

**ALLEN COUNTY COUNCIL MEETING MINUTES**  
**APRIL 18, 2019**  
**8:30 AM**

The Allen County Council met on Thursday, April 18, 2019 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, budget approval and any other business to come before Council.

Attending: Robert A. Armstrong, Joel M. Benz, Larry L. Brown, Kenneth C. Fries, Tom A. Harris, Kyle A. Kerley and Sharon L. Tucker.

Also Attending: Nick Jordan, Auditor and Jackie Scheuman, Finance and Budget Director

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

**Tom Harris:** Good morning everyone. First on the agenda is the approval of the March 21, 2019 meeting minutes. Are there any additions or corrections?

**Joel Benz:** Move to approve the minutes from March 21, 2019.

**Bob Armstrong:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 7-0. Next is the financial report from Auditor Nick Jordan.

**Nick Jordan:** In your notebook is your financials through March 31<sup>st</sup>. There haven't been any significant deviations from the prior months and Miscellaneous Revenue is right on track along with the year-to-date. I can take any questions.

**Tom Harris:** Council, are there any questions?

**Sharon Tucker:** I will make a motion that we accept the financial report.

**Larry Brown:** Second.

**Tom Harris:** We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Today, total appropriation requests in the General Fund are \$932,384 and in Other Funds is zero. Generally we move directly to Public Comment but we are going to move first to the Sheriff's Department with a request this morning.

**Troy Hershberger:** Deputy Chief Troy Hershberger, Operations with the Sheriff's Department. I am here this morning to request permission to apply for the Drug and

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Alcohol Consortium grant. We apply for it annually and for a long period of time. I don't remember the exact number of years. Essentially this grant money is requested and if rewarded, it is used to supplement the in-car video cameras in out patrol vehicles.

**Tom Harris:** The total is for how much?

**Troy Hershberger:** We requested \$19,635 from this grant this year. That would cover three in-car video cameras.

**Tom Harris:** And that grant comes from whom?

**Troy Hershberger:** From the ICJI, Indiana Criminal Justice Institute.

**Tom Harris:** Is that State or Federal?

**Troy Hershberger:** State.

**Tom Harris:** We generally ask departments to come before us to ask for permission to apply for a grant. Council, are there any thoughts or questions?

**Bob Armstrong:** Do all of our cars have cameras now?

**Troy Hershberger:** All of our patrol cars and marked vehicles have them. With the change to our white vehicles, we added an upgrade to the system. It is all digital with a 360 degree panoramic view camera. We don't have DVD's in them anymore and is now a wireless download into a database.

**Kenny Fries:** Do you know how many cars don't have them? I don't know how many are in the fleet.

**Troy Hershberger:** It would be roughly about 75 to 80, just a number off the top of my head.

**Kenny Fries:** Is there a plan for the future?

**Troy Hershberger:** What I would like to see is doing it in sections. I believe the Warrants Division, due to the nature of their business and they are in uniform and make traffic stops and I believe we should outfit those vehicles. There are about ten cars there.

**Kenny Fries:** They are a good tool for interviews too.

**Troy Hershberger:** Right.

**Sharon Tucker:** I will make a motion for approval for the Sheriff's Department to apply for the Drug and Alcohol Consortium grant in the amount of \$19,635 to be used for in-car cameras.

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**Kenny Fries:** Second.

**Tom Harris:** We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. At this time, we will move to Public Comment. We have some individuals that would like to speak about the library.

**Kim Fenoglio:** I am Kim Fenoglio and I am representing the concerned patrons of the Allen County Public Library. I want to thank the esteemed Allen County Council for allowing us to speak here. We emailed each of you a lot of information on Friday, March 29<sup>th</sup> after the public forum in order to keep you abreast of the tragedy that has befallen the library. I will recap for you, because it is important that we are here today because we know what is at stake. A radical weeding of the collection has taken place. Over 1.4 million books have been purged from the collection in an ill-conceived radical change of vision and without the public's knowledge. Tremendous damage has already been done. Documents were shown that staff was given quotas of how many books to discard and they were huge numbers. The Director refuses to tell us why. She refuses to tell us the exact number of books removed from the collection. She will not even admit to any change in purging procedures or policy. The library's \$85 million capital improvement project approved overwhelmingly by Allen County taxpayers in 2001 included a complete renovation and expansion of the Main Library. The configured and added space was specifically designed to provide innovative resources and services and to accommodate continued growth of the library's remarkable book collection. There was no need to gut the library's collection. There can be no conceivable reason to continue to gut the library's collection. Instead, the ACPL Board of Trustees can and should continue its tradition of building a broad, rich, deep and diversified comprehensive and world class collection. And reach out in innovative and creative ways to serve the community beyond the library walls. The can do both. You may be wondering what does this matter to you, the Allen County Council and why are we here publicly calling you to action. There is a very specific reason that each of the Library Trustees is appointed by an elected body. That is to ensure that the public has coverage when needed and hold the Trustees accountable. As the Allen County Public Library organizational chart demonstrates, the Library Board of Trustees is made up of representatives of the Allen County Council. Paul Moss and Councilwoman Tucker are the actual Trustees but are acting as an extension and representative of this elected body. In turn, this elected body is answerable to its constituents. We come here today to ensure that you and your representatives are responsive to the public regarding the issues currently plaguing the library. Indeed, the Trustees of the library do not act autonomously. Instead, they act as the direct representatives of the various appointing entities in order to represent a wide swath of the tax paying voting public. Like it or not, you are responsible to the public for the fate of the Allen County Library. You may not sit on the sidelines and hope that things turn out okay. You must act in the taxpayers' best interest in this situation. This situation is problematic, to say the least. As we have stated, significant changes have been made to the ACPL's collection without the public's knowledge or buy-in and we feel it necessary to ask for your attention and engagement. Time is of the essence because further purging of the collection will begin again in under two weeks. With the loss of over a third of the

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library's collection, another 600,000 books slated to follow and the local branches that serve the taxpayers of Allen County gutted, the public is outraged. There has been a lack of transparency and honesty as to the monumental changes to library policies and procedures. There is widespread denial and no concrete answers. We do not believe that the Trustees have acted thus far, in the best interest of Allen County taxpayers. The ACPL Board of Trustees has been complacent in the responsibility and trusting the Director, as they have been able to do with the past Directors. However, this Director has taken advantage of their complacency in order to do whatever she wanted with no oversight. This Board approved policies that they should have written without discussion or questions. They have not acted in the best interest of the community and more specifically acted against the best interest of the taxpayers in your districts and the County at large. This is our formal request. We officially request that you act in the best interest of your constituents and in cooperation with your representatives, Councilwoman Tucker and Paul Moss, to ensure that they fulfill their duties as the representatives of the Allen County Council. Specifically that they commit to a policy to maintain the breadth and depth of the materials in the ACPL collection that this community values and desires. We ask you to demand that the community branch managers be allowed to maintain a collection that reflects the needs of the school children and families they serve. Furthermore, the Trustees including Mr. Moss and Councilwoman Tucker must familiarize themselves with the procedures of implementation in order to be assured that the spirit of that policy is upheld. The public outcry over these changes continues to grow. Our community was not told about the changes and they are not being given straight answers now that this has all come to light. Maintaining the public's trust is one of the key responsibilities of a Library Trustee and clearly this Board has missed the mark. Before any further destruction into our library's world class collection happens, we urge you to engage with your appointees and guide them as the taxpayers are demanding that you do. Thank you.

**Tom Harris:** Thank you, Kim. Question from Larry.

**Larry Brown:** Do you have a copy for us of your statement?

**Kim Fenoglio:** I do. I actually have packets for each of you.

**Tom Harris:** You mentioned that in two weeks they start again. Is there a number that they are looking to eliminate?

**Kim Fenoglio:** According to the Director's January 2019 op-ed piece in the Journal Gazette, there are over 600,000 books she considers dead on the shelf. Those will be slated to be weeded and purged from the collection.

**Tom Harris:** What are they doing with those books?

**Kim Fenoglio:** They are selling them, for the most part, and what they can't sell, they donate.

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**Tom Harris:** Council, any other thoughts or comments? Councilwoman Tucker.

**Sharon Tucker:** I will respond as Council's representative and not as, if I can separate the two. I wish there was a way that we could answer some of their questions right up front. A lot of the complaints that have been provided are HR issues that we can't talk about publicly. I do agree with Kim that there is weeding that has been going on however, the Board did suspend that until they had additional time to review the concerns that have been brought forward. The two weeks have not been set by the Board and the suspension is off until we can do that. Whether or not that is sufficient for the committee that Kim represents but the Board has been working on all of the things that have been brought to light. They have been working on fixing them but many are HR issues that can't be publicly expressed and can't be shared even with the group that is giving their legitimate concerns. There are some differences that are going to happen because under different administrations, leaders get to make decisions that they want and the Board tries to accept and support that leaders that they can. I will make this note that at the public meeting, my 16-year-old daughter attended with us and she was the only person there that I would have to say was under 30. That is taking a rough guess. When we left, her comment was "Why is there such a big fight about keeping those books?" Some of them were people that she had never heard of and she said "My age group doesn't want to see or read books like that. We want E-books and different processes." The library is at a unique spot because we have one group of people that wants to hold onto the books and we have another group of people that aren't looking for the books the way the other group might be. We are at that bridge and how do you bridge that gap between keeping this amount of material and getting enough E-books material for students with a limited amount of budget? We are trying to figure out the best way to address the concerns that they have and be able to service the community with a strategic plan that was put out to the library patrons to respond to and answer. They are looking for meeting spaces and different processes than what the current library plan has. What that will look like and how it will come out, they are still working through those processes and at the same time answer the complaints that have come forward. There was some new information that the Board was not aware of and some concerns that we knew because of things that are moving around. We can't publicly answer the HR questions that are being dealt with on the inside but we are addressing the concerns, 134 pages. Some were from the same people. Emails that were questions that came in from our public meeting. When we broke it down and looked at the individual questions that came in from the public meeting, I think it might have been 40 different individuals but you could see the repetition of people sending emails from 130 some pages.

**Tom Harris:** Councilwoman Tucker, thank you.

**Kenny Fries:** Just to clarify, the weeding will not start in two weeks because the Board hasn't said it can start again.

**Sharon Tucker:** Correct. The Board has put a freeze on the weeding of the books until we have been able to work this out and address their concerns.

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**Tom Harris:** Kim, thank you very much. Are there any other public comments at this time?

**John Modezjewski:** John Modezjewski, Allen County resident.

**Bud Mendenhall:** Bud Mendenhall, Co-Chair of Neighborhoods United Group.

**John Modezjewski:** Today we would like to get our comments on the record about the deafening silence from this fiscal body about the bridge tax. We would like to know where the Allen County Council stands on this bridge tax. Going back to Mr. Jordan's article, the \$114 million rollover and the Rainy Day account that seems to be floating around and why are we talking about raising the bridge tax when we have that kind of money just sitting around. Are we being overtaxed? Are the accounts not being used properly? We would also like your comments on the Innkeeper's Tax. It seems as if we have quite a few new taxes coming down the road from our Commissioners. There again, we have that \$114 million of rollover money sitting there. Why are we talking about new taxes? Either we are being overtaxed or underserved with that kind of money sitting around in accounts. Also, we would like to get this on public record, the legal notice problem that the Commissioners seem to be having on getting the ten-day public notice stuff correct. I don't know if you have been following the At-Large Councilman and my conversations back and forth. Luke Britt, our Indiana Access Counselor just so happens that Senator Kruse and House Bill 1212 started addressing the issue from a different point of view, the Sheriff's sale and publishing of public notices. I have been working with Luke Britt on going back through and seeing what is legal and what is not legal. We are all held to a standard, particularly citizens and yourselves but as the fiscal body, the Allen County Council needs to address how this public notice through publication and internet access is not there. If you go back and try to find a public notice, God bless you. We want this on record that we brought this to your attention and this is not the end of all of this. Bud, do you have anything?

**Bud Mendenhall:** No, it is just that our Neighborhood United Group is going to make this their number one priority in looking into this kind of thing and work with Luke Britt to help us out with it.

**John Modezjewski:** And how about changing your meeting time? I am still tired.

**Tom Harris:** We have discussed that for about 25 or 30 years. I will say, on behalf of Council, the Innkeeper's Tax is going through the State General Assembly. It has now moved to the Conference Committee and what that bill will state is that it will move to local opportunities for local government, in this case Allen County Council, to take a look and determine if we want to move that or not. We have not taken a position on that because it has not been acted on yet. It has to come out of the Conference Committee and be passed before we have a right to do anything with that. Second, in terms of the bridge tax, we know the Commissioners are trying to determine what the needs are and what they are trying to determine on the bridges. They have not officially talked to us from the standpoint that this is what we are going to do. I think they are trying to figure out what

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they want to do. One comment that they were kicking around was raising the levy to allow us to do something but that has not occurred yet.

**Nick Jordan:** There are two prongs to it. The Commissioners meetings that they have had, their authority is to increase the ceiling to which this fiscal body would adopt the budget in the fall. Even if the Commissioners increase the ceiling, the fiscal body would still have their say in it in the fall.

**Tom Harris:** It could very well be that the Commissioners could choose to do X and we could choose to do Y. We have to take in all of that information first and assess that.

**John Modezjewski:** I have one more comment. Going back to Mr. Jordan's article, are we being overtaxed or underserved? \$114 million in rollover from 2010, Mr. Jordan?

**Nick Jordan:** It has accumulated year-over-year since we came out of the Great Recession, so to speak.

**John Modezjewski:** In 2008 but that is unconscionable. Where does that kind of money come from? It is never talked about. We have the Rainy Day Fund. What is in the Rainy Day Fund? We have two accounts that are really kind of floating around. Where does this money go and what is it earmarked for? Is it just a slush fund? You go through the budgets and year-to-year it keeps accumulating. Are we being overtaxed or underserved? With that amount of money, you are the fiscal body. I am looking at you, as the fiscal body, to answer that question for me. Are we overtaxed or underserved? Which one is it? You just can't have that kind of money floating around.

**Tom Harris:** Council, are there any other comments or anything?

**Kenny Fries:** I am new on the Council but I sat on the other side of the table as the Sheriff for many years. I often argued that it was raining and we needed the Rainy Day Fund. I am not in favor of new taxes.

**John Modezjewski:** The silence from this body has been deafening. As the NUG, we have been getting a lot of phone calls from Allen County farmers and residents. We are pretty active and I think you probably know us under the NUG but we have been moving more into the County realm for some reason. It has to do with this tax. Farmers are up in arms. Rural communities are up in arms. Something has to be done. We can't just not say anything.

**Kenny Fries:** I am a rural farmer. I will come to your Neighborhood United meeting. I will show up and answer questions.

**John Modezjewski:** It is invitation only through Bud Mendenhall.

**Kenny Fries:** I am available.

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**Tom Harris:** Gentlemen, thank you. As a fiscal body, the legislative piece in County government lands with the Commissioners. They legislatively determine things and we look at the financial piece of it. In some cases, they have to act before we act. In some cases, we can let our positions be known before they act. In the City, the Council is both the legislative piece and the fiscal body.

**John Modezjewski:** This goes back and you have to know the meeting, on the publishing aspect and you have to know there is a meeting. You can't have it both ways. Publish the meeting correctly so we can rally our sides. If the meetings are not published correctly, how do we know that there is a meeting?

**Tom Harris:** As we are coming to the end of your ten minutes, we can mention it to the Commissioners to make sure they are following the rules and laws that they have to in their meetings. Moving on with the agenda, next up is County Services. Do we have a representative from County Services? The liaison is Kyle Kerley.

**Kyle Kerley:** Basically this is an ordinance to move the Senior Buyer from exempt to non-exempt.

**Nick Jordan:** At the last meeting, it was incorrect on the Personnel Committee recap. It needs to be changed to non-exempt.

**Sharon Tucker:** I will make a motion to amend the salary ordinance for the status of the Senior Buyer from exempt to non-exempt.

**Kyle Kerley:** Second.

**Tom Harris:** We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Next up is Superior Court.

**Fran Gull:** Good morning, I am Fran Gull, Allen Superior Court Criminal Division.

**Leslie Owen:** Leslie Owen, Financial Coordinator, Allen Superior Court.

**Fran Gull:** Let me apologize for my rather informal attire this morning. I am a volunteer with Honor Flight and we have our luncheon for our 31<sup>st</sup> flight that takes off at 7:00 a.m. next Wednesday. We are here to ask for a rather large sum of money. I would like to split it out in two parts. The Computer Software and Office and Computer Equipment are for three laptops that we are asking for to assist us with our E-filing with the State of Indiana. We have one current laptop that is a spare and is constantly in use for all of our Judicial Officers. As you know, we have in excess of 20 Judicial Officers that are responsible for monitoring the E-filing process. They are filing with the Clerk's Office and then they go into our queues and we review them and process them and move them back. We are asking for three laptops so we can continue to process filings more efficiently. Obviously, the bulk of our request is for our death penalty case and sequestered jury trial that is coming up at the end of June. As you know, I am obligated to ensure that defendants in

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the criminal court system receive adequate representation and death penalty cases are extraordinarily complex. The State of Indiana is asking for the ultimate penalty against an individual and so I am required as the presiding Judge to ensure that the individual gets the best possible representation. Unfortunately there are many items here that I am unable to comment on. I have met and I know our Court Executive has met with our liaison, Councilman Benz, to talk specifically about the consulting services which cover the mitigation investigation on behalf of the defendant to ensure that the jury has every possible piece of information about this particular defendant before they make the ultimate decision as to whether or not they should impose the death penalty or some other alternative to the death penalty. The balances of these are jury expenses. We will be traveling to Marion County, Indiana at the end of September to select a jury and bring those lovely citizens back to our beautiful city to sequester them in a local hotel. The prices that Leslie has obtained from all of the vendors, she has been extraordinarily penny pinching, I will say, with the vendors to ensure we are getting the best possible rates that we can get. Unfortunately our hands are pretty much tied, as you know. I have to ensure that we have these expenses taken care of so we can have a successful jury trial, whatever the outcome is. I will tell you that the parties are continuing to discuss the possibility of a resolution and I am hopeful there will be a resolution short of a trial but I can't stop doing what we are doing moving forward. The trial was actually supposed to commence this past Tuesday and we should have been in Marion County and brought the jurors back to Allen County to try the case. The case got continued because the mitigation wasn't quite complete which will hopefully be done mid-June. I will tell you that I have not been a rubber stamp on all of the bills that have been submitted, not only the attorney's fees but also the consulting fees. I get, and Mr. Jordan can attest to this because these bills then go to him, I get stacks of bills in excess of two to three inches. My dining room table gets consumed where I lay these bills out and ensure that the bill coming from this vendor and he or she has made appointments or had contact with various individuals. I go through those and track them and my husband thinks I am crazy. I feel an obligation to ensure, as a steward of the money you provide to us that they are in fact doing what they say they are doing. I can tell you that they are. I have not approved every expense that has come through. I have had meetings with the defense team where they have made specific requests for dollars that I have denied. I have told them that there are better ways that we can do these things. The Pauper Attorney is to cover the attorney expenses. Consulting is to cover the various mitigations. Again, I wish I could tell you specifically what those things are but because they are ex parte and this individual is an indigent defendant, if he was rich he could go out and hire whomever he wanted and we wouldn't know anything about it. Because he is poor, I have to ensure that he has the services that he needs to ensure that the appropriate penalty is imposed. We have discussed this with Councilman Benz and have sworn him to secrecy and have brought him into some of the discussions about the specific expenses and answered some questions that he may have had. Obviously, the lodging and meals for the jury, I have to put them up in a place and make sure they are fed and taken care of. If the case does get resolved, we will return this money back to County Council. We do get the reimbursement from the State of Indiana, 50% reimbursement that goes right back to the General Fund. I am happy to answer any questions and Leslie is here because she is the number cruncher and has a much better handle on the financial picture than I do.

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**Tom Harris:** Judge, thank you. First of all, I question the capital request. That is not related to this request, correct?

**Fran Gull:** Correct.

**Tom Harris:** That is three laptops for \$6,700.

**Fran Gull:** Correct.

**Tom Harris:** Have you gone through County Purchasing for that?

**Leslie Owen:** Yes and Atos got the quotes. They have to be Odyssey compatible. There is more involved with that.

**Tom Harris:** And it is the software that is driving that.

**Leslie Owen:** Correct.

**Larry Brown:** I don't have a question on any of the breakdown of the dollars. My question is maybe procedural. If there is an alternative to a trial and these dollars are not needed or used, what happens to that money that has been appropriated into these accounts? Will you need it appropriated back into another account?

**Fran Gull:** No.

**Leslie Owen:** No. We will return that money. Even if there is a resolution, we are still going to have attorney fees up to that point and consulting fees up to that point but whatever is left, we will return.

**Tom Harris:** Auditor Jordan, if you want to explain how that is set up.

**Nick Jordan:** Just like any of the budgeted dollars, if they are unspent that is what constitutes rollover. This will just roll back into the General Fund since they are appropriated in the General Fund.

**Tom Harris:** You are basically creating a file for this case.

**Nick Jordan:** Not necessarily. If you look at the agenda, they have one line called Consulting Services and it may have already had \$100,000 in in for the 2019 budget. You are just adding \$385,000. If they spend \$100,000 and don't touch this, the \$385,000 will roll back into the General Fund.

**Larry Brown:** This is all within their total so I guess if it comes to a point at the end of the year or whatever and you need to move money around and these dollars weren't needed, they would just have to come back for another appropriation.

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**Leslie Owen:** We won't touch whatever is left.

**Fran Gull:** That will come back to County General.

**Joel Benz:** I wanted to ask about the laptops. You said they had to be Odyssey compatible and that is the new system, right?

**Leslie Owen:** Yes, with the E-filing.

**Joel Benz:** Did you guys look at Surface Tablets? I thought that those were capable of handling Odyssey.

**Leslie Owen:** I am honestly not sure. We worked with the State and Janine in Atos and she is the one that got us the quotes. We went by the State's specs.

**Joel Benz:** I should have done a little bit of research on this ahead of time. Those would be about half the cost and I think a little bit more dependable. Also a little bit more integrated for using Office.

**Sharon Tucker:** What is a Surface Pro? Does it have the memory and capacity of a laptop?

**Joel Benz:** Yes.

**Sharon Tucker:** And they come with keyboards?

**Joel Benz:** Yes.

**Fran Gull:** Great questions but we were given this quote from Atos.

**Tom Harris:** What is the timeline that you needed these by?

**Fran Gull:** The spare that we have is not really a spare any longer. It is in constant use. The laptops are aging and are used in court every day.

**Nick Jordan:** What you can do, Council, is appropriate the dollars on the higher amount and ask that Superior Court ask Atos and the State if they can use the Surface Tablet.

**Fran Gull:** Thank you, Mr. Jordan. We would be happy to do that.

**Joel Benz:** Thank you. The second thing is that I appreciate you guys on the bulk of this. I know that in talking to John, he had kind of waited on bringing this forward hoping that something would happen or something would break. Obviously that had not happened to this point. We will cross our fingers that someone will plead or something. We just have

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to do our job and prepare and give you guys the opportunity to start setting this stuff up. I am certainly going to vote in favor of it even though it is a huge number.

**Fran Gull:** Ginormous number. The other case in this matter is the State of Indiana versus Amber Garrett. That was originally to be tried with an Allen County jury but due to extraordinary pretrial publicity, some of which was absolutely inappropriately released to the media, I was put into a position where I had to grant a motion for change of venue. We will be traveling to another County to select the jury and bring that jury back to Allen County to try her case. That is coming up at the end of June. That is part of this money as well. We have incorporated that and it will not be resolved short of trial. That one is definitely going to trial.

**Sharon Tucker:** I think you may have already answered my question but are any of these funds reimbursable from the State?

**Fran Gull:** Yes, from the State Public Defender Commission? They have 50% reimbursement on capital cases. The Garrett case is a 40% reimbursement.

**Sharon Tucker:** So this is 100% but we expect to get 50% back.

**Fran Gull:** Correct. I recognize that this is an enormous amount of money that I am asking for and I appreciate the opportunity to come and visit with you. The problem that I face is that I don't have a choice. I have to provide these services. I hate to appear that I am so heavy handed with Council that if I have to do this and you don't, I will make you. I don't want to get to that spot because we have not been in that spot with Council as it relates to these types of expenditures. We are between a rock and a hard place and I am dragging you into that spot with me.

**Joel Benz:** I will go ahead and make a motion. I will make a motion for the Appropriation Reduction in Council General Fund for the amount of \$6,732.

**Sharon Tucker:** Second.

**Tom Harris:** We have a motion and a second.

**Kyle Kerley:** Is that with the caveat to have Atos look into those?

**Joel Benz:** I expect they will talk to Atos.

**Leslie Owen:** Yes.

**Tom Harris:** All in favor say aye, those opposed, like sign. The motion passes 7-0.

**Joel Benz:** I will make a motion for the Appropriation in Superior Court General Fund, \$1,250 for Gas, Oil and Lube, \$792 for Computer Software, \$6,050 for Jury Room Supplies, \$385,000 for Consulting Services, \$16,690 for Postage, \$315,000 for Pauper

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Attorney, \$29,210 for Per Diem Petit Juror, \$171,660 for Lodging and Meals for Jurors and \$6,732 for Office and Computer Equipment for a total of \$932,384.

**Larry Brown:** Second.

**Tom Harris:** We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Next on the agenda is the Auditor.

**Nick Jordan:** I have, on the agenda, a transfer. I had thrown \$20,000 in the budget for the Chief Deputy and I am not going to use that. What I would like to do is transfer it to Contractual. We have been looking into a web portal where you can get check stubs, W-2's and other demographic information. This will also include a "What If" type of calculations for your check stubs if you were to change your deductions, increase your HSA or so forth. We looked at three different quotes or routes. One was an internal route. Another was a company called Green Shade. This is based on using our current financial software vendor and a portal that they have. It was at \$19,000 but drops about 50% ongoing to around \$10,000 after the initial year of implementation. This will work in conjunction with and we will not duplicate the efforts that HR has in the Kronos Self Service portal. That is more HR related. My biggest goal is to get the check stubs and the W-2's out there so that people can stop continually asking my staff to reprint a check stub or W-2. Obviously we will have to provide a paper W-2 if you file your taxes. If you do it electronically, you can just go out there and get information. We will save on printing W-2's but it will take years to recapture the money.

**Tom Harris:** The ROI is probably about fifteen or twenty years?

**Nick Jordan:** Probably. Paper and printing keeps going up and so it might be sooner.

**Larry Brown:** Nick, so many times these things are only available through the intranet.

**Nick Jordan:** This will be wherever you are at, your phone or whatever. Actually, our financial software is going to an HTML5 Platform. The internal option was only through the intranet and that negates half the benefit. Usually we get the request when they are applying for a loan or they lost it and need to get it.

**Larry Brown:** Or 50% of the time is it the employee's spouse that is gathering the information.

**Nick Jordan:** Back to the ROI question, I can't say it is going to happen tomorrow or ten years but I believe it will be a nice benefit for when you need to obtain those documents.

**Tom Harris:** This is a transfer of funds rather than a request for additional funds.

**Nick Jordan:** I threw only a portion of the Chief Deputy's salary in there and in 2018 I was unopposed and you don't know what the opposing party is going to do. They can caucus someone in almost into mid-summer. If I had lost, they would have had a little bit

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of money to start with a Chief Deputy. I do not anticipate hiring a Chief Deputy until the fourth year or if I would be successful then it would be the eighth year. That would allow for training for that new person to come in.

**Larry Brown:** I will make a motion to approve the transfer in the Auditor's General Fund, \$20,000 from Chief Deputy into Contractual.

**Sharon Tucker:** Second.

**Tom Harris:** We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 6-1 (Benz). We have an addendum to this morning's agenda.

**Charity Murphy:** Charity Murphy, Director of Human Resources. Thank you for adding this to the agenda today. I apologize because my initial request into Nick was for \$1,632.40 and he reminded me that I had forgotten to add in the printer which was the big cost of \$4,800. My total request for transfer of funds will be \$6,432. We will be able to transfer that from Extra Deputy Hire into the capital expenditure line. A breakdown of what those expenses are is \$4,800 for a new printer and I had included that on my capital expenditure budget. I knew that our printer was old and likely to break down. The manufacturer had told us that they wouldn't be able to replace parts. That did happen and we worked with Purchasing to get multiple quotes and this was the best quote for that printer. There is also a request for \$1,232 for three filing cabinets and \$400 in labor to install the cabinets. We hold employee files in our back office and currently we have a four-drawer filing system. We have an employee in a wheelchair and those cabinets are not accessible to him. We need to make these modifications so that all of the filing cabinets are accessible to him. He will be utilizing those files the most. If you have any questions, I would be happy to answer them.

**Tom Harris:** Council, any questions or comments?

**Kenny Fries:** I have one. The \$400 to install is building the base for them?

**Charity Murphy:** Yes. They need to be raised up about six to eight inches.

**Sharon Tucker:** I will make a motion for Human Resources for the transfer of \$6,432 from Extra Deputy Hire into Office and Computer Equipment.

**Kenny Fries:** Second.

**Tom Harris:** We have a motion and a second.

**Joel Benz:** I will make a comment. I think it is funny that HR is trying to strong arm us with ADA.

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**Charity Murphy:** Can I add one thing that I forgot to put in? I think we will be able to maintain this for the year but just in the off chance that we will run out of funds in the Extra Deputy Hire, I may be back. We may be able to pull some out of other areas to make up that.

**Tom Harris:** All in favor say aye, those opposed, like sign. The motion passes 6-1 (Armstrong).

**Sharon Tucker:** I have a question. The part-time individual that is in the wheelchair, I understand he received a ticket in the parking lot.

**Charity Murphy:** Correct. He received a citation. The City was very kind to offer him a spot in the front lot because it was too difficult for him to get in from the garage. Two of the spots butt up into the main walkway and there is a curb and he had to park over into the access aisle. He parks over so that he can get his wheelchair out of his car.

**Sharon Tucker:** Am I correct in what I was informed when this individual came to me that he was frustrated because they wouldn't waive that ticket?

**Charity Murphy:** He requested that it be waived or just be given a warning but he was unable to get that to occur.

**Tom Harris:** That might be something to talk about afterwards as well. I am sure that happens with other employees trying to park out here.

**Sharon Tucker:** I would like to say this part, I understand that you guys are taking a donation for him and I would like to contribute to that to help.

**Tom Harris:** Thank you, Charity. We have come to the Discussion and Other Business to come before Council. Are there any other comments this morning? Are there any recent meetings that need to be announced?

**Larry Brown:** I will share something with Council that came out of Community Corrections. Community Corrections was surprised by the State. Community Corrections, Statewide, is being transitioned from a State fiscal year.

**Nick Jordan:** And they are moving to a calendar year.

**Larry Brown:** What that does is put Community Corrections on a six-month hold. Last Tuesday they were to go in for verbal explanation of their budget and review and that type of thing. Generally it is voted on or whatever they do and it starts July 1. Kim has been informed that the current budget will stay the same for six months and the process will be delayed until October or November or whenever. Then they will go to a calendar year. That is all fine and good but we are right at the cusp of a need for additional dollars for programming and House Bill 1006 and facilities. It does put kind of a strain on the situation. My understanding is that the Commissioners are working with a realtor to try to

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get an offer on a piece of property and that is all I know. I can also share with you that it is going to be a big number. By that I mean somewhere between \$8 and \$10 million. To follow up on that when a public comment comes to the table with accusations that we do not know what is coming until the moment it is here, it is a little difficult to respond with accuracy when you haven't had time to do your homework. That is the system and I will live with it but so many times the general public does not realize that this body has been good stewards of tax dollars. I will give you an example. When we had to spend millions on the radio system upgrade, guess what, the County had cash. We paid for that in cash and saved all of the financing fees and even negotiated the price down because of cash. Our fellow governmental body upstairs wasn't so fortunate. Yes, we have millions in Rainy Day and rollover and all of those other kinds of funds but so many times the general public doesn't realize that those are in a fund that can't be moved because they have to be used for that purpose, such as Highway. Also, this body has been mindful of those surplus dollars called a savings account so that we can use it for upcoming expenses that we know are going to happen. We have to keep reminding ourselves that some kind of decision is going to have to be made soon on the jail. Do we relocate or expand or what do we do? We are running out of time on that facility. I take personal offense to some of the remarks that we made but I was not prepared and didn't know what was coming and so I decided to keep my mouth shut.

**Tom Harris:** I will take that as a liaison update and thank you for that. I think the public also doesn't understand some of the details such as the purchase of the Highway trucks. They are going to be coming to us again for another round of trucks and the fact that we are able to finance that internally without going outside and paying interest for that is a savings to the taxpayer. There are an enormous amount of savings and one of the comments that the silence was deafening from Council but we don't tell the public all of the different ways that we save them money. That is our job to make sure we do that day in and day out.

**Joel Benz:** I appreciate that and it was well said. We had a meeting Friday morning with the Joint Permitting Operation and they were almost in crisis mode. Accela has been causing them all sorts of headaches. They would click one time and wait 40 minutes for it to process.

**Larry Brown:** Forty minutes for a permit.

**Joel Benz:** So they would let it sit there and they would keep coming back. It has slowed down and backed up the whole system. It made the Building Department almost come to a standstill. He is manually going in and sending out emails to say they can go ahead with their job. It was three days last week and I assume it is still going on. The presented some potential fixes. The ones that know what is going on have been trying to dig down. There are a lot of things that could happen. We could totally change systems which would be very expensive. The simplest and most efficient thing to do is we house the servers in-house and the company wants us to have the servers with them. To do that we would lose a little control over some of the stuff and we have, specific to Allen County, code written just for us. To move that would start at \$200,000 just to get those processes moved. They

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don't really have a good fix. In order to change would be extraordinarily expensive. There are not a lot of good options and it is really causing a problem for them. We will more than likely need to spend some money to get those guys back up and going.

**Larry Brown:** If I could add to those remarks and put it in perspective for all of you that maybe are not aware, the current tracking of permits issued in Allen County for 2019 exceeds 2018. If you remember, 2018 was a record year. They exceeded a billion in September or October. The pace right now exceeds 2018. Literally every week there are hundreds of building permits being issued out of the Building Department. I have been told, and I don't know the dollar volume, traffic is heavy in DPS with things that are in the works. We have worked over and over for many years now and this body approved \$1.4 million of which half came out of County to improve the permitting process. We worked five years or seven years or whatever on that. The results are there. In other words we have succeeded in training and getting contractors to do things online and are more efficient. Then we have a computer system that fails.

**Kenny Fries:** This computer system has been in there five or six years?

**Larry Brown:** I think it is more than that.

**Kenny Fries:** Is it that the system is not big enough to process it or is there a flaw in the system?

**Joel Benz:** They upgraded the servers two or three weeks ago and then they started having problems. Something else happened and it really killed it.

**Larry Brown:** Actually, it comes down to people. Atos is the onsite fixer between Accela and the users. Atos gets in and fixes the problem or customizes the software to fit our need. They have lost all of their key people. They have left for better opportunities. There are two for sure; key positions that are open and they haven't been able to secure a warm body with the knowledge that is necessary to fill that.

**Kenny Fries:** It is more important to get the system in our hands even if it costs \$200,000 to do it.

**Joel Benz:** That would be a drop in the bucket and that is moving the system to theirs. They talked about building from the ground up but that would cost millions and millions.

**Larry Brown:** The investigation is underway.

**Sharon Tucker:** Joel, when you guys talked to them when did they notice the delay. A couple of years ago we gave them a nice sum of money to do some upgrades to that system and it was supposed to help solve some of this problem. Did that not have an effect?

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**Joel Benz:** It did and they saw some real help from that. It was speeding things up and then they did this upgrade of the server and something in there got haywire. Something else happened three days ago and all of a sudden it basically crashed.

**Larry Brown:** It happened over the weekend and they came in on Monday and it was dead.

**Joel Benz:** There are three different players involved plus the City and the County and Atos and the contractor. There are a lot of moving parts.

**Sharon Tucker:** That is just the hardest part that the public and we may not understand. And that is one of the things that I wish I could respond to Kim differently but because we don't work in it every single day, we trust those that do work in those systems to provide us with the information that we need to make accurate decisions like what you are saying. All we can do is trust in the individuals that we put in place are providing us with the information to be able to make those financial decisions.

**Larry Brown:** If I could piggyback on that just a touch, I think we are pretty good at eliminating emotion out of situations. A lot of people are very emotionally involved, including some that came to the table today. We are strictly dollars and cents

**Tom Harris:** I will give you an update from the Plan Commission. We continue to see requests come before the Plan Commission for growth, new neighborhoods and new buildings. With that is communities come before the meetings concerned about the streets and roads and highways that are not positioned for that kind of growth. The challenge that we have is that we are in a growing community and all of those things are coming from all directions. From a fiscal body standpoint, we are challenged to be poised to have those requests come to us and deal with them and not have to borrow. I think we are poised to do that. Are there any other liaison reports?

**Sharon Tucker:** From the Youth Services Center, we are still in conversation and that is something else that we should be thinking about too as to whether that location will be moved and to where. When you look at all of those things, I think I have heard just shy of \$10 million in moves talked about at this table when people ask where it the money.

**Tom Harris:** If we added up just what the Commissioners are requesting if we gave them everything they needed or feel that they needed at this time, we would wipe out the Rainy Day Fund completely. Our challenge is to prioritize those projects in a way where the Commissioners pick up some of the fees in whatever way that they can and we might have to pick up some of those fees as well. Are there any other reports?

**Sharon Tucker:** Approval to waive the reading on any matter approved today for which it may be deemed necessary for the County Council meeting of January 17, 2019.

**Joel Benz:** Second.

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

**Sharon Tucker:** Move to adjourn.

**Joel Benz:** Second.

**Tom Harris: All in favor please signify by saying aye. Opposed like sign. The motion carries 7-0.**