

**ALLEN COUNTY COUNCIL MEETING MINUTES**  
**MAY 16, 2019**  
**8:30 AM**

The Allen County Council met on Thursday, May 16, 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: Joel M. Benz, Larry L. Brown, Kenneth C. Fries, Tom A. Harris, Kyle A. Kerley and Sharon L. Tucker. Robert A. Armstrong was absent.

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 April 18, 2019 meeting minutes. Are there any additions or corrections?

**Sharon Tucker:** Move to approve the minutes from April 18, 2019.

**Kyle Kerley:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Armstrong absent). Next is the financial report from Auditor Nick Jordan.

**Nick Jordan:** In your packet, you see the financials through the end of April. There are no surprises, at this point. I did want to mention that at the end of this month we will receive a supplemental distribution of income taxes required by law when our balance is above 15% of the certified distribution. They are required to send us the amount that is above that. The General Fund will get about \$1.2 million, Public Safety Fund will get \$200,000 and some and Economic Development will get close to \$600,000. There was \$9 million coming back to Allen County as a whole and Allen County, as a unit, gets about \$2 million of that. It was unanticipated so there is another \$1.2 million going into the General Fund that was not budgeted, revenue-wise.

**Tom Harris:** Again that was happening because?

**Nick Jordan:** When our trust balance, the State certifies the distribution based on estimates but they are lagging in the processing of income tax returns. Right now you are getting income tax returns from the end of 2018 and they are going to certify a distribution in a couple of months and they won't have processed all of those tax returns. They certify a distribution based on estimates and when they can true those up and our trust balance sitting down at the State is above 15% of the certified distribution, they send

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us the excess. I believe this is the third year in a row or the third in the last four years that we have received.

**Tom Harris:** This is not something that we should count on annually.

**Nick Jordan:** As we all know, the income tax historically has fluctuated up and down because it is in arrears and they certify it to us and then they get the returns and process them and it may be low and so the balance fluctuates. We have been fortunate to have received these in the last few years.

**Tom Harris:** Nick, under Miscellaneous Revenue, interest is at 75% versus the overall to date is about 33%. Are there any thoughts on that particular item and possibly the one right about it?

**Nick Jordan:** The interest is a mix of very conservative estimates as well as the fact that we don't have a clue as to how quickly you are going to spend the \$20 million that is sitting in the General Fund. If you were to spend that soon, we would have half as much interest. As we know, the Fed has increased interest rates a little bit but not significantly in the last few quarters.

**Tom Harris:** We can anticipate that to exceed what the budget was.

**Nick Jordan:** The way it is trending now, unless we spend some of that \$20 million, we would get close to \$2 million. If we would go back seven to ten years, we used to have significant balances because the funds had significant balances. It goes hand in hand with the fund balances.

**Sharon Tucker:** Nick, can we go back to the distribution that we are receiving? This is over the 15%?

**Nick Jordan:** There is \$9 million in total coming back to Allen County. So say the certified distribution is close to \$150 million for Allen County as a whole in income tax. They take 15% and keep it down there. The \$9 million is above and beyond the 15% threshold and it is as of the prior year as of 12/31/17.

**Sharon Tucker:** So this \$1.2 million for us will go into the General Fund as unallocated dollars.

**Nick Jordan:** It is just more revenue that when we did the budget estimates in the prior year, we did not tie this revenue or budget it in and therefore it is not used to offset any anticipated expenses. It is up to Council as to what they would use it for.

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

**Sharon Tucker:** I move that we accept the Auditor's report as provided.

**Kenny Fries:** Second.

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**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Armstrong absent). In this morning's agenda, it mentions that we have total requests out the General Fund is zero but the appropriations out of Other Funds is \$3,291,818. At this time, we turn for public comment. Is there anyone who would like to make any comments about today's agenda? Hearing none, we will move on to Economic Development.

**Elissa McGauley:** Good morning, Elissa McGauley, Director of Redevelopment.

**Kevin Bruns:** Good morning, Kevin Bruns of Beers, Mallerys, Backs and Salin.

**Elissa McGauley:** The resolution that you have before you this morning asks for your approval on the issuance of Tax Increment Financing Bonds not to exceed \$1.4 million. The bond proceeds will go towards turn lane and signalization improvements on Parkview Plaza Drive and Dupont Road, Dupont and Diebold Roads, Parkview Plaza and Corporate Drive, Parkview Plaza Drive and West Campus Loop Road and will support the Parkview Regional Center Campus as well as other businesses in the area. Parkview will be the buyer of those bonds and the bonds will be repaid with no interest from the property tax increment collected from the Dupont Diebold allocation area that the Redevelopment Commission established in February of 2018. The area itself is pretty much encompassing the campus of about 242 acres. As you know, they are aggressively expanding their campus. This was kind of a tricky process of setting up the allocation area. As you know, they are not for profit and so we were looking at those properties that collect property tax increment. It is something that Parkview has on their long-range plans to partner with us on some of the public improvements that we can do through property tax increments.

**Tom Harris:** Council, are there any questions? Elissa, you might from a layman's term to help the public understand what is happening here.

**Elissa McGauley:** We went down the road establishing the allocation area. In 2018, we worked with Parkview on this. They have, in their long-range plan a lot of internal improvements, building improvements as well as looking to seek help with financing public improvements, namely those areas on Dupont Road that touch them as well as Union Chapel Road and Diebold Road. We established the allocation area which is the area that collects any property tax increment that is generated anything that is over and above what is already there. At this point, it is fairly new and so what we are doing is leveraging the anticipated revenues from that allocation area into financing through a bond.

**Tom Harris:** And this has been through the Redevelopment Commission?

**Elissa McGauley:** It started back in March when we adopted a resolution making a preliminary determination. It has gone to the Board of Commissioners and now it is at your table for consideration.

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**Larry Brown:** You might add that the whole purpose of this is to ease traffic flow in and out of Parkview Plaza Drive.

**Joel Benz:** If you go through there in the morning of the afternoon, it is backed up in all of the turn lanes and all the way up Parkview Plaza Drive. It can be pretty messy.

**Kenny Fries:** I have a philosophical problem with it from the standpoint that Parkview is non-profit. They pay no property taxes but yet we are going to take but yet we are going to take the property taxes from all of the other businesses in that area to assist Parkview.

**Elissa McGauley:** No, actually the allocation area is generating increment from the property taxes that they do pay. There are certain aspects of the campus that are taxable.

**Kenny Fries:** Do we know what they pay yearly? They have the entire area between Diebold and I-69 up to Union Chapel, correct?

**Elissa McGauley:** They also have some properties north of Union Chapel.

**Tom Harris:** So the entities that are on those properties that do pay taxes are in essence putting this money into an account and what they need to do is make this happen with the anticipation of those taxes to continue in the future and then they would pay that back.

**Elissa McGauley:** Yes.

**Sharon Tucker:** So, in essence, we made this area a TIF District?

**Elissa McGauley:** Yes. Allocation area and TIF District are synonymous.

**Sharon Tucker:** Does it fit the guideline for a TIF District? I thought TIF was supposed to be for areas that were blighted and in need of...

**Elissa McGauley:** There are certain findings of facts in regards to setting up one of these areas. Right off hand I can't remember which findings but we went through the process as per State law and it was approved by both the Allen County Commissioners as well as the Redevelopment Commission.

**Sharon Tucker:** I respect that but from the definition that I remember, I researched this and looked it up before when I had gotten that they were trying to make that a TIF. It just didn't sit well with me that it fit within the guidelines of the area for the areas that we have that are underserved and needing blight removal or assistance. It makes it hard for me. I also remember going to the Zoning or Planning Board, whichever one it was and the neighbors weren't really enthused with having this development done.

**Tom Harris:** I think this happened a few years back in terms of the TIF approval.

**Elissa McGauley:** We started at the end of 2017 and finished up in 2018.

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**Nick Jordan:** For the Parkview properties in Perry Township, for 2017 pay 2018 they paid over \$1.5 million. The Randallia Campus is not a part of the TIF District that we are talking about. If you think of the buildings out there and not the hospital...

**Elissa McGauley:** The medical offices.

**Nick Jordan:** Exactly but the private practices.

**Tom Harris:** That is what is paying into this. Council, are there other questions?

**Joel Benz:** I will make a motion for approval of the resolution of County Council approving issuance of bonds of the Allen County Redevelopment Commission and taking actions related to.

**Larry Brown:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion is 3 (Benz, Brown, Harris)-3 (Tucker, Fries, Kerley)-1 (Armstrong absent). I need clarification of what to do now.

**Nick Jordan:** I would defer to Kevin.

**Kevin Bruns:** This was a resolution bringing back to Council for the additional appropriation. The bonds have been approved by the Redevelopment Commission and the Commissioners. In discussing the matter with the DLGF, they would like to see the County Council also do an additional appropriation of the bond proceeds. The Redevelopment Commission had already done a public hearing and additional appropriation. The purpose of this was to bring the DLGF onboard and in talking with Nick, we thought it would be best to present it to the full Council.

**Nick Jordan:** What will happen is we will follow up. The fact that you appropriate the TIF money in the Redevelopment Commission budget, the DLGF may look online and if the money was not appropriated, it cannot be spent. We will need confirmation from them in that regard. That was part of the confusion in the beginning but we went this route to cover all bases. Since it died, we will definitely need them to weigh in. Any appropriation needs to be approved by the DLGF and in this regard, they will not approve it if the Council didn't approve it.

**Tom Harris:** In terms of moving forward, where does this place this particular motion or this process for the Parkview process?

**Kevin Bruns:** We will have to discuss with the DLGF as to whether they will allow it to go forward with the appropriation from the Redevelopment Commission. The bonds are ready to be sold and the project to move forward.

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**Tom Harris:** All right, thank you very much. Next on the agenda is The Allen County – Fort Wayne Joint ADA Advisory Council.

**Charity Murphy:** Good morning, Charity Murphy, Allen County Human Resources.

**John Guingrich:** President and CEO of the League for the Blind and Disabled and also Chair of the Fort Wayne – Allen County Disability Advisory Council.

**Charity Murphy:** We are here, not asking for any money, just to give you an update. At the end of 2017, Allen County and the City of Fort Wayne created this Joint Advisory Council. As the County's Americans with Disabilities Coordinator sits as an Ex Officio member of that Council and we have been in existence for over a year now. The Council developed an annual report outlining the work that we did through 2018. We are here just to go over some of that information.

**John Guingrich:** You had the Power Point presentation emailed to you and here is the annual report that the Council put out. Just to put some things into perspective, there are roughly 45,000 people with disabilities in Allen County as reported by the U.S. Census Bureau. Those of us in the disability industry would probably tell you that is a little low. A lot of people with disabilities don't report to the Census that they have a disability because they don't like to be labeled. That works out to roughly 12% of Allen County but we would tell you that the number is really closer to 18% or 19%. The purpose of the Council is pretty simple. Our job is to help Allen County government and City government as well as the community as a whole to be as inclusive as possible. That is our goal. To do that we need to walk back a little bit into history. I have been around the disabilities services community for a while and back in the 1990's, it was very much was we-versus-them. Those with disabilities right after ADA was versus anything that dealt with any type of a government or any type of an agency in getting accommodations and inclusiveness. Back in 2014 and 2015, the Northeast Indiana Disability Advocacy Coalition identified the need to develop a much more collaborative process where City and County government along with an Advisory Council could work cooperatively. They looked around the State and the Nation and one of the models they looked at was Bloomington, Indiana. They had a very successful Council that was occurring. Sometime during the research, they advocated for the development of the Council in 2015 and 2016. In 2017 there was a joint resolution from both the City and the County to develop the Council. In late 2017, we had our first organizational meeting after the County and the City and the Advocacy Coalition did some recruiting for potential members and we kicked ourselves off. In the Power Point slide and the annual report, you will see the list of current members of the Council. We have four basic responsibilities; to serve as informational resources for City and County governments; to identify barriers to community participation; to recommend corrective action and produce an annual report. In 2018, we really did a lot of listening and a lot of developing awareness. Even though there was a press conference and a joint resolution, a lot of departments in City and County government didn't know we existed so we started bringing in those departments. We brought in Building Departments or anything related to traffic, recreation and I think we have hit most of the departments in City and County government. We saw some joint

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collaboration that I will talk about in a second. We also did a public survey. Even though we were really young, we managed to put together a survey before the 2018 Disability Expo that happens at the Coliseum every year by the AWS Foundation. Through that we were able to identify the priorities that people with disabilities saw as an issue. While transportation was number one, as we expected, recreation was number two. With everything that is going on in Riverfront Development and developing recreational activities in our community, we think the County and the City are doing a great job and taking steps in the right direction. In 2019, you will see us doing a couple of different things. One of the things was that if we really wanted to have an impact in various departments in City and County government, we had to create a common language and framework of what a person with disability is and how to accommodate them. Using an MSW student from IU, we have been developing a basic inclusiveness program to roll out to City and County employees. We will talk about how to provide exceptional customer service and how to be completely inclusive of people with disabilities. Our survey this year will focus on transportation issues. As the former Director of CTN and a Council member pointed out, transportation is broad. For some people, transportation is accessible parking spaces. For some it is how often do the buses run and when doesn't it run. What is the reach of a transportation system? If I want to work beyond the limits of the City, how do I get there? We developed a survey that was done at the last Disability Expo just a couple of weeks ago. Also, through the Advocacy Coalition which is 23 disability organizations throughout the community, we are putting that survey on line so we can gather a good depth of knowledge of what people consider transportation issues. We are also looking about ways to keep areas around accessible parking meters clear of snow. The last couple of years there have been an excellent job of going from eleven parking meters up to twenty. Those are great. The issue comes for a person with a disability when there is snow around that meter, getting to the meter to actually pay the meter. We are coming up with some creative ideas on how to deal with that. Along with that we identified signage in accessible parking spaces at local businesses as an issue. Where we thought it was going to be a long and drawn out project, we figured out that the County Building Department enforces permits when people go to build and to occupy and signage is required. Sometimes that signage will disappear after it is required. It could be as simple as it was removed for snow removal and never put back. It could be that the business thinks they don't need that many spaces. It could be that the business wants more spaces for their employees. In any event, it violates the ADA. We came up with a two-page list of businesses in Allen County that were violating this issue. We have the City Clerk's Office and Parking Control as eyes on the street identifying businesses that have this issue and we have the Building Department that is going to issue educational letters to remind people of the requirements of ADA. It is actually proactive and benefits customer service when probably nearly 20% of the customers may have a disability. You will see us continuing to network with City and County leaders to help strengthen the inclusion efforts. We were originally tasked to meet four times a year and I can tell you that we wouldn't have gotten this done if we only met four times a year. We opted to meet every month. We have an active Council which I think is great. We are happy to answer any questions that you have.

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**Tom Harris:** Thank you. I can tell you that as someone who was in HR responsibility when ADA was passed and implemented, those that were involved in key positions learned and understood the necessity and needs and all of those kinds of things. As the next generation comes on and new people come into owning their own businesses, they may not know and so this informational piece is wonderful.

**Kenny Fries:** Do you ever think about doing PSA's for parking in handicap spots because I see it happening all of the time. There is really no enforcement for it. I don't know if the way to do it is a PSA showing people that we do need these parking spots. You go the Y at Dupont and there are all sorts of people parking in the handicap spots that are not handicapped.

**John Guingrich:** We developed a brochure. What we have learned is let's go back to the person that gets the plaque or plate. When you get that there are no rules in driving manuals on accessible places and how they are to be used. A PSA would be great and I think we could probably get funding for that knowing a couple of our members. We started with the brochure. The City Clerk's Office has the ability within the City of Fort Wayne to issue a ticket for any accessible space whether on public or private property. That was passed into code a number of years ago. We supported the City Clerk's Office as she reached out to the BMV trying to get them to include better information in the driver's manual.

**Tom Harris:** Council, are there any other questions? We thank you very much and please continue the work that you are doing. Next on the agenda is the Allen County Drug and Alcohol Consortium.

**Nick Jordan:** Becky sent an additional page which is the detail of their projects. When you see it, you will recognize it because it is the same as prior years. It contains a grid of the various clusters.

**MaryClare Akers:** My name is MaryClare Akers and I am the Executive Director of the Allen County Drug and Alcohol Consortium. I am here to talk about the grants that we receive from the charges that come through for Drug Interdiction charges and for DUI/OWI charges. Is everyone familiar or should I give a brief overview?

**Tom Harris:** Please.

**MaryClare Akers:** Of the charges that make it through the system there are a portion of those fees that go to the Indiana Criminal Justice Institute. What is sent back to Allen County is split four ways. The first one is into Prevention Efforts which included doing a Too Good for Drugs Program at the Boys and Girls Club. These are all evidence based programs and doing Project Alert in the Fort Wayne Community Schools seventh grades in all of our middle schools except for one that did not have a Safety Officer assigned to it. Another way that the funds are used is to work with the community to make sure teachers and facilitators of group activities are informed. We did a long-standing training of Great Kids Make Great Communities. One of the leadership objectives that came out

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of that is to make sure we are promoting guidelines for trauma informed care throughout. The first 25% goes to Prevention. The second 25% goes to implementation of our justice system and is for problematic elements of our justice system such as probation or any of the problem solving courts and the outcomes that maintenance and care of the individual that may have a substance use disorder. It is specifically for people that have been involved in the criminal justice system. When they go through these services, they may be asking for different elements of trauma informed care for those groups or they are asking for help support to help incentivize the individuals that are going through the treatment programs and make sure they continue on that path. The last part goes to intervention scholarships so that individuals that are in recovery and are \$300 each and are given to agencies that are supporting an individual that cannot afford the clinical services that go along with drug treatment or with the housing services for recovery residences. Recovery residences have to be licensed and have certain levels of care and supervision to be eligible for this funding. This doesn't go just to one recovery house. We have a 20% max per agency. Caring about People is a treatment center for drug cessation classes that works with individuals that are in active recovery and have just come out of active addiction. The last 25% goes to DAC and what DAC does is administer all of the intervention scholarships, work with all of the providers of prevention services and we work with our justice community to help them acquire best practices and for them to help us understand in our city and on our streets so we can better understand how to serve our community. We meet with the higher education community and the education community to make sure that we are ahead of the game as much as we can be with prevention programming.

**Tom Harris:** One of the things that have been brought up is an update or understanding of are we gaining ground or getting ahead of this or getting worse. Do you have a feel for this?

**MaryClare Akers:** Where we are most gaining ground is with young people. One of the prevention programs that we do is called Al's Pals. Al's Pals is done in preschools, kindergarten and first grade levels. It helps children to develop their communication skills and have emotional regulations in the classroom so they can learn. We know if you can't read at the appropriate level and you can't get through high school and not learning in the classroom due to disruptive behavior that you are at more risk to have substance use disorder. If you have those behaviors in the classroom there is a good chance that at home you aren't having access to consistent self-regulation techniques implemented by parents with the children. One of the most effective ways to tackle a huge problem like this is work prevention first. Prevention is a priority with the Drug and Alcohol Consortium. We are making headway because we have additional funding besides the 25% for prevention. We have gotten into Fort Wayne Community Schools now and East Allen County Schools.

**Tom Harris:** When you say now, what does now mean?

**MaryClare Akers:** This past year. We did not have access to Fort Wayne Community Schools for programming and we now have all of the seventh grade classrooms except

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for one building and they are doing the Project Alert Program. Project Alert is interesting because it also encompasses because of the Resource Officers and they gain a relationship with the officer and have a different perspective than they would have based on the family home that they grew up in and might have had a negative view of officers in the community. We like to build that relationship so the kids can come forward if they have concerns.

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

**Sharon Tucker:** MaryClare, can you tell us the exact amount awarded? You apply for \$191,819 but that doesn't look like that is what was given.

**MaryClare Akers:** It is just whatever the collection was. We give an estimate but the collections that came from ICJI are the ones that we're actually disbursing. For each area is \$58,338. Those are all collections that have come through drug interdiction charges and OWI charges. There is a specific line item that the Judges and Magistrates will look at and assigns to someone and that is where that comes from.

**Sharon Tucker:** I will make a motion for the appropriation in Drug Free Communities Fund 745 in the estimated amount of \$191,819 for Program Grants.

**Kenny Fries:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Armstrong absent).

**MaryClare Akers:** Can I do one more thing before I leave? I want to give you an example of some of the things that we do. We provide these cards that are in there and they have a breakaway and can go on car keys to show what your limits are. People can have this on their keychain to show by their body weight and their consumption rate as to what would make them over the limit.

**Tom Harris:** Thank you. Next on the agenda is the Sheriff's Department.

**Troy Hershberger:** Troy Hershberger, Deputy Chief Sheriff's Department. I am here to get permission to apply for the State Criminal Alien Assistance Program grant. Basically, we provide a report, it is self-reporting, to the DOJ undocumented aliens that were convicted of one felony or two misdemeanors and have been incarcerated in our jail for at least four consecutive days. Right now the report has not been completed as to what we would be requesting but we are tracking a little above the previous year. Roughly \$10,000 to \$12,000 range is what we will be shooting for.

**Tom Harris:** The 2018 shows pending. Any idea what that number could be?

**Troy Hershberger:** That number is tracking a little above previously and we are thinking \$10,000 to \$12,000 because the report has not been completed yet.

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**Tom Harris:** This grant, when you apply, will be a little above that.

**Troy Hershberger:** Correct. This will be the fifteenth year.

**Tom Harris:** In layman's terms, you might talk a little bit about how this helps your operations.

**Troy Hershberger:** What we do with this money is to earmark it for various things at the jail. Traditionally we use it for jail replacement vehicles. That is what we have done for the last four years. Out of the five vehicles down there, we don't want to replace every vehicle at the same time so we try to stagger that out. We utilize that money for a jail van or cars.

**Joel Benz:** I have a quick question. Have they changed the reimbursement rate over time or has it remained steady all along?

**Troy Hershberger:** It is based on the number of people that meet the requirements of the grant which is the undocumented aliens that have a felony conviction or two misdemeanor convictions and they have to spend four consecutive days in the jail.

**Joel Benz:** They haven't adjusted that.

**Troy Hershberger:** No.

**Kenny Fries:** I would like to make sure that the Jail Commander and Assistant Commander pay good attention to that because it looks like over the last three or four years we have dropped significantly on the amount of money that we have taken in. From 2006 to 2014, the money was pretty good but then all of a sudden in 2015 it dropped to about half. The better they track that the more money we get back.

**Troy Hershberger:** Right. It has been as high as in 2009 at \$38,000 and as low as \$6,100 in 2015. It has been tracking higher the last three years.

**Tom Harris:** That is based on our tracking or the State's allocating?

**Troy Hershberger:** We provide those numbers and we essentially are reimbursed on the numbers that we provide.

**Joel Benz:** I will move for approval of permission to apply for the State Criminal Alien Assistance Program (SCAAP) grant.

**Larry Brown:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Armstrong absent). Next up is the Public Defender.

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**Michelle Kraus:** I am Michelle Kraus and I continue to be the Interim Chief Public Defender.

**Eric Ortiz:** Good morning Council, Nick and Jackie. My name is Eric Ortiz and I am the Executive Director of the Public Defender's Office.

**Michelle Kraus:** We are here to ask for permission to transfer money that we already have and so we are not asking for new money. As I understand it, the 100 Series of \$84,457 is money we have in our budget. We have been very conservative, as this group knows. The CHINS issue that we have been dealing with over the last couple of years and the amount of money that we are spending and our personnel to represent those indigent people and the Child in Need of Services termination of parental rights was blossoming to the point where we were constantly over budget. At the beginning of this year we put into place a contract that absolutely controls what we are spending. In an effort to be conservative some money has been saved. The Extra Deputy Hire would typically be used to hire interns and a secretary and we decided to do without those people as we continue to track what is going on in the CHINS Court. We find ourselves with money in that account and are asking for permission to transfer that to the 300 Series which is Contractual. Those are the bills that we pay for ourselves. There is \$84,457 that we would like to transfer from the 100 Series to the 300 Series which allows us to pay our bills and means we are in the black. We are sort of happy about that.

**Tom Harris:** Help us to understand the Contractual. Do you need additional funds in Contractual?

**Eric Ortiz:** It gives us more flexibility as far as what we can pay out. With a salary, we can only pay salary but with Contractual...

**Tom Harris:** You can spend it in all kinds of ways. Help us understand what that means.

**Michelle Kraus:** The things that come out of that are things like boxes and boxes of files when we close those files that we have to store. We have to pay storage fees through Federal Records Management. We have a software program that is used that is a case management program called Core Soft that we pay for. West Law is a research engine that we use for legal research. We have many, many mentally ill clients that we have to seek medical records for them and we get billed from the various agencies and can be pretty costly. We have a local interpreter agency so when we have clients that don't speak English, Superior Court pays for those but when we have to meet with clients at the jail or in-person we have to pay for an interpreter to come. Deposition fees, we are very lucky that Indiana is one of three that allows depositions in criminal cases. A deposition is an ability to take a sworn statement from a witness and we have to pay a Court Reporter to appear and transcribe that deposition. That is a huge cost for us that used to come out of Allen Superior Court but obviously we have taken that over. All of these are subject to the 40% reimbursement as long as we stay in compliance with the Public Defender Commission. All of these are part of that reimbursement program and so we spend it on

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things that are necessary to defend our clients and then we submit those costs to the Public Defender Commission and we have never been denied the 40% reimbursement.

**Tom Harris:** A lot of times, what we see are departments need to transfer in order to cover or they came up short in a particular fund. In this case, you are moving it to be able to have the flexibility in the future. Councilwoman Tucker.

**Sharon Tucker:** So we are moving the funds to have flexibility. If we hadn't reduced the staff, would you need additional funds? I am trying to figure out in our budgeting how \$84K in Contractual cost wasn't on our radar.

**Michelle Kraus:** It was there and we were going to have to find the money. This is all money that we anticipate spending. Even last year, when we came before you we had asked for \$140,000 and we think we have that under control. I am learning at my job here and he is the numbers guy.

**Eric Ortiz:** We are anticipating that if what happened and the CHINS carried over and we decided to not make the hiring of extra interns and the clerical staff. The money was already there in our 258 Fund.

**Michelle Kraus:** We feel that we are stepping up and taking responsibility for our bills. We are using the money in our budget and paying our bills so that we don't have to come back and ask for more money. Everything that is in this Contractual account, we had anticipated spending.

**Eric Ortiz:** It comes out of our User Fees.

**Tom Harris:** I guess the challenge from Council is that during the budget season we wouldn't want to see an additional person needed. Council, are there other questions? Councilman Benz.

**Joel Benz:** So, you have not taken on additional responsibilities, correct?

**Michelle Kraus:** No there is nothing new in the Contractual.

**Joel Benz:** So that money was going to have to be found somewhere. You are choosing to pull it out of the salary line.

**Eric Ortiz:** We used some of that money in Contractual to pay for some of the overflow on CHINS at the end of the year when we did the restructuring.

**Joel Benz:** Okay.

**Michelle Kraus:** Which we will, at this point, so very carefully tracking this CHINS issue because that is where we blew out of proportion the number of cases that were being filed and the number of Public Defenders that were being appointed. They were

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billing at the rate of \$90 per hour which is the Commission standards. What we put in place was this contract with each of the Public Defenders. We don't have to use our User Fees to also pay for those attorney fees for CHINS because we are maintaining that contract.

**Sharon Tucker:** Something isn't making sense to me. We did increase the CHINS at the end. If I am hearing you right, you have taken money from Contractual to help with some of the CHINS and now you want to move some money from Extra Deputy back into Contractual so you can move it to where you want again?

**Eric Ortiz:** We pay the CHINS out of the 100 Series County General. This is coming out of Public Defender User Fees. We pay some of the CHINS invoices out of our User Fees. Now that we have picked up part of the tab, we want to reallocate the money that we had in Extra Deputy because we didn't hire anybody and move that to Contractual.

**Michelle Kraus:** By Extra Deputy, I want to make sure that you know that doesn't mean a Public Defender or lawyer. We need all of the lawyers we have. We don't need fewer lawyers. If we start losing lawyers and then the caseloads go up and then we come out of compliance with the Public Defender Commission and lose our 40% standards. We are at the number of lawyers that we need but the other Deputy Hire is what we used to pay interns in the past. We have decided that we can go without an intern. We have some volunteers that are coming in.

**Tom Harris:** From a Council perspective, they are simply moving money because they aren't going to hire additional staff but are going to control that and not need but now need it in Contractual.

**Larry Brown:** I will make a motion to approve the transfer within Public Defender Fund 258 in the amount of \$84,457 to Contractual.

**Kenny Fries:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 4-2 (Tucker & Benz)-1 (Armstrong absent). Next up is the Highway Department.

**Kim Yagodinski:** Kim Yagodinski, Finance and Personnel Manager for the Highway Department.

**Bill Hartman:** Bill Hartman, Director of Allen County Highway.

**Mike Thornson:** Mike Thornson, County Engineer.

**Bill Hartman:** What we have come for is to get an appropriation out of the Rainy Day Fund to back the purchase orders for Bass Road and Fogwell Parkway. We do this with our own funds right now but what happens is these are primarily design contracts that

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take place over many years, two to three to five depending on the complexity of the project. That money sits there and is taken out incrementally as design procedures take place and then reimbursed 80% but you have to back the amount for the whole contract for the consulting firm. The way this would work is we would put up the 20% part that is not reimbursable and as the obligation for the contract goes down, we would pay the 20%. It is a cash flow issue but it would free up the \$1.4 million for us each year to put into resurfacing. That would be about twelve to fourteen miles of road that we could resurface. If we had looked into this previously on Bass that design contract has gone on for several years. At the rate of ten to twelve miles, we could have probably resurfaced about 50 miles of additional roads. We have to thank Nick Jordan because he had pointed this out and thought this would be a good idea and we are trying to run with it.

**Nick Jordan:** Council, this is really a cash flow issue. The Rainy Day Fund will be out nothing except for potentially an immaterial amount during the time when the invoice is paid and we see reimbursement.

**Kim Yagodinski:** That would be four to six weeks. Monthly we send a reimbursement request to the State and usually within four to six weeks we will get that request back. That would reimburse the Rainy Day Fund 100%.

**Nick Jordan:** It is not paying them the full \$1.4 million but is the chunk that was done at that point in time. If it is \$100,000 or \$200,000, we would be out the interest revenue we would have earned during that two month period. We will miss the interest revenue but as far as principle amount, nothing will change in the Rainy Day Fund. In the event that the sky did fall, what Highway would have to do is reduce the projects they were anticipating in order to repay the Rainy Day Fund out of their budget.

**Tom Harris:** Help us understand the sky falling?

**Bill Hartman:** If you had to implement the Rainy Day Fund and those funds weren't available. If something catastrophic happened and you needed...

**Tom Harris:** You are saying our Rainy Day Fund.

**Nick Jordan:** If there was a natural disaster.

**Tom Harris:** I am thinking of the other side of the equation and that is there every a case where you wouldn't get the funds?

**Bill Hartman:** If people quit driving.

**Nick Jordan:** They sign an agreement at the beginning of the project so...

**Tom Harris:** The State still contributes back to these projects. What we are in essence doing is providing cash flow in order to speed this up.

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**Bill Hartman:** Yes.

**Nick Jordan:** If you didn't like the thought of the Rainy Day Fund, we could use other options it is just that this is given the balance and the highly infrequent use of it, the most sense is there is less risk. There are other options we can explore if you don't like the use of the Rainy Day Fund.

**Tom Harris:** There are a number of positives to this. One of the other things we do with the Highway Department is the purchase of the trucks that we do internally instead of going outside and have interest rates paid and such. Council, are there any questions or comments?

**Kyle Kerley:** Nick, I know Mr. Hartman said annually so is it my assumption that every year they would want to do this? Would they have to come back and request this loan from the Rainy Day Fund every year?

**Nick Jordan:** The one thing that has to be kept in mind is that historically the 80% has been encumbered and not spent. Now we will be spending this out of the Highway dollars. At some point in time, unless the MVH revenue would go up, their available balance will go down. Historically they have \$5 to \$6 million in their cash balance at the end of the year. That is because they have encumbered some of these projects and couldn't spend it and potentially in the next year they could spend it. By doing this, it will draw down that balance because at some point in time, if revenue was to go up, we may hit the roadblock where we don't have \$1.7 million available if that is the magic number that year. That is probably five to seven years down the road and just knowing that the money wouldn't have been spent in the given year because they were encumbered in a P.O. Councilwoman Tucker.

**Sharon Tucker:** I do like the idea that we are loaning ourselves money and don't have to pay the interest rate. I think I have mentioned it before that it always makes me nervous that we did the trucks and that works out. Your credit is good with us because you always pay us back. I don't want it to be a habit that we get into tapping into it. You are the only department that does this and I like that we can do it and not have to pay interest and have the means to do this. Just be careful with the amount of times that we do this. I think your question was on point, Tom, and I know where your question is coming from. You can get upside down and who knows what the State will do. They could say that they will stop funding. Who knows?

**Tom Harris:** To the point of worst case, we would simply stop. They would get reimbursed, we would get paid back and the projects would move back into the slow lane instead of the passing lane.

**Nick Jordan:** The last truck one is done this year, isn't it?

**Kim Yagodinski:** The last payment will be made in January.

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

**Kyle Kerley:** I think I have a comment. I know we get harassed a lot for having a Rainy Day Fund but I think this shows a perfect example of why it is good to have a Rainy Day Fund. Having these funds available is going to allow projects that benefit the taxpayers to get done at a much quicker rate and so we are going to have better roads and better infrastructure. Because we have this Rainy Day Fund we can issue ourselves a short-term loan to get these projects done. It benefits everybody and we are not taking on additional debt, we aren't issuing bonds and it allows us to keep pay-as-you-go and all we are really waiting for is the State to reimburse us.

**Sharon Tucker:** I would like to make a motion for the appropriation in the Rainy Day Fund 736 for Bass Road in the amount of \$800,000 and Fogwell for \$600,000 totaling \$1,400,000. Also, approve the appropriation in Local Road and Street Fund 255 for \$1,700,000.

**Joel Benz:** Second.

**Tom Harris:** All in favor signify by saying aye, opposed, same sign. The motion passes 6-0-1 (Armstrong absent). Can you give us an update for the folks that live along the Bass Road area about how you will be able to help them shortly?

**Bill Hartman:** I am going to defer to Mr. Thornson. He put the report and maps together. We will pass those out. He is the author and so we will let him report it.

**Mike Thornson:** This shows the phasing with the Bass Road Project. This is \$40 million worth of projects. It started in five phases. The first two phases, we combined and the construction is just wrapping up on that. That is through the central area, the wider orange arrow that you see in the middle. That is from Hadley Road out to Clifty Parkway and over I-469. That should be finished up this summer. The next phase, which will be bid in November, we are again combining two original phases. That is everything to the east of the current phase and goes out to Hillegas Road. It includes one additional roundabout at Thomas Road. The road will be widened to three lanes with a center two-way left turn lane. The last portion of the project is at the west end. That is west of the Hadley Road. Initially it was considered one large phase three. That will be broken down into two or three parts. The first part will be a bridge over the marshy area. That section of the roadway floods almost yearly. That will be the first improvement in that stretch. The rest will be out to Scott Road where we will put another roundabout. The west end will probably not be bid for three to four years and in two to three parts. I also wanted to share with you these Federal Aid projects. This is an information sheet that we prepare for NIRCC and UTAB meetings. They give updates on project costs. The top section is for projects that are currently in design. You can see the Bass Road phases that are in design. South County Line Road Bridge is one that we are just starting the design on. We have just recently gotten a large Federal Aid grant for Fogwell Parkway which is the roadway on the west side of the GM Plant that serves all of the businesses in that area. We have a \$7.12 million grant for that. We are currently in the process of reviewing

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consultants and then getting the design underway. The Federal Aid money for construction on that isn't until fiscal year 2024. The next section down is for projects that are in construction or nearing completion. The second page is non-construction projects that have Federal Aid. Right now that includes our bridge inventory and inspection program. The last section is the list of projects that have been completed in the last year. Each section shows how much Federal Aid and overall cost there is with each project. We have approximately \$53 million in Federal Aid other than the ones that were recently constructed. That is a lot of money we have been able to take in. Non Federal Aid projects list is much bigger than this.

**Tom Harris:** The Federal Aid projects correlates to more roundabouts. Is that fair?

**Bill Hartman:** Yes.

**Tom Harris:** We hear from concerned citizens from time to time about why we put these roundabouts in. I think you have mentioned that the Federal Aid dollars require roundabouts.

**Bill Hartman:** There are fewer conflict points in roundabouts than there is in standard intersections. There are fewer opportunities for rear-end collisions to happen there. There is no maintenance for equipment because you don't have signals. We do put street lights in but if you lose power, the roundabouts still function.

**Mike Thornson:** Roundabouts are actually considered traffic calming devices. They slow people down a little bit.

**Bill Hartman:** In the public hearings for Bass Road, they were requested by the residents.

**Tom Harris:** Next on the agenda is the Discussion and Other Business to come Before Council. The first one has been withdrawn. Next is the appointment of Tom Cottrell to the Leo-Cedarville Regional Sewer District.

**Kenny Fries:** I have known Tom for years and he is a great guy.

**Tom Harris:** With that we need a motion for this to pass.

**Kenny Fries:** I will make a motion to appoint Tom Cottrell to the Leo-Cedarville Regional Sewer District.

**Larry Brown:** Second.

**Tom Harris:** **All in favor please signify by saying aye. The motion passes 6-0-1 (Armstrong absent).** Are there any recent or upcoming meetings? I will be working with the Auditor to lay out some of the foundation for the next budget season which is coming up very quickly. One of the items that we may be looking at this year is looking at our

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special funds. We have over 100 special funds in excess of \$111 million. That is almost the size of the County General Fund. We want to figure out a process to understand those special funds a little more. Councilwoman Tucker.

**Sharon Tucker:** Just to keep you informed on the Library. The Board has answered all of the questions again. The largest majority of them have to do with HR. They want to have the ability to have someone to talk to and the fear that they have about telling what is going on. As far as the weeding, it continues to be stopped. The addressing of explaining how that process goes, they are starting to do commercials to show how that goes. It is interesting because I am reading Palace for People and the very first chapter of the book has to do with how libraries build communities and pull communities together and that libraries are more than just books but also spaces for moms to go with their kids and there are places with computers. Everything that was in there is kind of the platform that the Library has tried to include and keep the books. It is an interesting read. We continue to address the issues and try to answer all of the questions.

**Tom Harris:** Thanks for the update. Are there any updates from other liaison 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 May 16, 2019.

**Larry Brown:** Second.

**Tom Harris:** All in favor please signify by saying aye. The motion passes 6-0-1 (Armstrong absent).

**Kyle Kerley:** Move to adjourn.

**Sharon Tucker:** Second.

**Tom Harris:** All in favor please signify by saying aye. Opposed like sign. The motion carries 6-0-1 (Armstrong absent).