of our aging vehicles. We have a letter from Ron McCoy of the Service Center with his recommendation to replace two vehicles. Currently we have vehicles in excess of 140,000 miles. These are vehicles that are used to transport juveniles and are used to transport families of those juveniles. Sometimes we make placement trips and we want to make sure that the family is engaged. We need to make sure that we have reliable vehicles throughout our fleet in addition to transporting juveniles that are in secured detention to and from necessary doctor appointments. The request today is for an Impala. It is not a special vehicle and doesn't have a special police package with it. The only thing that will be in addition to that vehicle is the purchase of a cage so that we can maintain the secure custody of that child. We have gone through the Purchasing Department. Bob Bolenbaugh is familiar with this process. We contacted him to find out if there were any bids available. We are piggybacking on a City bid. In addition, we have a letter from Ron McCoy with his recommendations if you want to see them. The vehicle that we are looking at replacing has had repairs in excess of \$4,000. In addition to that is a vehicle right behind it that is in excess of \$2,000 to \$3,000. If we can just start working to replace some of these vehicles and make them safer for our staff, the juveniles and the families that we serve, we would appreciate it.

Darren Vogt: Councilman Armstrong.

Bob Armstrong: I was at the Service Center last week and I talked to Ron briefly. Did you check with him, the City is in the process of swapping out

ALLEN COUNTY COUNCIL MEETING MINUTES

some squad cars with cages that could be adapted to that Impala? Have you had any discussion with him on that?

Chandra Reichert: At the time that we started researching and looking at the type of vehicle that we wanted to purchase, Ron only had a partial cage and not a full cage. We chose not to go with that option so that we could go with the flexibility of having more than one juvenile in the vehicle at a time. If he has a full one available, we would definitely consider that.

Bob Armstrong: I have heard that the City is getting ready and is in the process of swapping out some cars. If that is the case and we can interchange one of those cages like Ron says you usually can, I would like to go that route.

Chandra Reichert: And we often do. In the past, Ron and Larry have always been very good at providing us with some of the extras that come off Sheriff vehicles and City of Fort Wayne vehicles.

Bob Armstrong: This vehicle that we are replacing, is that the one that was involved in the traffic accident?

Chandra Reichert: It is not. It is one of the top four with the highest mileage.

Bob Armstrong: All right, thank you.

Darren Vogt: Are there any other questions? I am going to make a comment here. This is a transport type vehicle?

Chandra Reichert: Yes.

Darren Vogt: So it is used during office hours and that kind of thing?

Chandra Reichert: Yes.

Darren Vogt: The reason that I bring that up has nothing to do with you guys. This vehicle is a 1997 and it is a similar type scenario that we just talked about with the Coroner's Office. The age of the vehicle doesn't necessarily mean that it is a bad vehicle. You can get a lot of life out of them when they are used for minor things. You didn't put a lot of miles on this one, in reality, as it is used for transport. That is just some food for thought on that. Are there any other questions?

Roy Buskirk: Do you transport to other Counties? You don't have any transport to Court because it is all in the same building?

ALLEN COUNTY COUNCIL MEETING MINUTES

Chandra Reichert: The only time that we have transport to Court is in the event that we have a juvenile that is involved in a CHINS case or the case is being heard at the Courthouse.

Bob Armstrong: And this is not a take-home vehicle?

Chandra Reichert: None of our vehicles are take-home vehicles. It can be used off-hours but we have several programs that run 24/7.

Bill Brown: I will make a motion to appropriate in the Juvenile Probation Service Fund 222 for \$19,920.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second.

Larry Brown: Discussion. I am a little concerned about approving this motion and then we find out this week that there is a City car available to the point that you brought up, Bob.

Bob Armstrong: The point that I am bringing up is not the actual car but the swapping out of the cage.

Larry Brown: Oh, sorry, I misunderstood. Thanks for the clarification.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. With that, we are onto the next page, page three of the agenda. The department is Superior Court.

Jerry Noble: Good morning, I am Jerry Noble, Court Executive in the Allen Superior Court.

Wendy Davis: Judge Davis, Chief Judge Allen Superior Court. We are here this morning, as you see on the agenda with some help from our Auditor as well, our beloved Jerry Noble is finally calling it quits. I tried to tell him that I wasn't taking it personally since I was the new Chief Judge and he resigned. Candidly, just so Council really recognizes the importance of this position, we sat around at a Board of Judges meeting and our most senior Judge who is Judge Surbeck even says Jerry has been here longer than him. He is going to be missed and I think you all know the value he brings to the judicial branch of government. That being said, I have put together a search committee that is myself and the administrative judges. It is a pretty comprehensive search that we are going to do. We have a timeline in place. Besides Jerry leaving, we are losing half of our administrative staff as well. It

ALLEN COUNTY COUNCIL MEETING MINUTES

is just the timing of it all. As the search committee met and put together this timeline, we decided we are not sure how we can transition the position like Jerry's without having some overlap. We don't normally do that in the County and I understand that. As well as Glo and Rose, Glo is Jerry's Administrative Assistant and she is leaving. Here is what we are hoping to do and will propose it to Council. Pursuant to our timeline, Jerry is leaving August 22nd. We would like to hire a new Chief Executive for Superior Court and have about a two-week overlap and so therefore we are asking for consideration in the 2014 salary ordinance amending the pay, well first the temporary salary ordinance for the purposes of training the replacement. That will be effective August 11th through the 22nd. Just so Council knows, that equates to about \$3,420.15. That is our first request. Going back to the first agenda item is consideration of a 2014 salary ordinance amending the pay for the Court Executive to include "up to" on the salary range. That "up to" portion would be \$89,106. Hopefully Council doesn't find this unreasonable. Obviously the people that we are looking for will need a JD behind their name or a Master's Degree just like Jerry has. We want some discretion that if we don't want to start them at \$89,106 we won't, depending on who that individual is that we choose. That is the first one and then dropping down to the other salary ordinance that we are requesting is for Gloria Perez's position. The temporary 2014 salary ordinance for the purpose of training the replacement for the Administrative Assistant and that will be effective for August 11th through the 22nd. It will basically replicate the salary ordinance that already exists. That really would equate to, on the PAT 3 grid, \$1,778.12. As you see, Jerry and Gloria and Rose, half of our administrative office is exiting on the same date. What we would like to do is have overlap with the Court Executive and the Administrative Assistant.

Darren Vogt: Go ahead, Councilman Buskirk.

Roy Buskirk: How many years did you work to have your wages at \$89,000?

Jerry Noble: I have been with the Court for 43 years in June and in this position, 28 years.

Roy Buskirk: Have the Personnel Department come up with recommendations?

Wendy Davis: Do you want me to address this?

Jerry Noble: Yeah, go ahead.

Wendy Davis: Just so you know, Councilman Buskirk, we met with the Personnel Department under the advice of the Auditor and had a lengthy

ALLEN COUNTY COUNCIL MEETING MINUTES

meeting. That was their recommendation during their informal meeting but we won't be using them in the process.

Tera Klutz: And may I add that the salary that Jerry currently has was recommended by the Personnel Committee when it was rated and was probably done in the last five years. They are just going up to.

Roy Buskirk: The \$89,000 was with his years of experience.

Tera Klutz: No, they don't rate jobs on the number of years of service.

Tom Harris: I had a chance to talk with the Judge and Jerry and the concern is that anytime you try to fill a position, you don't want to necessarily say that you are going to pay that person exactly that amount. They want some flexibility that they could go below that if they so choose because of the experience and skills and credentials that the candidate may bring to the table.

Wendy Davis: I guess I should clarify, just so I don't misrepresent anything, but the informal meeting was with Councilman Harris after we met with the HR Department. He said he was on the Personnel Committee and we had a long discussion about whether it was appropriate to bring it formally to the entire Personnel Committee and I think Councilman Harris was willing to take it back.

Darren Vogt: When you think about overall comp and we are trying to allow the Department Heads to pay a range and they are asking to go the other way potentially down and not necessarily up. I don't necessarily see any issues with it whatsoever. I will add this though, do you think two weeks is enough? I have 43 years and I am not saying this flippantly. I am serious. You have a wealth of knowledge and I think your phone is going to ring. You may want to change your number.

Wendy Davis: No, no, no, no, no.

Darren Vogt: I am just thinking through this. Me personally, if I lost half of my staff, I would like a longer period of time. I would encourage that if you think it is needed, come before this Council and I know I would be willing to hear that if it was needed.

Wendy Davis: Candidly, and I appreciate you saying that because we had some lengthy discussions in that regard. What we tried to do, the Judicial Branch was stay within the confines of our current budget and not come to ask for extra dollars to make that happen. When looking at our budget and

ALLEN COUNTY COUNCIL MEETING MINUTES

the allocations that we have for this year, you are all very well aware of our restraints. We really tried to be as efficient as possible and I charged the Board of Judges or really encouraged them to take on additional roles with this transition. In that sense, President Vogt, I will tell you that the discussion was had and I think we all came to the conclusion that we are going to do our best not to take any more money away from the Court system in order to make this transition.

Darren Vogt: We appreciate that but if you find there is a need, feel free to come and let's talk.

Wendy Davis: Very good and I appreciate that.

Larry Brown: I agree with your thought on that. Just to make sure, in your consideration of dollars and staying within your budget, I would assume that the new candidate would be below and maybe considerably below the current salary range. That would free up some additional money in the overall year to be able to pay for the two additional weeks or whatever it happens to be.

Wendy Davis: Before Jerry talks, I just want to address that head-on. I appreciate what you are saying but we are not the easiest group to administer. As much as we rely and appreciate Jerry, we really feel that if we want to get the kind of qualified candidate, Jerry grew up in this position. If all of you would want to understand how this position works in the Judicial Branch of government, half the time when we don't know something and won't admit it very often, we say "Call Jerry". The new individual coming in, we may start him at this salary range because the person needs to have a JD, a law degree, behind their name or a Master's behind their name or an MBA of some sort. And that is just based on the substance that they have to deal with in what we do day-to-day. I hesitate to block us in and say that if we go extremely low, we are not going to get the qualified candidates that we feel are needed for this position. Jerry, you wanted to add something.

Jerry Noble: In terms of being able to finance those two weeks in these two positions especially, we find that we are in a position where we have a number of positions that are temporarily open or medical leave and that type of thing. There is more than enough to handle this particular need. Probably I or my replacement will come before you to say that we have these 100 Series funds available that we would like to transfer to the 300 Series for other expenses in the Court. The money is more than covered for what we are asking for right now.

Wendy Davis: Do you see why we don't want him to leave?

ALLEN COUNTY COUNCIL MEETING MINUTES

Larry Brown: I think you just scratched on a different problem in that the position needs to be re-evaluated, perhaps based on what you are saying about education and requirements so that your salary range is prepared for your interview.

Tom Harris: Let me talk about that for a minute. We discussed that when I met with them, do we re-evaluate now or is it an opportunity to look at it when the person has been in that seat for a while. Judge, correct me if I am wrong, they are going to continue to assess based on the talent that comes to the table. Do they modify the job down the road in six months? Does that job expand or contract or take on new tasks and duties? I think you are in an evaluation mode based on the talent that comes to the table. You may have to do that later.

Larry Brown: But you especially, with your HR background you evaluate the position and not the person.

Tom Harris: That's fair, that's fair. But it's going to be, and Judge jump in here, does that job change? Jerry had done a number of things and that position exists this big so does that job change to something different down the road.

Darren Vogt: You end up with the three now being four and add another person and move everyone else down. There are a lot of different options that they can consider, in reality.

Tom Harris: I didn't want to take that away from you.

Wendy Davis: Candidly coming in as the new Chief, between Tera and Councilman Harris, I hope to have a collaborative relationship with this Council. I want to make sure that you all understand credibility-wise when we come to you. We have so many struggles now financially in the Court system and there are some new statutes coming down that are going to reel us into no-man's land. From my perspective, looking at this globally agreeing with Councilman Harris, I first blew in and said we need more money if we can get a qualified candidate only because I know what new Attorneys and MBA's are making right now and it is not this. However, all of that being said, the Judges are really willing to take more of the administrative tasks on their shoulders, mine included to get someone in place. If we need to come back later, as advised by Councilman Harris, we can have that discussion later. The only other thing I can tell you, Councilman Brown, if for some reason we see some of the applicants coming our way that are not qualified, I may be running back here having a different discussion. What we are hoping at this point is that we will get good qualified candidates hanging onto the

ALLEN COUNTY COUNCIL MEETING MINUTES

salary range within our budget. If we can work hand-in-hand with somebody and maybe even during the interview process let them know that based on their performance, just like any other HR Department, there may be availability that the Council would be willing to listen to bump them up. We have to remind them that it is government.

Darren Vogt: I would be very careful to use the word performance because that is merit and I would love to see that.

Wendy Davis: I understand.

Darren Vogt: Are there any other questions?

Roy Buskirk: I have one for Jerry. August 22nd, is that your last day on the payroll.

Jerry Noble: Yes it is.

Roy Buskirk: Are you going to work up to the 22nd or take three weeks of vacation and use them up?

Wendy Davis: Not on my watch.

Roy Buskirk: As far as his replacement, when does that replacement start?

Jerry Noble: Hopefully two weeks before I leave. My calendar for the next four-and-a-half months is as busy or busier than ever before.

Wendy Davis: I am trying to suck everything out of him before he leaves.

Jerry Noble: I am not taking blocks of time but I may take a day here or there.

Roy Buskirk: I mean a lot of good County employees have a lot of vacation time and you lose it if you don't use it.

Tera Klutz: We will pay it out.

Roy Buskirk: You will pay it out?

Jerry Noble: Not in my position.

Roy Buskirk: Okay, all right. Very good, you thought that through.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: I am going to make one comment. Jerry, your performance with this Council in the last twelve years has always been very professional. I don't know if you will be before us again so I am just going to say publicly, thank you for the work that you have done for 43 years with the County.

Jerry Noble: I thank you for that comment and I mean that sincerely. I have enjoyed the time that I have worked with County Officials, County Council, Commissioners and other Elected Officials. I have always been treated fairly and I have no complaints or any regrets. I have appreciated the opportunity to work with all of you. We sort of have competing interests but we want the best for the citizens of Allen County. It has been an honor to work with you. I will probably be seeing you at the allocation meetings.

Tom Harris: Maybe one more budget round.

Wendy Davis: Oh, yes, it is my first budget. Are you kidding? Since we are all being a little happy, I would ask that when the new Jerry comes in, cut him a little slack.

Darren Vogt: Maybe a little.

Tom Harris: With that, I will make a motion first for the temporary salary ordinance for training the new employees and for establishing the pay within the budget of Superior Court 100-6201-412 for the Court Executive, 15-57, up to \$89,106 and for the Administrative Assistant, 15-75, which is a PAT 3/1, for the amount of \$35,503. That would be effective August 11th through the 22nd, 2014.

Darren Vogt: So that covered all three of their first requests.

Bob Armstrong: Second.

Darren Vogt: We have a motion and a second. Is there any further discussion? All in favor signify by saying aye, opposed, same sign. The motion passes 7-0.

Tom Harris: Actually, that was the two. The amended salary ordinance, I will also make a motion for consideration of an amended salary ordinance amending the pay for an employee within Superior Court, 100-6201-412, Court Exec, 15-54 which is an Exec position up to \$89,106.

Kevin Howell: Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Now, your Interpreter Grant.

Wendy Davis: I will let Jerry handle that.

Jerry Noble: As you know, in past years we have had the opportunity to apply for the Foreign Language Interpreter Grant. This is a grant through the Indiana Supreme Court and we have had probably eight or nine years a partnership between the Courts in Allen County, the Supreme Court and the Council to pursue Foreign Language Interpreters. As you know, we have expenses connected with providing interpreters. The Supreme Court is especially interested in promoting access to the Courts through the use of qualified and certified interpreters for non-English speaking litigants. The way they promote that is to make these grants available. We have been fortunate to receive this grant for eight or nine years in a row and we would like to do that again this year. Anything we get from them is money that does not have to be spent out of the General Fund. It is pretty much a win-win for the Court, Supreme Court and Allen County government.

Darren Vogt: Can you tell us, off the top of your head, how much we get every year?

Jerry Noble: It really varies. Their cycle runs during the fiscal year of the State and doesn't match our budget year. The amount that came to Allen County was about \$30,000 and that is divided between Superior and Circuit Courts. Some years it has been as high as \$22,000 to \$25,000. It just varies. There is one pie and it depends as how they divide it up depending on the applications that they receive. We don't apply for a specific amount.

Darren Vogt: Councilman Harris.

Tom Harris: We have talked and that need continues to grow but can you help me understand, on page six of the documents that you submitted. It shows a graph of cost going up in 2012 but then levels out or even starts to decline in 2013. That is a little bit different than the impression that we have had in discussing this. That is unless I am looking at this wrong.

Jerry Noble: It is a good question and is the kind of thing that in the years preceding that was a straight up trend. I would call it almost a leveling out but over the years you are going to see it go up.

Tom Harris: It is one year and I didn't know where 2014 was going to come in. You are anticipating that to go up from 2013?

ALLEN COUNTY COUNCIL MEETING MINUTES

Jerry Noble: I would yield to the Judge.

Wendy Davis: Let me address that a little bit. I know the two of you were in a meeting with the Criminal Court Judges yesterday. It kind of ebbs and flows and the majority of these interpreters are more so in Criminal Court and a few in Family Court. What we see actually happening and as curious as it is, as we all know our community is becoming extremely diverse. With that diversity, arrests can be made at different times with whatever is going on in the community. There are so many more immigrants coming in and for instance, the Burmese population and Chinese and all of these, they start getting caught in the criminal system and into the Felony Division. Once they get into the Felony Division, we have to have dual interpreters sometimes because the interpreters during a trial have to have a break. Why the dip, we really don't have a reason other than some of the immigrants coming in didn't get arrested that year. Do I think it is unique? Yes. I can tell you that just sitting on the bench yesterday, I had two interpreters throughout the day. I don't think that the dip really means anything other than maybe it was an off year.

Tom Harris: And I am totally in favor of you applying and going forward on this. My only concern is if I am writing the check for the grant and I am looking at that and saying that I gave you enough last year.

Wendy Davis: The Supreme Court is pretty aware of the volume that we do, as we discussed yesterday. The diversity that is coming into Allen County is more rapid than maybe some of the other Counties around the State.

Tom Harris: It is what it is, whatever they give us. That is the only concern that I had was that if I am writing the check, whatever I gave you last year must have been enough.

Jerry Noble: We are sort of proud of the application that we turn in every year because it has done the job of providing the resources that we think we need. One of the things that we did was include a news article about the potential additional refugee population coming into Allen County. Is it going to have an impact in 2014, 2015 or 2016? Likely, but we can't say for sure. If you look at the long-term trend, it is going to be pretty high.

Wendy Davis: Not to belabor the subject but what makes it so expensive is that we are not just seeing Hispanic and Burmese that we can do locally. I have had a Russian Interpreter that we have to haul in because it is their Constitutional right. We have to make all of those arrangements and if it is more than a one or two-day trial we have to house them. The cost gets really

ALLEN COUNTY COUNCIL MEETING MINUTES

a lot higher than you would think if you really think through what is happening to us on a daily basis.

Darren Vogt: Councilman Brown.

Bill Brown: I can see where it would be an arduous task and hopefully technology with voice translation in the not-to-far distant future will be good enough to help reduce some of these costs. I don't know if that is even on the radar right now but I know the technology is there and it would be a great opportunity.

Wendy Davis: Councilman Brown, then we would be coming and asking for an allocation for a bunch of money for technology. We are doing the best we can right now.

Tom Harris: You had better do that by August 22nd.

Darren Vogt: And Siri doesn't always get it right. I can tell you that right now.

Roy Buskirk: Are they trying that in any other Courts?

Jerry Noble: Not in Indiana.

Wendy Davis: Not in Indiana. I know we are in the age of technology and as much as we would like to think that it actually is going to work there are a couple of moving issues that the Judiciary tries to pound out. Most importantly is that most of these interpreters, and Jerry has attached a list of the interpreters that we have and it is pretty voluminous, most of the felons that come in have a right to be in an open courtroom to address their witnesses head-on. I think there are some issues as to whether you can have an interpreter here and one tapped in. That is what we always get into with the video conferencing thing. That silly Constitution is always in the back of the Judges' minds.

Roy Buskirk: Aren't they doing that with more inmates that they retain them in their cell?

Wendy Davis: That is a different issue. The interpreter issue and being in live court is a different issue than video conferencing initial hearings from a cell.

Roy Buskirk: I realize it is different but I'm saying that is a step that they are moving forward with.

ALLEN COUNTY COUNCIL MEETING MINUTES

Wendy Davis: Oh, yes. That is something that has definitely been talked about in the Criminal Division and with our Sheriff as we transport these prisoners. You can come to the third floor, even this morning, and you will see the volume of inmates that we bring over. We are trying to figure out a better way and a more cost-cutting way to do that.

Roy Buskirk: In years past, it has been expressed that the difficulty on finding interpreters for certain languages and like the Russian interpreter being brought in is that still as difficult?

Jerry Noble: We have certain resources that we work through on a daily basis. They specialize in bringing in a variety of languages. Most of what we have here, we have contacts. Most of what we need, we have contacts for. We have the occasional ones, and it hasn't happened in the last year or so, where we have had to go to Chicago or St. Louis to bring somebody in for a really obscure language for trial. There is a thing called Language Line which is a lower level of technology for initial hearings and those types of things. If it is a relatively obscure language, we can use Language Line for certain types of hearings.

Wendy Davis: Pre-trial.

Jerry Noble: If somebody goes to trial, you've got to have that interpreter there. In fact, you have to have two because one can't do it all day long. They have to spell each other.

Wendy Davis: I appreciate the comprehensive discussion. I thought this would be quick only because historically we come back to Council for more allocation and not maintaining our budget because of the interpreters. Honestly, it is something that we don't really have any control over.

Roy Buskirk: Right.

Darren Vogt: One quick point from Councilman Brown and then I would like to wrap a bow around this.

Bill Brown: Four years ago, these iPads were a cool toy and now they are an essential tool. The way technology is rapidly expanding, I foresee that there will be a number of different areas that this will help many of these costs. Having said that, I would like to make a motion to approve the request for permission to apply for the Foreign Language Interpreter Grant.

Tom Harris: Second.

ALLEN COUNTY COUNCIL MEETING MINUTES

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

Wendy Davis: Thank you, Council. I heard there is a discussion coming that I need to stick around for.

Darren Vogt: You don't necessarily need to.

Wendy Davis: Oh, I would like to.

Darren Vogt: Great. With that, we have the Highway Department. They think they were busy this winter. I am not really sure why they think they were busy. We didn't have any kind of snow or cold or ice.

Roy Buskirk: The one item that scares me is the health insurance request.

Bill Hartman: Bill Hartman, Allen County Highway Director.

Kim Yagodinski: Kim Yagodinski, Finance Manager.

Ed Neal: Ed Neal, Fleet Manager.

Kim Yagodinski: We come before you today to ask for the appropriation of some rollover money that we had. Typically we come earlier in the year to do that but we were in the midst of major snow and so we thought we would save those and come at one time. Today we have quite a list of things that we need for additional appropriation. We had about \$1.8 million in rollover. Just to give you an idea, we had about \$1.6 million last year. It comes from a number of different sources. In our overtime and salary lines, if we don't spend that money then it rolls over the next year. That was about \$400,000. We also received some extra money from the State in our gasoline taxes last year. That was about \$600,000. With that, our list in Overtime, we need about \$10,000 for the administrative side. The \$15,000 is needed in the maintenance side and \$5,000 for the mechanics. In road salt, we still have salt on order. We are expecting that to come in. That will be \$144,942. Some additional fuel costs this year because of the heavy snow we had to make several passes on the roads and that took a lot more fuel than we had planned for. Ed Neal, our Fleet Manager, is here to talk about some plows that we would like to get. If you want to start with that, it is kind of the winter snow items.

Darren Vogt: Council, questions on the Equipment and Overtime.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: Yes. The plows, is that all that the Equipment line reflects, the \$132,600?

Kim Yagodinski: That is basically estimating what we are going to need. These plows will be put out for bid. They are some new plows that have a break-away system on them so if they hit manhole covers, curbs or those types of things, they will kind of break-away and slide over that instead of digging in.

Ed Neal: Last year we bought four of these plows to try them out to see how they work. They work great. Out of all of the other 17 that I want to replace, those plows were in some sort of incident but the four that I bought for trial, I had no problems with.

Tom Harris: For roads, does it also help to where you are not tearing the roads up? Does it equal the same things as the other plows?

Ed Neal: No, it has a twelve foot blade on the bottom of it but it is spring loaded. If it hits something hard, it pushes it up so that it won't dig into road surface or tear up a manhole cover.

Kim Yagodinski: Or damaging a truck.

Darren Vogt: You have damage and you have dollars and cents to go along with when that happens, right?

Ed Neal: Oh, yeah.

Darren Vogt: Do you have any idea what the cost difference is on the two and do you have any kind of average cost? This wasn't an average winter by any stretch of the imagination but is there an average cost when you do hit something pretty good to the truck or the road?

Ed Neal: With our trucks, we have had five that had to go to the frame shop and it varied from \$1,200 to the last one came back at \$4,000. The damage was done when one of these plows dug in it just actually bends the frame.

Darren Vogt: If it does damage to the road, we have to repair the road as well and so there is a cost to that.

Ed Neal: Yeah, there are some pretty good holes out there that we have to fill in right now. My basic point is to buy a certain plow and it is not necessarily that the road is getting soft. It was so cold that the frost pushed the road up at the end of a bridge. As this driver crosses the end of this bridge, it catches

ALLEN COUNTY COUNCIL MEETING MINUTES

the plow and he takes out about forty feet of guardrail, a utility pole and a tree. Once he hit that he had no control.

Bob Armstrong: They are rigid plows. What you hit is what you hit. A lot of that Ed and I had discussion about, and the ditch tow-outs if you snag just a little simple thing you will go twelve foot to wherever that plow is going to send you. I don't think we had anybody hurt, did we? They might have had their teeth rattled a little bit here and there.

Ed Neal: We had one driver that was shook up pretty good and was off a couple of days.

Bob Armstrong: It's a safety thing. From my experience of plowing in the City, you only can go so fast but when you are out in the County, you have a whole lot of open area and a whole lot of drifting. It is not like you are driving twenty or thirty miles an hour. You are getting it when you are trying to move it. The bad thing is if you snag into something, you are going wherever it takes you.

Darren Vogt: How many plows is that \$132,600 going to get you?

Ed Neal: Seventeen.

Kim Yagodinski: The State is using these plows. Ed has had the opportunity to not only use the four that we bought but before he bought those he went to the State to see what they had.

Ed Neal: The State has implemented this because they had lost trucks due to these stationary plows. I have six destroyed plows from these incidents and five of the trucks that had these plows on them had frame damage.

Darren Vogt: And we just bought a lot of new trucks and we don't want to have that happen.

Kim Yagodinski: We normally buy plows every year just to replace and we plan for that in our budget. When Ed came to us this year he said that we need to replace so many anyway and we looked at this as an opportunity to get all of those at the same time and get a reduced rate on them. It takes a little bit of time to get them. Once we get the bids and have a selected bidder, it still takes time to build these plows. By going now and making that purchase, we would be able to have them for the next snow season.

Darren Vogt: Councilman Buskirk.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: A little bit of an explanation on the health insurance.

Kim Yagodinski: Last year, when we did our budget, we were told to budget the same amount for this year that we did last year. It was just an error on my part because I didn't look at what we had budgeted and we came up about \$40,000 short last year and again this year as well. It was just a bookkeeping error.

Roy Buskirk: A follow-up question, then. On the side of some of these roads you will see a cut mark in the berm and then three or four feet and another cut mark. Are those from the plows?

Ed Neal: Yes.

Bob Armstrong: In the insurance thing, that \$60,189 is coming out of rollover also.

Kim Yagodinski: That is correct. This is all rollover money including the Bass Road Project. Last year on the rollover of \$1.6 million, we put all of that into the Bass Road Project. It is something that we plan on just like Council does with the General Fund. We also plan on Highway Funds to have that rollover because that is the normal natural thing to happen if we don't spend all of the money that we have budgeted, it becomes rollover. The \$1.1 million that is going to Bass Road is to continue to fund that project.

Darren Vogt: Tera, you have a question?

Tera Klutz: Yes. I want to make sure that after this appropriation you are going to have about \$250,000 left in your Highway Fund and just to make sure that if something does come up or an emergency comes up that you feel you could get access to the Bass Road Project money or other money to make sure that you can still operate.

Kim Yagodinski: That is correct. We looked at that and we felt that the cash there is sufficient.

Tom Harris: Generally, what is the amount that you have in that fund as a balance?

Kim Yagodinski: The balance right now is \$1.8 million.

Tom Harris: So generally you have about \$1.8 million?

ALLEN COUNTY COUNCIL MEETING MINUTES

Kim Yagodinski: Yes. If this is approved, Ed will take those plows that we currently have and he will auction those. The proceeds for those will come back into our cash line. We continue to have cash come in there throughout the year that we don't necessarily have planned when we did the budget. When we were doing the budget, we really didn't think about the plows but Ed will sell those through an auction process and recoup some of that money.

Tera Klutz: I have been told that the Highway revenue might not come in as high as originally planned because the sales tax has taken a big dip especially with the winter being so cold and people didn't go out. Just in case we don't hit our revenue estimates, you'll be able to.

Kim Yagodinski: Sure. The Bass Road Project, the biggest part of it will happen in 2015. We are pretty much allocating money towards that so that we have it saved back. We are going to need a large appropriation in 2015. This has allowed us to build that up but if we had some type of emergency, we could tap into that money.

Bill Hartman: Also, in our other Federal Aid projects, we are constantly having reimbursements. There is a cash flow coming back that will go into cash on a regular basis. We feel that we will have a reservoir as the year goes on.

Darren Vogt: Councilman Buskirk has a question and then we will go to Councilman Harris.

Roy Buskirk: In the agenda, it shows that you are asking for \$1.6 million but on our iPad information, it's asking for \$1.8 million. There are culverts for \$100,000 and guardrails for \$100,000.

Kim Yagodinski: Originally when we submitted our agenda items, we thought we would ask for that but we weren't quite prepared to do that. Bill is having some preliminary discussions with some different people about what we need as far as an inventory of those items. We are not quite ready to ask for those funds yet.

Roy Buskirk: So the amount on the agenda of \$1.6 million is correct.

Kim Yagodinski: Yes.

Tom Harris: I couldn't pass up an opportunity to ask about the new trucks. Just remind me in terms of where we are at. Are we finished with you paying us back?

ALLEN COUNTY COUNCIL MEETING MINUTES

Kim Yagodinski: One more payment in 2015.

Tom Harris: One more payment in 2015 and with that, you are not planning on purchasing any new trucks this coming year?

Kim Yagodinski: Not in 2014. In 2015, we may come to Council and ask for that. We have had some initial discussions with Bob (Armstrong) about that and it worked out wonderfully for us. Thank goodness we had those trucks for this winter.

Tom Harris: Total trucks that you have?

Kim Yagodinski: We have ten of the brand new ones and there are about thirty trucks in the fleet.

Ed Neal: About 32.

Tom Harris: And so ten of those were new for this season.

Kim Yagodinski: Right and thank goodness we had them. They worked wonderfully and did everything we wanted them to do. I really feel it helped us to keep our overtime dollars down and our overall budget expenses in line. It could have been a lot worse.

Darren Vogt: Council, are there any further questions on this?

Bob Armstrong: I will make a motion for approval of an appropriation in the County Highway Fund 250 for \$1,627,731.

Tom Harris: Second.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next is Fund 329, Flutter Road.

Kim Yagodinski: These are CREDIT dollars that come back from reimbursements. At the end of the calendar year of 2013, we had some money come back and we have also had some reimbursements so far this year. Those came from Union Chapel at Auburn for the right-of-way purchases. There was some Gump Road reimbursements and Flutter. Just basically what you see here of \$326,447 and Flutter Road is the project that we are working on where we need those additional funds to come back to pay for the next phase of that project. We are asking that \$326,447 be appropriated to Flutter Road.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Councilman Harris.

Tom Harris: Maybe an update on the Flutter Road project?

Bill Hartman: It is moving right along. The completion date for that isn't until August 8, 2015 but I am told they are going to try to get it done this year. Just to give you an update on current projects underway, the two bridges on Carroll Road have a completion date of May 14th of this year. The Anthony bridge has a completion date of May 23rd of this year. Coverdale Road is set for July 18, 2015 however in a partnering meeting last week the contractor indicated that he would like to get that done this year. Stonebridge, south of Lafayette Center has a completion date of June 20th of this year. The Union Chapel/Auburn roundabout is due to be done June 2nd.

Darren Vogt: Great. I have had a lot of feedback on the roundabouts in that direction, some good and some bad. Council, are there any other questions on Flutter Road?

Bob Armstrong: I would like to make a motion for the appropriation in the County CREDIT Fund 329 for Flutter Road in the amount of \$326,447.

Tom Harris: Second.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next on the agenda is the Department of Health. Mindy had an issue and asked me to handle this for her. Basically, the long and the short of it is that she has had four accidents and several cars that have needed to have routine maintenance but had to happen right away. It has been unfortunate timing with four or five different accidents. They hopefully won't need anymore. They have used all of their funds at this point. Are there any questions on that?

Bill Brown: I will make a motion to appropriate in the County Health Fund 285 for Automotive Repair in the amount of \$8,000.

Kevin Howell: Second.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. JOPB is next, Nick.

Nick Jordan: Good morning, Council. I am going back to the beginning so that everybody is on the same page for this one. Back in 2011 is when this process started. At that time, both the City and the County agreed to split it 50/50 with a total cost of \$1.4 million. That would be \$700,000 each. The

ALLEN COUNTY COUNCIL MEETING MINUTES

biggest portion of that was Accela which the City and the County purchased separately and amounted to about \$350,000. Today I am asking for \$284,509. That is the remainder of the originally approved \$1.4 million. Once that is appropriated, it will be encumbered by P.O's and contracts that we already have out there even though they extend into the future, they are above and beyond this amount. We have not been reimbursed for this amount from the City but we will once we make the expenses going forward. This is so that I will not come again for any of the \$1.4 million. This is it. Anything that is above and beyond or any additional appropriations for the Joint Oversight Permitting Board are above the \$1.4 million. In that regard, it would also have to get consent from the City Council that they would be willing to reimburse 50% above the \$1.4 million that was approved back in 2011.

Darren Vogt: Does everybody follow that? We are not spending more than the \$1.4 million. We are just getting it into the appropriation lines because there are contracts and budgets potentially for that fund.

Nick Jordan: If you looked at it from a worst-case scenario, there are contracts signed above this \$1.4 million. If you are going to fulfill those contracts and the expenses incur in the future, you will have to appropriate more but that is not what I am coming for today. I am coming just to bring the \$1.4 million whole. We will only spend 50% of this and be reimbursed 50% by the City.

Tom Harris: At what point do we find out how much beyond the \$1.4 million?

Nick Jordan: For example, there is a contract right now for a consultant for three years and was just signed for around \$80,000 or \$90,000 a year. The contract is on an "as needed" basis, so it could be \$40,000, it just depends on the use. The Ombudsman, at some points that is used for a couple thousand dollars a month and recently it has been a couple hundred dollars. It has been significantly less than the \$6,000 a month that we signed that contract for. We don't even get close to that. If this would follow along the same scenario, we may be fine with the \$1.4 million. It is unknown at this point. It's the fact that the contract has been signed and we have agreed up to this amount.

Tom Harris: I am fine with the \$1.4 million.

Nick Jordan: That is all you will have appropriated. If you approve it today that is all I am asking for.

Darren Vogt: Councilman Buskirk.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: It will probably, eventually be over the \$1.4 million but that will be in the future. Just like Nick was explaining, the one contract that we signed is for three years and the other thing is the whole process, and I am sure you are aware, the ordinances were done with both the City and County and now putting them in place. Larry and I both serve on this Board and were quite shocked that there had been no planning for the cost to put the Planet Allen Program in place. The Permitting Board has picked up that cost itself which we were not anticipating doing. There have been a lot of great things completed and the one thing is being able to apply for permits, and especially in the commercial field, electronically through the Accela program. They have completed it but need to refine it a little. You apply but then there is a response that comes back if the application is not complete or there are questions. We have found out through surveys and different reviews that some of the problem was a lack of enough information on the application. Now, when you do it electronically, it says if a field is required and you can't respond to it without that required field out. During the inspection process, they are using it electronically too. One of the things on the application it is required to not only have the architect and contractor and everything but also the investor or the owner. That way we can make sure that they are also aware of what is taking place. Before, it was only the architect or the contractor and the investor or owner was not being kept abreast of what was needed.

Darren Vogt: Councilman Brown, did you have a point?

Larry Brown: No.

Darren Vogt: Okay. Are there any other questions on that? Right now we have the Contractual amount of \$284,509.

Roy Buskirk: I will make a motion to appropriate in the General Fund, \$284,509 to the Joint Oversight Permitting Board.

Larry Brown: Second.

Darren Vogt: We have a motion and a second. All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. We are down to Discussion and Other Business to Come before Council. The first thing that we are going to talk about is House Enrolled Act 1006. If the Judges and Mike want to come up that would be great. This is going to be an open discussion but we are going to limit this. I don't want to be here for hours on end. What I thought was extremely important for Council is that yesterday Councilman Harris, I, Judge Surbeck and Judge Davis and Commissioner Peters met to talk.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: And Judge Felts.

Darren Vogt: Yes, Judge Felts. We met to discuss House Enrolled Act 1006, the Criminal Sentencing Reform. There was some eye-opening conversation from my perspective when I heard numbers like the way the felony system works and I am no expert in that. The number that stuck in my head was 564. That was the number of felons that we send to the DOC and would now come back to us. That was a 2012 number. In talking with the Judges, they only send the folks that need to go. They put everybody else in programs and I am paraphrasing to keep this short. They want to make sure that we are aware and in conversation about what are we going to do with this volume of people. I did some checking with the Jail and they have room to finish two blocks of about 80 folks and there are two floors that can be finished on top of that. I didn't get what those could hold or the cost. Do you want to give me a brief cover of what we talked about?

Wendy Davis: I just want you to know that I was talking to Mr. McAlexander in the hall and Judge Gull has been in trial all week. I thought it was important and she thought it was important for her to be here as well. Additionally, as we discussed yesterday, it is important to get the Prosecutor at the table. You have heard from me. I don't know, Judge Gull, if you want to give them a little bit of your view of it. A lot of those numbers came from the Indiana Department of Corrections that did an audit through our Community Corrections and we were presented with those numbers as well. Is there anything that the two of you want to add?

Fran Gull: You need to remember that number includes the folks that are coming back through the Re-entry Court Program which is a great program on the back end. I think what you are referencing as a concern is on the front end. I think you have adequately and accurately reported that the bench that currently sits in Allen County heavily uses all of the alternative sentencing programs. We heavily use Community Corrections for home detention. We heavily use the Work Release Program. Both of those programs need to be expanded. Our Problem Solving Courts need to be expanded. We can expand the Drug Court model to incorporate a lot more folks but not with the current staff that I have. Those are folks that are getting diverted completely out of the system and getting treatment and getting help so that we don't end up with those folks trying to bang on the door of the Department of Corrections. I think you have a bench that extensively uses those programs and we do not send folks to the Department of Corrections willy-nilly. Oftentimes, the plea agreements that are offered by the State that call for Department of Corrections time, we accept those plea agreements and trust that the State is doing the job that they have been elected to do. We support that.

ALLEN COUNTY COUNCIL MEETING MINUTES

Wendy Davis: As we brought up yesterday, probably in the last year when we go to sentence someone, we get eligibility reports from Community Corrections, Work Release and all of those alternative sentencing and it is pretty routine now when someone is maybe eligible for Work Release, there is a waiting list. Last week I had three that are now housed in the Allen County Jail because they won't ship them. That fills up our Jail. They are housed in the Allen County Jail awaiting to get into Work Release. To Judge Gull's point, if we are going to do it, those programs need to be extended because otherwise they are just housed in the Jail.

Mike McAlexander: One of the difficulties when you look at what we do with people when they come into us, the biggest predictor of who is going to jail is their past record. When this came up a few years ago, this is kind of the third version if not the fourth version of this bill to try to put more of the low-level offenders back at the County level. A study was done by the Indiana Prosecuting Attorney's Council at who were the D-felons. Those are the low-level felonies in the Department of Corrections. I don't have the exact stat but it was somewhere on the average person on a D-felony had 4.5 prior felony convictions. The problem that we run into is we probably have the best alternative programs in the State between our probation, Work Release, Drug Court and Restoration Court but once somebody exhausts all of those programs, and many of the people that we are talking about are not necessarily what we would call dangerous people. They are irresponsible and won't go to an appointment if you tell them to. The challenge for all of us and what the Legislature is telling us and pushing it back on us is that we have to figure that out. That is not really what we do necessarily but it is being thrust upon us. That is going to be our big challenge as to where we go. We can't run them through all of the programs. I liken this to raising children. You don't threaten something and then don't follow through on it. You also have to make the punishment appropriate to the offense. As taxpayers, there is a legitimate reason that we don't want to spend \$35,000 to send somebody who is a substance abuse addict and lock them up in maximum security. I think our challenge is going to be is figuring out what ways we can handle these people. That is kind of the big picture part. The short-term picture is not only are they changing the structure and pushing this back on the locals but they have re-written a large portion of the criminal code. This is like the old story that if you feel different parts of an elephant you get six different versions of what you are actually dealing with. 1006 is that way for everybody because there are so many aspects to it. We are dealing in conjunction with the Courts on changing computer programs and we are going to have to run dual programs for the next several years because any crimes that are committed prior to July 1 will be under our current system. Crimes committed after July 1 will be in the new system. We have gone from

ALLEN COUNTY COUNCIL MEETING MINUTES

four levels of felonies of A-B-C-D to 1-2-3-4-5-6. We have gotten rid of most of the mandatory non-suspendable sentences on the low-level crimes. They are authorizing that we can put some of these people on pre-trial diversion. We are not into putting reckless homicide on pre-trial diversion but that will be authorized under this new statute. There are a lot of things that all of us are going to need to take a look at but for this body, the biggest part is the recognition that they are pushing this back on us to keep the lower-level offenders here. They are going to use the purse strings. The presentation that was made to Community Corrections was basically that we are doing a great job on our programming but because we sent too many people to the Department of Corrections, we didn't get a dime out of this initial discretionary fund. This supposedly has \$11 million that the Department of Corrections decides how to divvy up and if they do it on the same format that they did this other one, they are doing it on who sends them the least number of people. We have all been under Federal mandates and State mandates and this is one is going to be a real struggle for us. I will speak for the Judges and they are independent and they have to look at each case independently before them and can't prejudge. There is going to be a lot of pressure on them to not send people to the DOC. There will be pressure on us to write plea agreements so that we don't send them to the DOC.

Wendy Davis: It was a lot of the discussion that breathes life into the discussion of what Mr. McAlexander is saying. As you know, Mr. President, that we had that discussion yesterday and I gave you a scenario of someone on probation, a D-felon that has beat up the same woman twice and here he is for the third time. These are D-felonies and we see them often. The Judge, having discretion over that sentence, you are not going to put them on an ankle bracelet because they are just going to go back and beat up that lady or maybe kill her. Even Work Release, there is not an appropriate setting for that but to what you have just heard and what was discussed yesterday, the Indiana Department of Corrections is who is saying that they don't want the D-felons. We just don't want them. As we discussed, the Judiciary, we are going to balance the safety to our community but there may be other ways that we can house them in Allen County but we are struggling to find those ways now.

Tom Harris: A question on that, do they not want them strictly because this is a budget issue or is there a philosophical...

Fran Gull: Money.

Mike McAlexander: It is a money issue. I liken it to when I started doing this thirty years ago, if we wanted to send a misdemeanor to the Department of Corrections, it created what was called a chargeback to the County. We had

ALLEN COUNTY COUNCIL MEETING MINUTES

to be very careful about who we sent back because DOC charged the County X number of dollars for that. I think we are seeing just another version. Some of this may be because of the Legislature that has made felonies out of what were misdemeanors thirty years ago. The reality is that we are going to have to face it. They have done this before. It is not the first trip to the rodeo.

Tom Harris: We have passed a point of no return or is there still an option?

Wendy Davis: The Governor signed it.

Tom Harris: I understand but is there any possibility that another direction could happen? Are we pursuing any other options?

Fran Gull: At the next Legislative session, anything is possible. If you recall, the first time this bill came up a couple of years ago, the Indiana Sheriffs Association and Prosecuting Attorneys Council effectively killed that legislation. It didn't go anywhere. It was resurrected and candidly it should have been killed. It wasn't very well written or researched. The Pugh Foundation came in and did a lot of research and became partners with the Sheriffs Association and the Prosecuting Attorneys Council to draft better legislation. Is it great? No, it is better than what was there before but much of what it is was driven by money. Unfortunately these are apples and oranges because what drives the Legislature does not drive the Judiciary. We are driven by individual cases and what is right for that defendant, that case and our community. I don't mean to be disrespectful to the Department of Corrections but if a defendant needs to go to the Department of Corrections, they are going to go to the Department of Corrections. If that is what the plea agreement calls for, if that is what our discretion gives us, there you go.

Wendy Davis: I think it is a very scary game when we get to a point where the Judicial Branch of government has to think about before I sentence this individual, I don't think I can afford to send them to the DOC because my County is not going to have any money. It is just not even in our game plan.

Tom Harris: In laymen terms what we need to do in the County, as you continue to make those decisions, is to send them to the Department of Corrections whether they want them or not. That is one option or the second is to come with more places to house or more programs to put them in.

Fran Gull: I think you absolutely have to have a parallel track. You have to give us more alternative space locally and you have to give us the ability to support us when we send them to the Department of Corrections and your representative calls you and asks why this is happening in Allen County.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: One final comment on that is this trend continues where State government continues to send problems and costs and expenses and everything to local government to figure it out.

Technical lag between two DVD's.

Wendy Davis: Just so you know, a lot of times when we have nothing else to do on the D-felonies, six months to three years is the current D-felony. Oftentimes what we have tried to do, as the Judiciary, is instead of sending them for the full three years is to split the sentence. You will go for a year-and-a-half on some heightened supervision and we will try it again on the D-felons. There are so many different ways to sentence someone with what the sentence means and who they are. I think the most important one is to Judge Gull's point they are the individuals. We don't just say you are a D-felon. We say here is what you did and here is your history. Here are the current facts and circumstances of your case and here is what I am going to do. It is just so hard for the three of us and our colleagues to wrap our minds around this global D-felony population when it really is an individual situation of safety to the community and true rehabilitation.

Roy Buskirk: So you look at each individual case, what they have done and what their prior history is and maybe it is a three-year sentence but a year-and-a-half you are incarcerated and the last year-and-a-half you are on bracelets.

Wendy Davis: Yes. A lot of what is going on too now in the drug offenses is we are getting motions to modify them out of the DOC which we will grant if we send them to the Prosecutor and Mike gets these all the time. We get a court order and tell them that we will take it under advisement, send it to the Prosecutor for their response. I have seen some of their responses and I think that over this past year, on the lower grade felonies saying that we won't oppose the modification. We modify out of the DOC and back into community supervision. We don't just let them out.

Roy Buskirk: But all of that costs money.

Wendy Davis: Right, because when we bring them back here they are on an ankle bracelet or work release.

Roy Buskirk: What is the cost of the bracelet? There are no other costs associated with that program, ha-ha. My other question is that we have two blocks that are unfinished at the Jail. I will tell you what, that when they built that Jail they were very wise in looking for possible expansion. It would

ALLEN COUNTY COUNCIL MEETING MINUTES

cost \$2 million to finish those two blocks and that it would also house about sixty. Is that per block or total?

Fran Gull: Per block.

Roy Buskirk: In addition to that, the building was designed that there could be two additional floors?

Fran Gull: Correct. I think they dug the footers deep enough into the bedrock considering that it was the former site of the Erie Canal. We made sure it was dug deep enough to allow for expansion up at least two floors if not more. I think Larry knows a little more about that than I.

Larry Brown: That \$2 million was at the time of construction. It could be \$4 million now. I don't know.

Darren Vogt: Let me clarify the beds because I have the answer. The unfinished fourth floor, 24 beds and 52 beds totals to 76 beds.

Wendy Davis: The Sheriff would come in very helpful here.

Tom Harris: The additional concerns, from the Sheriff's perspective, are more potential lawsuits, more Jailers and healthcare costs.

Fran Gull: Absolutely.

Darren Vogt: I don't want to get us too far deep into the weeds. As we do this, there are more hard costs that are going to be involved. We need to start looking at what is the best way to do it long-term and not just a quick fix. We need to have a game plan and structure and everyone in place and have the discussion of what we think is going to happen from the overall how many are going to come back this way. That is a hard one to figure out but we can at least get an idea and then how many are going to get into X, Y or Z programs and the expense factor of all of those things. It is not going to be easy by any stretch of the imagination.

Fran Gull: No, but I can tell you it is easier and cheaper to divert people into programs pre-trial. I am going to pitch Drug Court again to you. The Problem Solving Court model has been proven to be an effective cost-effective method for keeping people out of prison. Rehabilitating them and getting the treatment that they need before they even hit the Department of Corrections.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: This is what we talked about yesterday and the ones that we are sending are the ones that don't fit any of the programs that we already have.

Wendy Davis: Correct.

Fran Gull: We have expanded, with the help of the Prosecutor, tremendously expanded the role of Drug Court as far as taking offenders that would be going to the Department of Corrections with their history.

Wendy Davis: To piggyback on that, I just want you to know how much we are doing our part. I have a bunch of cases and we toss files back and forth. I will have a motion to revoke probation in front of me on multiple drug offenses that post-conviction, I am walking them down the hall to Judge Gull asking her to take a look at this file. Because of these issues, she is willing to take them into Drug Court. With what I have, I am going to have to send them because they have utilized everything else. Judge Gull is looking at them now and says bring them to me.

Darren Vogt: Let me clarify, the 564 that we send aren't really available for those programs. They have kind of exhausted most of those and so it is a net number.

Tera Klutz: I am hearing both. I am hearing that and there is not enough room in the programs.

Darren Vogt: That is what we need to figure out.

Tera Klutz: That is why everyone is going to come to the table, not here. We are going to have to talk about the parallel thing that Judge Gull brought up. How we have to expand our programs and how we have to make more room, possibly.

Fran Gull: We have 157 in Drug Court and thirteen in Veterans Court. We are diverting a lot of offenders out of Probation and opening those resources for Probation. We are diverting folks out of the Department of Corrections and away from Community Corrections and freeing those resources up. I'm telling you, I am at my limit.

Wendy Davis: Can I say one thing? Roy, I know you have mentioned this so often. When you hear Judge Gull talk about all of the people that we are diverting, she utilizes those user fees to fund that. Most of that does not come from the General Fund.

ALLEN COUNTY COUNCIL MEETING MINUTES

Fran Gull: None of that comes from the General Fund.

Wendy Davis: When you talk about the user fees...

Roy Buskirk: You aren't talking to me. Tom.

Wendy Davis: I just wanted to throw that in there.

Tom Harris: Thank you.

Darren Vogt: I want to put a bow on this conversation because we have another topic that I want to hit as well. We are going to put a bow on this in about five minutes.

Roy Buskirk: My two are real quick. I heard yesterday that this total bill might be changed next year.

Fran Gull: Could very well be.

Roy Buskirk: I was talking to some of the Legislators yesterday and I think they realize that maybe there was a mistake made. The other thing I want to say is to express my appreciation for what the courts are doing. It almost becomes public interest or taxpayers on spending money or how do we do this? You really have to decide what is best for the public and which is best for the criminal.

Fran Gull: Thank you, Roy, we appreciate that.

Roy Buskirk: I don't want to be in your shoes.

Darren Vogt: Councilman Brown and then Howell.

Larry Brown: Obviously there are a lot of moving parts in this and getting a group discussion is great. The one thing that this body can do is I think we could go ahead and obtain some accurate and up-to-date estimates to finish out the Jail and add two floors. When we have this group discussion we can have accurate and up-to-date numbers and not something that is ten or more years old.

Darren Vogt: That is part of that group discussion that we will have.

Larry Brown: So who is going to do that?

Darren Vogt: That would have to be the Commissioners. That is their role.

ALLEN COUNTY COUNCIL MEETING MINUTES

Tom Harris: We can ask for that.

Darren Vogt: We haven't gotten to that level yet. We haven't gotten all of the players. This was an initial meeting to say let's see what we may need to do.

Larry Brown: My point is that money drives a lot of this discussion. There is no reason why obtaining those numbers couldn't start tomorrow. Then when this group meets, you've got those numbers on hand and you know that it is not so bad or maybe it is impossible.

Darren Vogt: Do you want to work with Beth on that?

Tom Harris: Yeah. We talked about that a little bit yesterday that we didn't have enough data in this initial meeting that we had and that we need to start collecting data in order to argue back to the State that it costs X amount of dollars to house them here and what is the cost for the State? One question that I've got is that we have all of these various programs in our community. Can Judges from other Counties send people to our community programs?

Wendy Davis: They do the halfway houses.

Fran Gull: They do Drug Court as well. I have accepted transfer from Noble County, Dekalb County and Huntington County.

Tom Harris: If they are all being charged with don't send those folks to the DOC they are going to look for options to send here which will put more pressure on our community.

Wendy Davis: I know there are a few times where a lot of the halfway houses that we utilize and Lake County sends a bunch to our County.

Tom Harris: This is my last comment. What is interesting about that is that they don't send them to the DOC but they send them to us and they get a bonus, right?

Wendy Davis: You got it.

Tom Harris: So there is something wrong with that formula, I'm just saying.

Darren Vogt: Councilman Howell.

Kevin Howell: There will be a meeting on the 14th of May, is that right? Do we know where it is going to be and at what time?

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: No, not yet.

Kevin Howell: I want to be sure to be there.

Roy Buskirk: We are limited to three, do you realize?

Kevin Howell: I will be there regardless.

Darren Vogt: Is there any other discussion? Council, this is good feedback and I appreciate the Judges and Mike sticking around for this.

Wendy Davis: We'll collaborate as much as you want us to.

Darren Vogt: The other discussion item I had was the, and this can be brief, Personal Property Tax Elimination. We don't have control over this but the City Council does. Do we want to engage in discussion with them about that particular topic? We've had joint meetings before but we haven't had one in a while. Is that something that this Council would like to entertain, having a joint meeting to discuss it? We could do an ad hoc committee or me just talking to their President.

Roy Buskirk: That is something that I had written down to bring up. I would like to see a committee formed with the City Council, Commissioners, Mayor's representative and the City of New Haven, at least. We could have the Auditor's office so that we could obtain some statistics or numbers on that and the impact that it is going to have. The one thing is that it is under study this year but I think we need to have this committee so that we can make some representation to our representatives in Indianapolis. Also, we can have some influence on the City Council members as far as them being the Tax Board and being the one to make the final decision if the legislation passes.

Darren Vogt: I think some of those numbers have been done. Tera, have you seen anything by Umbaugh and Associates? I think it was Umbaugh.

Tera Klutz: I have only gotten to see County-wide numbers. I know that the unit level, the Cities and Towns level, does exist by the legislative service agency. It is just a matter of getting the right person to request it.

Darren Vogt: Okay. I will reach out to the City Council President and see where they are at with it.

Tera Klutz: It doesn't take effect until July 1st, 2015.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: Right.

Tera Klutz: Just to summary, do you all know what the options are? The option is to eliminate Business Personal Property with acquisition cost of \$20,000 or less. There is the possibility of eliminating and new Personal Property. It can't be transferred from another County, it has to be new. Somebody had said that there is usually a ten-year life on that so by ten years it can be phasing out.

Larry Brown: A question on the detail of that, has there been any thought to transfer in from another State?

Tera Klutz: That's fine because it is new to us. It is new tax. What they are trying to do is not take away the current tax base in Indiana.

Roy Buskirk: Has there been any thought, I know some of the representatives made comments that we already give tax phase-in to all of the new equipment coming in and that is so incorrect in the fact that there is a lot of agriculture new equipment coming in every year. They are not allowed to have any phase-in and there are a lot of small businesses that have new equipment and do not have the phase-in. There is a lot of new equipment that comes into the Personal Property Tax every year that is not abated. To me, this is some of the things that the local committee needs to look at and see what they have and point out some of these things where there are mistakes. I think there needs to be some education on this matter.

Larry Brown: Not to beat up on you but you used an incorrect word. It is phase-in and not abatement.

Roy Buskirk: I know.

Darren Vogt: Dollar in the jar.

Roy Buskirk: I wanted to emphasize in some of these other areas that they use abatement and we use phase-in.

Bill Brown: I think we would agree that it is a great first step with the State Legislature eliminating all of the smaller entities with an average of \$39 in tax.

Darren Vogt: I pay my CPA more to file it than it is worth.

Bill Brown: With the Super Abatement having that ability and some of those things.

ALLEN COUNTY COUNCIL MEETING MINUTES

Roy Buskirk: The one thing, going back on that, is they are doing away with it yet you still have to do an affidavit every year.

Darren Vogt: At this point, what I will do is reach out to the City and we will go from there. I will update you as we go along.

Bill Brown: It was a pretty robust conversation on the prior topic and I would like to make a comment regarding the criminal justice system. We have been in an era of lock them up and throw away the key kind of thing. With all of these various scenarios of penalty, we are seeing nationwide that some States are embracing decriminalization. I am also on Park Center's Board and mental health plays a significant role in the jails and in crime. Along with intervention and now with mental health costs being folded into the Affordable Care Act, there are a lot of components there especially for the State Legislature to look at. Are there other things that need to get lightened up and decriminalized? I am not sure what those are but I am just curious if they are at the bench wondering if they really should have to take action. I don't pretend to know the answer to those questions but as it moves forward I think criminalization, intervention, mental health and current laws on the books need to be looked at.

Darren Vogt: I don't disagree. Council, are there any Liaison Reports or Upcoming Meetings?

Tera Klutz: I have a comment to make. Superior Court has Jerry retiring and Gloria retiring. The Highway Department is losing several of their staff to retirement. We are going to see this across the County because of the PERF change in the way they are paying the retirement for the annuities. When you retire, that three percent has been rolled into your pension and guaranteed a rate of six percent or something like that. They realized that it never should have happened and so now they are gracefully trying to back out of it. They have put a timeline on it and in order to get that you have to retire by...

Tom Harris: October of this year.

Tera Klutz: Right. I was in a training yesterday and a Highway guy said that half of their guys are leaving.

Tom Harris: It is happening in school systems and any government system in the State with PERF.

ALLEN COUNTY COUNCIL MEETING MINUTES

Darren Vogt: That means that we can have a turnover in workforce and a lot of different issues.

Tera Klutz: A lot of knowledge going out.

Roy Buskirk: I called PERF a couple of months ago and asked them why people were retiring and they said they didn't have any idea.

Bob Armstrong: That's funny.

Darren Vogt: There is a guarantee on the interest rate that you get. I want to say that it is almost nine percent. I may be wrong on that. It is extremely high.

Nick Jordan: It is going to drop and then it is going to go down again when they transition to a third party.

Roy Buskirk: So it is the interest that you are receiving on your retirement funds after you retire?

Tera Klutz: Yes, after you retire. Currently we are self-funded and the County's PERF contribution rate, because we have to determine how much we owe retirees and that goes into our ultimate liability going forward. We are paying that right now and we have to continue to pay that now for these retirees. It wasn't like you could go and argue against it because half the people down there are ready to retire. They are going to correct it and I am hopeful that it will help our costs go down a little bit. We are not guaranteeing an interest rate that we are not getting.

Darren Vogt: As a guy with a financial background, there are very few guarantees in any investment. When there are, they are very low at three or four percent at tops.

Tom Harris: Once again, and I will jump in on that, it is another example of State government. Rightfully so, people are living longer and when this bill and PERF was established at seven to nine percent years and years and years ago that made sense. People were dying earlier. They are now living longer and people are living to be 80, 90 and 100 and they are guaranteed a seven to nine percent return for the entire time they are retired. The fund is getting smaller and smaller and the State said you have to do something. They are going to outsource it to an agency that is going to take it to market rates and that market rate is somewhere around three or four percent. In order to stay guaranteed at the seven to nine percent, you have to retire by

ALLEN COUNTY COUNCIL MEETING MINUTES

October first. Like this person that was sitting with us today with 40 some years of PERF that is a good amount that he will get for the rest of his life.

Darren Vogt: Is there any public comment?

Tom Harris: Approval to waive the reading on any matter approved today for which it may be deemed necessary for the County Council meeting of April 17, 2014.

Larry Brown: Second.

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

Bob Armstrong: Move to adjourn.

Kevin Howell: Second.

Darren Vogt : 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 10:59.