

ALLEN COUNTY COUNCIL MEETING MINUTES
JANUARY 21, 2021
8:30 AM

The Allen County Council met on Thursday, January 21, 2021 at 8:30 am in the Conference Center at the Memorial Coliseum. 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, Sheila Curry-Campbell, Kenneth C. Fries, Tom A. Harris, Kyle A. Kerley and Christopher Spurr.

Also Attending: Nick Jordan, Auditor.

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

Kyle Kerley: Good morning everyone. First on the agenda is the approval of the December 17, 2020 meeting minutes. Are there any additions or corrections?

Joel Benz: Move to approve the minutes from December 17, 2020.

Bob Armstrong: Second.

Kyle Kerley: 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: Good morning, Council. What I will start with is what we had ended 2020. This is not in your notebook. I provided it to you separately and was the breakdown of the beginning 2021 General Cash balance. In your notebook you see the usual County Council financials as of 1/1/2021 so there is nothing in the actual column. To end 2020 in the General Fund we ended with approximately \$55 million in cash. Yes that is a record. I also sent this in graphs if you would rather look at it that way. The \$55 million is comprised of approximately \$32.6 million that was unappropriated through the 2020 year. Miscellaneous Revenue exceeded estimates at approximately \$10.7 million. Of the \$10.7 million, \$10.6 was from CARES. We can almost say that if we would not have received the CARES, we would have been right around 100% of Miscellaneous Revenue. There were various others that were up and down and every year we provide an analysis of a variance between Miscellaneous Revenue items that I will provide to you in the next week or so. We are just wrapping it up. After the \$10.7 million and the \$32.6 million,

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we had \$7.4 million unspent appropriations which is historically known as rollover. We provided that also in a separate PDF. The majority of the \$7.4 million was \$4.6 million from the 100 Series. That is amongst multiple departments. The 100 Series is for salaries for those of you that aren't aware. The Coliseum had \$1.1 million of unused salaries because of events that did not occur. The Sheriff had around \$1 million and was due to closing Work Release but the Jail was the majority. ACJC had \$700,000. You can go through the list to see where the rollover came from. The \$7.3 million is a record or at least the highest it has been in the last ten years. There was approximately \$3.7 million of unspent P.O.'s. Those are money that was encumbered and then rolled. The leading chunk of this is \$1 million that the Council has for the New Allen Stellar Communities. That is over a four-year project for those that weren't on Council when it was approved and pledged by Council. Nothing took place in 2020 that was taken out of your money and so that \$1 million rolls over. There is approximately \$800,000 of miscellaneous items. I can take any questions. You have the County Council financials as well as the graphs for all of the other Major Funds that we present on a monthly basis. At this point I will take any questions.

Tom Harris: Nick, the one piece is the fact that this is a different kind of year, of the \$7.4 million you take out the oddities and the fact that it was a pandemic and the 100 Series issue, we would be back to approximately \$3 million or high \$2 million which is about where we generally are.

Nick Jordan: Yes but if you look at the unspent file that we gave towards the back of it, there is a five-year history of it. When you look at the last five years, the lowest mark would be about \$3.8 million of rollover. Everything else has been close to \$5 million to \$7 million. There being big chunks in there that has caused rollover to be as high as it is. As our budget increases every year, the \$2 million to \$3 million mark that historically been the normal is going to go up because two to three percent is now a higher dollar amount of a \$150 million budget than what it was when it was \$100 million budget. The percentage is still close at two to three percent but the dollar figure will increase accordingly.

Tom Harris: Where I was headed was we can't expect and shouldn't expect those high rollovers in the future and that it will still hover somewhere around that \$3 million. Historically, I agree with you that it has been going up but generally somewhere around that \$2 million to \$3 million rollover amount.

Nick Jordan: Yes. I think the one thing if you get down into the detail and look you will definitely see across the five years that are presented I will pick on the Jail for example. You may be able to shave \$100,000 or \$200,000 off

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the budget and they will potentially be fine just due to the fact that even though they always say they are trying to get staff there is constantly turnover and turnover creates rollover. When you look down into the detail you will see that you will continue to have the rollover you are having with the budgets that are approved at the amount it is.

Tom Harris: Thank you.

Sheila Curry-Campbell: Can you explain to everyone, you spoke about the million dollars and the Sheriff and go a little deeper with the Sheriff?

Nick Jordan: Yes. The million dollars in the Sheriff's rollover, in looking at the actual breakdown of the departments, \$1 million was the 100 Series. When you look at all of their Series, \$916,000 rolled over from the Jail, \$261,000 rolled from the Sheriff and Work Release was only \$600. If you recall, last year you approved the Sheriff's Department to transfer money from Work Release into the Jail and Sheriff's budget to cover higher than normal expenses. When you look at all of their Series, it was closer to \$1.2 million that rolled over for the Sheriff but the bulk of it is in the 100 Series within the Jail due to turnover historically.

Sheila Curry-Campbell: Thank you.

Tom Harris: I was going to mention that the Board of Health and all that they have been through this last year are at a \$2 million year-to-date cash balance. They are still in good shape. Is that fair to say?

Nick Jordan: Yes. They spent 86% of what they budgeted in 2020. When you look at the historical average of what the Board of Health spends and then look at the chart, it provides a better shoe of how their revenue and balances have trended.

Kyle Kerley: Are there any other questions?

Tom Harris: I will move for approval of the financial report.

Joel Benz: Second.

Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Thank you, Mr. Jordan. For today's meeting, we have total appropriations requested in the General Fund of zero dollars and those requested in Other Funds is \$6,197,500. The next item on the agenda is Resolution 2021-01-21-01 which establishes the policies and procedures for County Council meetings.

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Tom Harris: I will read the resolution although it will need a motion to be approved. WHEREAS, the Allen County Council (Council) serves as the fiscal body of Allen County, Indiana (the “County”); and WHEREAS, the Council conducts County business during its regularly scheduled and, if necessary, special meetings, all of which are open to the public; and WHEREAS, the Council continues to follow, the general rules of parliamentary procedure as set forth in Robert’s Rules of Order regarding the conduct and administration of its public meetings; and WHEREAS, the Council believes it is in the best interest of the County, as well as those individuals who choose to attend public meetings of the Council, to adopt standard policies and procedures for the administration of public meetings to supplement or, as the case may be, in lieu of the parliamentary procedure set forth in Robert’s Rules of Order; and WHEREAS, the policies and procedures adopted herein are intended to provide the general public with a clear and concise set of standards for public meetings held by the Council and, when applicable, rules regulating the conduct and decorum of members of the general public who wish to attend said public meetings; and WHEREAS, in order to protect general meeting decorum and foster more effective administration of public meetings, the Council now desires to adopt standard policies and procedures applicable to public meetings held by the Council according to the general parameters stated herein.

NOW THEREFORE BE IT RESOLVED BY THE COUNTY COUNCIL OF ALLEN COUNTY, INDIANA:

1. The Allen County Council hereby adopts the following rules which shall apply to all individuals attending public meetings of the Allen County Council:
 - a. Members of the general public in attendance at a public meeting of the Allen County Council have no rights with reference to the meeting except as otherwise provided by law.
 - b. The Council may provide for a public comment period, during which time individuals may be given an opportunity to address the Council.
 - c. During any public comment period, individuals wishing to speak will be required to sign a speaker registration sheet and provide the speaker’s name, address, and issue or topic they wish to address. Individuals will be called to speak in the order of which they have signed the speaker registration sheet.
 - d. Individuals who wish to speak and have signed the speaker registration sheet may waive their opportunity to speak once called upon; however, an individual who waives their opportunity to speak will not be permitted to speak at a later time.
 - e. Once called upon, all speakers shall first state their name, their county of residence, and the issue upon which they wish to speak. Speakers may only speak from a podium and must speak loudly and clearly into the microphone provided.
 - f. Any speaker wishing to provide documents to the Council at the meeting shall provide one copy for each of the seven (7) Council members and

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one (1) Auditor; however, speakers are encouraged to bring additional copies of any documents they intend to distribute during the meeting.

g. Each speaker may only speak once and will be given a maximum of three (3) minutes to speak unless a shorter period of time is set forth by the Council at the start of the public comment period. Time may not be reserved or yielded to other speakers and once an individual is finished speaking, that individual's remaining time, if any, is waived.

h. Each speaker will be notified when their allotted time to speak is exhausted and any speaker that does not immediately conclude their remarks at the expiration of their allotted time will be deemed out of order and the speaker will be asked to stop.

i. Comments which are duplicative or repetitive will be deemed out of order and the speaker will be asked to stop.

j. Any speaker who is discourteous, argumentative, accusatory, or insulting will be deemed out of order and asked to stop.

k. Once a speaker is deemed out of order for any reason, that speaker's remaining time, if any, will be forfeited and the speaker will not be granted an opportunity to make any further comment or presentation.

l. All members of the general public attending a public meeting will be expected to adhere to these rules and, any person failing to do so will be deemed out of order.

m. The Council is authorized, and has sole discretion, to request any person deemed out of order leave the meeting and, once requested to leave, a person must immediately leave the meeting room.

n. In extreme cases, if a person refuses to leave the meeting after being asked to do so and that person continues to disrupt the proceedings in a way that is obviously hostile to the purpose of the meeting, the Council may order that the person be removed by members of the Allen County Sheriff's Department.

o. During its public meetings, the Council will take all measures necessary under the circumstances to maintain order. In exercising this discretion, the Council will be guided by a judicious appraisal of the circumstances, including the conduct and decorum of members of the general public in attendance.

2. Upon the adoption of this Resolution, a copy of the rules stated herein shall be posted outside the Council chambers and made available to the general public through the internet website for Allen County, Indiana.

3. This Resolution shall be effective upon adoption.

Kyle Kerley: Is there any discussion?

Kenny Fries: Under "H", Councilman Harris threw out "not be notified" and it should be without not. I also want to note under "N" that they will be removed by members of the Sheriff's Department, do we want to change that

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to Security Personnel because we are not sure that the Sheriff's Department will be at all of the meetings.

Joel Benz: I think that is a fair change. I will make a motion for approval of the policy as read with the amendment of Security Personnel and the removal of "not" as previously stated.

Sheila Curry-Campbell: I will second that motion.

Tom Harris: I would like to make a comment. Where the intent of this resolution is fair, I think the challenge for us is whenever we put down guidelines to these kinds of details many times those things can come back and throw us off. My objective would be to maintain an operation that is open to the public and communication is effective. When we set up a lot of parameters around that communication system process we are inevitably we are going to chop it up a bit and I try to balance that with the concept of how many times have we had meetings that are totally disruptive or out of order and such. I don't know if I need to go to this extent to maintain that decorum. I am probably not going to vote in favor of this. I am not saying that I don't want to see decorum and order but I worry that some of these are too restrictive to allow us to be effective.

Kyle Kerley: One of the comments that I have received from people in the public is sometimes we are two minutes, sometimes five minutes and sometimes three minutes and I think this lays out some expectations to the public of how much time they can be expected to have to prepare their comments when they come to speak to us. I agree with you for the most part. We have well-handled meetings and do not have people that get out of order but in general these were guidelines recommended by AIC. With a motion and a second, I will call for the vote. **All in favor say aye, those opposed, like sign. The motion passes 5-2 (Harris & Armstrong).** Is there anyone here for public comment? I do not see any so we will move onto the Commissioners who are requesting an appropriation in LIT Economic Development Fund 329 for a total of \$6,197,500.

Therese Brown: Good morning, Allen County Commissioner Therese Brown.

Rich Beck: Allen County Commissioner Rich Beck.

Therese Brown: We are back before you for our original request for the 2021 budget that was not appropriated during the finalization of the 2021 budget in October of 2020. We respectfully request the opportunity to have those funds appropriated for expenditure in calendar year 2021. We are open to any questions you may have regarding any line items or anything that may be of

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discussion. We did reach out to Council to have conversation but unfortunately we weren't able to reach a few of you. If there are other ways to be able to communicate with you other than email, we would greatly appreciate the opportunity to have that information so we can converse about a sundry of things that we know will be coming down the pipeline probably rather rapidly in 2021. There is a lot of swift movement relative to things going on in the world. Thankfully we will be reopening and a lot of subject matters that are going to be headed our way and your way as well.

Sheila Curry-Campbell: Mr. Chair, may I speak? I know I have had difficulties with my email and it has been an ongoing issue with storage and space. I know I received a phone call that my emails were bouncing back. I do apologize if you reached out to me and did not get a response.

Therese Brown: Is there a better way of contacting you?

Sheila Curry-Campbell: I am going to get with the IT folks. Nick, do you want to speak on it? It has just been an ongoing issue. I do have one question. I have a question about the quality of life project. Can you speak on that briefly?

Therese Brown: I think all three of us can probably do that. Mr. Cloud, do you have a thought?

Chris Cloud: Sure. Throughout the year, historically, organizations and groups request funds from the Commissioners and Three Rivers Festival is a good example and also Cornerstone Youth Center and various non-profits. It is either for events or small projects they are doing or whatnot. As the Commissioners receive requests, we put them through a policy they adopted for the types of items they want included, what the project is, the impact on the community, who it serves and other funds they have received. The Commissioners don't want to be the sole source of any of these things. We lump them as quality of life projects. It is really a place holder for things that come up through the year. We are always asked for money because people think the government has bottomless pockets. A to put a cap on it and B it is a place holder for those kinds of things. Probably every year there are eight to ten things that come up.

Therese Brown: And it is not meant to be for operating but for specific projects that Mr. Cloud indicated are not the ongoing funding for their organization. Whatever that special project is like with the Unity Choir for the trip to Rome that they booked a few years back we did a sponsorship there for some of their other activities that they have had for the betterment

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of the community and the individuals that participate and are County-wide. What the impact is to our larger community.

Sheila Curry-Campbell: Thank you. I think the community would enjoy knowing that you are giving back to the community. Thank you.

Tom Harris: Just wanted to ask on the Economic Development Incentive, is it fair to say that some of the letters that you guys had sent out that there was a little bit of a challenge of payment and such. Does that line item hit most of those? I am thinking of New Allen Alliance and some of those. I don't know how many letters and where they went to. Would this request today cover all of those letters that had gone out? Are there some cases where you didn't plan to go ahead and fund those?

Chris Cloud: I am mildly confused about the budget in front of me because it is missing a few of our Economic Development partners. Economic Alliance is the old name of Greater Fort Wayne. Some of those we were able to do from some leftover funds from 2020. Generally speaking, the Incentive P.O., when I first started what we received in LIT was very small. Income tax wasn't as high back thirteen years ago. Nearly the entire budget, when I started was all in the Incentive P.O. It was stuff that would come up and we did a lot of Ledge Agreements back then. Over the years we have put things in lines as LIT has grown. The Incentive P.O. has historically been if an economic development project has come up that requires economic incentives, you have the place holder line or put into the Ledge Agreement line. What has generally happened in the last several years is we haven't had to do a lot of direct incentives. The Redevelopment Commission has been very active with its Land Banking program that Council helped seed seven, eight or nine years ago to be able to do a lot of those projects. We haven't really had to do much there. What you will find a lot with this budget is that outside of the Economic Development Partners and Civic Projects, these are just place holders for what may come. The Commissioners have historically tried to use the LIT budget for economic development related items. Even though State law permits amongst other funds to be used for lawful purpose, the County has historically tried to preserve these funds for that purpose. I am sure that other communities use LIT for general operating purposes but a lot of this is place holders for things that might come up. That number when I first started was three to four million. It is now much smaller because we don't tend to get requests for direct incentives anymore.

Tom Harris: In terms of GFW, is that part of this? Is that being paid or is the decision not to?

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Chris Cloud: Economic Alliance is what that is and we had enough held over from last year to P.O. most of the cost. That is the balance of what is there.

Tom Harris: How about New Allen Alliance.

Chris Cloud: New Allen Alliance comes out of our quality of life projects line. We pay half of the liaison position at \$37,500.

Tom Harris: I know they had a request in.

Chris Cloud: I hope all of you are up-to-date on Stellar as much as you want to be. What they have done in East Allen is monumental. That rural liaison position is critical right now because they are in the midst of a lot of these projects and really starting up. The Commissioners desperately want to get that contract with New Allen Alliance finalized so that they can put their portion in. That small of an organization doesn't necessarily have the cash to cover the entire position.

Tom Harris: That might take up a considerable amount of the quality of life, right?

Chris Cloud: It takes up about a third of it.

Tom Harris: Based on what I think they were requesting that line item has pretty much a chunk of it. Thank you.

Kenny Fries: Two things for the Commissioners. If you send me an email and don't get an answer right away, call my cell phone number.

Therese Brown: Okay.

Kenny Fries: It is the same one I have had for twenty years. My question is on concrete. I see two million budgeted for concrete. Could you explain that one?

Chris Cloud: Previously in Highway's section of the LIT budget, they allocated \$50,000 a year for concrete mainly in subdivisions. For whatever reason there was a time period in the late 1970's or early 1980's where concrete was in vogue in subdivisions. The handful out there in unincorporated Allen County that is what they used. They used the money for patching or whatever. They got into a position where they needed to do more than just patching and do wholesale replacement of stretches. The Commissioners said to take an additional \$600,000 of our LIT section and use that. In 2015 and 2016, as Highway would show that they had spent money,

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we would reimburse them for it. Eventually in 2017, we said that they had proven it and have given us a game plan of what they wanted to do and showed us the twenty some subdivisions that had concrete and so what the concrete line became after that at the suggestion of the Council at the time was the cash flow for Federal reimbursement. What Highway had to do previously, for example Bass Road is a Federal-Aid project, 80/20 and as a reimbursement would come in for preliminary engineering or right-of-way or construction they would get a check from the Feds through the State. They would then come to County Council and get that check appropriated back into a line. Council, at the time, because Highway was coming nearly every month suggested that if there was a better way to do it then the Commissioners offered to cash flow it for them. When those Federal Aid checks come in and Highway lets us know, we transfer money out of this line and into Highway. We keep the unappropriated check as unappropriated cash and those checks keep growing the unappropriated cash balance of LIT. Highway can take that money and reapply it to projects. They basically recycle that reimbursement money over and over and over again. What Council did with two projects was to use Rainy Day for that. You do tie up this money for a while. In 2018 the transfer was like \$2.5 million. In 2019, it was \$1.3 million and in 2020 it was \$1.6 million. We asked Highway what is outstanding now and it is about \$2.4 million. That is just really to prevent Highway from coming to Council every month. If Council would prefer us to go back to the old process we can take the direction of how you want to do it.

Kenny Fries: I like to see Highway but I just want to make sure the taxpayers can rest assured that the money will be spent on concrete.

Therese Brown: If I may and this may be a question for the Auditor, changing the name of the line wouldn't be a problem to better represent but I don't know if that line is equal to a line in the LIT budget or not. Clearly we can put it into a different line and retitle it as Federal Reimbursements as an expense line. In the end it is the mechanical aspect that the Auditor's Office does and the Auditor catalogs the miscellaneous revenue of federal reimbursements so there is a correlation to what comes in as expected revenue to what is a theoretical expected income coming back from the State. The State, at their leisure makes those reimbursements. We have some projects that are almost ten years on the books that are not closed out by the State. It makes it easier to transfer across lines for the Auditor's Office.

Chris Cloud: In Highway's section of the LIT budget, they have a line for concrete projects and it exceeds the \$600,000 that the Commissioners used to ask. For a while we were using the community crossing matching program where we put a million up and the State would match the million. I think Highway identified something \$19 million of concrete work that was needed

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throughout the County a couple of years ago and they are down to almost nine million. The Commissioners have asked them to make that a priority. Subdivisions have just gotten bad and concrete is very expensive. We would never do that today. We would use asphalt and it is much cheaper to maintain. Concrete has a long life and I am sure there is a reason that they used it at that time.

Joel Benz: I think I remember when we initially had this discussion and the reason is that it slows the Highway Department down if they have to keep coming to us and so we thought it was more efficient if they did it this way.

Chris Spurr: I had the same question as Councilman Fries and so I reached out to the Highway Department. I asked for an itemization of projects earmarked for that money. They had no idea.

Chris Cloud: There are no earmarks for that money. It is just for transfer of federal money that comes in that they have already spent.

Therese Brown: It is the naming of a line transferring into another line within their section of LIT for whatever projects that they may have on the books to be able to fund for whatever current calendar year or to continue accumulating appropriation to be able to pursue.

Chris Cloud: Most of it would be for Bass Road because that is a massive eight-phase road project.

Kyle Kerley: Would a simpler explanation be is that it is an internal loan fund?

Therese Brown: It is the internal transfer of an appropriation.

Kyle Kerley: We pre-fund the project and then wait for the federal money to come back in?

Chris Cloud: I wouldn't call it a loan only because it is really just a time saver.

Tom Harris: It is a holding account.

Chris Cloud: If Highway didn't have this they would take their check and come to you and ask to appropriate it into a line. There is not a specific project tied to this line because we just transfer it to Highway. Highway then may take that check and it may be intended for some other project. If a check comes in for Bass Road, it doesn't necessarily go back to Bass Road. It can go

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to a culvert or a bridge or another road project. It is just that the cash they accounted for in their budget gets funded by this federal aid check. The hope is that you recycle the federal check over and over again and the community is not out more money. They get this check and can reapply it to the next phase. Sometimes it is for all four phases of a road project or sometimes it is just for construction. With the Rainy Day Fund and using it that way, one of the benefits is that sometimes you have to spend 100% up front and get 80% reimbursed. They are out 100% of the money waiting on 80% reimbursement. As Commissioner Brown mentioned, sometimes that takes years. We are still waiting for the Maplecrest Road project to be closed out by the State. The project has been done for seven years now and they are still holding onto a small amount of money that we are owed from a railroad reimbursement. We just don't know how long they go. The \$2.4 million of outstanding money that the Highway expects back, part of it may come this year and part may come next year. Sometimes they have no idea when they reimbursement checks will come.

Chris Spurr: For clarification of the taxpayers, is there any way that we can rename this?

Therese Brown: Whatever that line comes down to does it affect anything else in the budget. If not, we can rename it to whatever makes sense.

Chris Cloud: If there is no other 44-96 line we can rename it.

Therese Brown: Or create a new line.

Chris Cloud: We just reused a line we already had but didn't rename it.

Sheila Curry-Campbell: I guess that is my concern. Maybe it is not coming across the way that it should but it sounds a little confusing. Are you saying you are going to rename it?

Therese Brown: We certainly can rename it or see if there is a line that has not been assigned within the 7201 scenario and just call it what it is.

Chris Spurr: I would suggest that there is a more descriptive line because that is pretty vague.

Sheila Curry-Campbell: It is pretty vague and a lot of money and should probably have a description that would be easy for anyone to distinguish where the funds are going or being recycled. Thank you.

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Tom Harris: I was just going to mention thank you Commissioners for this further explanation. As we look even to this line item for process improvements even during the budget season, we as Council need to continue to work on process improvements which means that we could have had this discussion a little more effectively back during the budget season. Going forward, I would challenge Council that we would have this discussion during that budget season and this kind of explanation is helpful. I would like to make the motion for the appropriation in the LIT Economic Development Fund 329 for \$6,197,500.

Sheila Curry-Campbell: Second.

Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Next up is Mr. Jordan again.

Nick Jordan: Councilwoman Curry-Campbell, your email is already fixed. The slew of items that are on here are accounting changes that the Auditor's Office has requested. What I mean by that is with the first one as an example. In the CUM CAP Development Fund, it is being transferred from the 300 Series which means Services. If you were paying for services like a contractual item, we would take it out of there. The expenses that are anticipated should be classified within the 200 Series and 400 Series. The 200 Series is Supplies and 400 Series is Capital. That is what is going on with the first transfer. The next transfer is within the General Fund from 300 Series to 200 Series. Eight and nine are also within the General Fund from Supplies to Capital. The reason these are separated is if you look after the 100 there is a different number there which are different departments. That is why they are broken out. Numbers ten and eleven are within Adult Probation Alternate State Grant Fund from Supplies to Services. I am handling these for the departments because they are just accounting issues. There is no new money but just transferring money that you have already appropriated. Some of this happens because as my office changes personnel and a new set of eyes looks at things and questions something. Arguably it causes a headache for the departments but it should be classified where it is. That is why we handle it for them.

Kyle Kerley: Are there any questions from Council?

Tom Harris: I will move for approval of the transfers as noted with the funds as stated for numbers one through eleven it will encompass all of the transfers.

Joel Benz: I will second that.

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Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Thank you, Mr. Jordan. The next item on the agenda is for Pandemic Pay Salary Ordinances with the Commissioners coming back up.

Therese Brown: Therese Brown, Commissioner. As we are all well aware, we are in the middle of a pandemic. As such, we had an ending by virtue of what is the term?

Charity Murphy: Charity Murphy, HR Director, FFCRA.

Therese Brown: Thank you. You graciously, with our indication of a pandemic pay policy earlier in 2020 to address issues for those that would be affected because of the pandemic and all of the things that needed to be addressed to keep our government moving. Providing services specifically those that are trying to orchestrate the functions to be able to assist our community. As such that ended up being extended to executive pay and you graciously extended that policy to the end of the year which was in concert with the ending of FFCRA federal guideline. We are well aware that the pandemic is not over but we are hopefully seeing the light at the end of the tunnel. Every day we hear a lot of good things. I got an email today from one of our local grocery store chains that has a pharmacy and will now be doing the vaccine distribution as well. As this continues to move toward hopeful closure and us getting back to what we hope is a normal life, we are asking for you to consider the reinstatement of the pandemic pay policy that was in place previously. To be able to hash out what would be a fair amount of hours above forty hours as a cap at time and a half. In concert with that the ordinance or resolution policy that we have instigating that as the Board of Commissioners that the executive, being the Governor of Indiana, when such an event occurs and being broader than a pandemic would be a natural disaster or any kind of scenario that could evoke the potential of an activation of a group of individuals regardless of department specific that this policy would be put in play. It would end once that executive order would expire. To that end, and I know that the intent was to get to all of you a copy of the draft policy and I am not sure that you all received it or not.

Joel Benz: Is this the one we approved last year?

Therese Brown: This one has the adjustments that we are discussing.

Tom Harris: I would like a copy.

Joel Benz: Nick sent them to us.

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Tom Harris: I understand but if you have a hard copy, I will take it.

Therese Brown: What you will see towards the bottom in the highlighted area indicates what we fully believe we hashed out with Councilmen Kerley, Harris and Spurr. It was twenty hours at time and a half after forty as a cap with a review at six months with this body. Do you have any questions? I know the premise is pretty straightforward. If you have any questions for me or Charity, we would be happy to entertain them.

Kenny Fries: Just to make sure, this is for all of the County's employees having to work and all of the essential employees who some may have been working from home and some were showing up but for all County employees, correct?

Charity Murphy: The policy covers exempt and non-exempts. The passing of the ordinance would be one part of it but the departments would have to come and make the request.

Kenny Fries: The department heads or elected officials would have to come and say they have individuals that qualify. If they don't do that then the employees don't receive that benefit. It is incumbent on the elected officials and department heads to come to you and say that their employees deserve this.

Charity Murphy: They would make a written request explaining how those certain employees fit into the policy.

Kenny Fries: To follow up on that have any department heads done that?

Charity Murphy: No. I mean yes at the very beginning but not since the second time.

Kenny Fries: The first one lasted until May, I think.

Charity Murphy: May 21st.

Kenny Fries: Probably nobody but the Board of Health has come and said we have employees.

Charity Murphy: Correct.

Kenny Fries: Shouldn't they have?

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Charity Murphy: Really, it is difficult for most departments to differentiate between who should receive the supplemental pay and who should not because there have been a lot of safeguards put into place to prevent exposure. When this was initially enacted there was half if not more of the workforce that was working from home or on the pandemic leave. There were a subset of employees that continued to work, couldn't social distance, didn't have the proper equipment to safeguard and so that was the group that initially received the pandemic pay. When everybody came back to work, the stay-at-home order was lifted it was harder to say that you have more of an opportunity for exposure than someone sitting at a front desk. It is harder now to make those differentiations. I think some departments feel it is either, maybe not all of my staff but a majority of my staff would get it or none because we are all having the same exposure potential in meeting the public or clients et cetera. I believe that is why those requests haven't been made.

Kenny Fries: There are those departments that I know have employees that are working from home while other employees in the same office structure are going in and working in the office. I just want to make sure that we understand that it is incumbent on the department heads and elected officials to recognize those employees that are continuing to come to work while other ones are staying at home. Maybe those that are going to work need to get this benefit.

Therese Brown: Again, to your point, it is incumbent for the department head or elected official to delineate what the reason is justified to fit within the confines of the policy.

Kenny Fries: It may be up to employees to tell their supervisors and department heads that they are entitled to this. Hopefully they are watching the County Council meeting.

Charity Murphy: I went through why they maybe haven't but anyone that can show they would fall under it can absolutely come to me.

Kenny Fries: Thank you.

Chris Spurr: To run parallel with what Councilman Fries is suggesting, was there a notification of this proposed ordinance sent out to all department heads about this?

Therese Brown: In its new form? The general form has been out there.

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Chris Spurr: You mentioned earlier how this may be difficult whether to substantiate this or that but my question is, are they even aware that this is being proposed?

Charity Murphy: I believe they were aware of the initial policy.

Chris Spurr: As the head of HR, I would suspect they would be notified of a continuation of this.

Therese Brown: It is not continued yet. It ended at the end of the year.

Chris Spurr: Right but we have it before us now and the idea is to continue this and so my question is are they aware that this is being discussed.

Charity Murphy: I think most employees would be aware but...

Chris Spurr: Was that via email?

Charity Murphy: I am not going to reach out to employees that they get this benefit when there are more steps to the process. I don't want to make any false representations.

Chris Spurr: That wasn't my question. My question is was there a notification sent to the department heads regarding this issue?

Therese Brown: I think until this is discussed collaboratively passed, it would be premature to what Charity is mentioning. Yes, an email would go out to explain the reiteration is you have individuals within your department that it is incumbent upon you to review the policy to see if you qualify and please apply.

Chris Spurr: So the basis of my question is so the taxpayers and the County can get an idea. You have mentioned exempt and non-exempt and who this would apply to. I am curious as to how many people would effected by this. Do we have any idea?

Therese Brown: I think, based on fact that individual departments haven't come forward, not many. Again, it is the case that they would have to make to see whether or not they qualify.

Chris Spurr: That is just speculative, right?

Therese Brown: It is speculative and they would probably have to have an appropriation to do this and come before you with a salary ordinance and an

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additional appropriation to be able to meet that end. Maybe it is premature but again I doubt there are that many. Once it is agreed to and moving forward, we have no issue in sending out the email. Make sure you are aware that there are departments that when this was discussed in October for the extension, there were some department heads that may have reached out to some of you and to HR. There was never a formal request to HR and forwarded to the Commissioners to say that these departments qualify. There has been and there is an attention to detail and some people pay attention and respect to what goes on in a Council meeting

Sheila Curry-Campbell: May I say something? I guess just so everyone understands that had the opportunity to take advantage of this previously and it just expired in December, correct?

Therese Brown: Correct.

Sheila Curry-Campbell: What you want to make sure is that if we have any other types of emergency be it a flood or snow emergency or COVID that this would be in place and you will not have to ask this question again of the County. Is that correct?

Therese Brown: That is correct. This sets in motion a policy and procedure for both sides of the fence. It will allow for the retroactive when you get to the salary ordinance for those positions that are affected. The intent is going forward for any type of situation. Obviously the Governor has made a, in the case of a flood it may be the City of Fort Wayne making the request to the Governor to declare an emergency. That would be one of those types of things and it would be beyond the request that is directly before you today. It puts the policy and salary ordinance in place so it can be invoked in that time of being proactive.

Sheila Curry-Campbell: And when these emergencies occur, the department heads should know that we have the salary ordinance and we can put this in place for Tom, Jerry and Bob and Cindy.

Therese Brown: Yes, absolutely. That is the intent.

Sheila Curry-Campbell: Thank you.

Kenny Fries: To follow up on Councilman Spurr's question as far as emails go out, did one go out in June notifying all department heads that it has been extended through the rest of the year?

Charity Murphy: No. You didn't decide to extend it until October.

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Kenny Fries: Okay did one go out then?

Charity Murphy: No because the request was made only for the supplemental exempt portion of that.

Kenny Fries: I just wanted to make sure the department heads knew. Some didn't and they should have.

Charity Murphy: I didn't know that Council was going to extend it to exempt and non-exempt. I had phone calls of people asking about it and so I think they knew.

Kenny Fries: I know there are probably 100 employees that have been affected by it and haven't gotten any reimbursement. Hopefully they watch.

Charity Murphy: We can absolutely send something out.

Kenny Fries: My big question comes up and I know that this was worked out with other Council members but the twenty hour supplement over the forty hour pay is arbitrary. Here is why I say that. We say that the pandemic is an emergency and we need these people to work. Oh, you have reached that magic hour of sixty and so go home because the emergency isn't really that bad. I think the twenty hours, in my opinion, is very arbitrary because if it is an emergency and we need your help, we need your help and go home and get some sleep and get right back over here. I disagree with the twenty hour maximum.

Tom Harris: Councilman, correct me if I am wrong here but non-exempt employees will continue to get that. It is only the maximum twenty hours is for exempt. Ken, if I am wrong or if you understood that piece but non-exempt employees will continue to get paid as they would. It is those exempt employees that a maximum was set on.

Kenny Fries: I understand that but an emergency is an emergency whether you are exempt or non-exempt.

Therese Brown: For your edification, we started with a higher number but that is the number we landed on. Understandably so, there needs to be concern about wages of exempt employees but in light of future opportunities to address what might be a sticking point in that particular department those are discussions that can be in the future to try to figure out a way to those particular job functions that matter. At the forefront, your point is well taken. If it is a crisis, it is going to take more than an extra twenty hours. It just depends on the width and breadth of the staffing that is available.

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Tom Harris: I want to make sure this is not eligible for elected officials, correct?

Therese Brown: Yes this is very true.

Tom Harris: One of the discussions that we had without going too far into it was that there is an expectation and understanding that exempt employees are the leaders and in times of challenge that you would have to work extra hours. We tried to figure out that there will be challenges and hiccups and problems. From a Council perspective what I am looking at is from an HR side I don't think it is healthy to expect some leaders to work 100 hours a week or 75 hours a week. Is it safe or healthy for them and is it the right thing for us to run someone 100 hours a week and say that they have to? One of the things this does is triggers that if you are getting up there in hours we are either going to hear about it and the department heads are going to have to come to the Commissioners or us and then we can help rectify that they don't need to do 100 hours a week. We should be getting them more support and assistance. That is the direction I was at.

Therese Brown: I think on top of that this at least says it is a framework. If there is something that goes beyond that and indicates in that particular situation that the team leader might not be able to activate more staff or hire more people. As we are well aware, the medical profession is very strained right now. Finding people to be able to do certain things can be very difficult. It may demand an exception to allow for a greater number of hours and segregating that out specifically. Again, I think that this is at least a framework to start with.

Kenny Fries: That is where I will disagree with Councilman Harris because I think leadership says do as I do and not as I say. If you have employees working 70 hours a week and I go home at sixty and say good luck. That is not leadership. I think it is a good policy but I don't like the twenty hour maximum. I will vote for it just to make sure it goes through.

Kyle Kerley: Just to clarify, the policy is set by the Commissioners.

Therese Brown: We interact with all of you to say what would be fair. It is a policy that would affect appropriations and we want to be in concert with you so you are aware of our intentions.

Chris Spurr: For the record, I disagreed with it.

Therese Brown: Yes you did.

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Kyle Kerley: I was trying to point out that as a body we are not voting on the policy.

Therese Brown: Right. It is just clarification for the future conversation.

Kyle Kerley: We are voting on the salary ordinance to fund the policy that was already put in place.

Tom Harris: I would just say thank you for allowing us to express our thoughts and opinions in the design and revision of the policy. I will move for...

Kyle Kerley: Was this policy passed already?

Therese Brown: No, we were waiting for this part and we will probably pass it this Friday.

Tom Harris: I will move for the approval of the 2021 salary ordinance, be it ordained by the Allen County Council of Allen County, Fort Wayne, Indiana that classified and non-classified exempt employees are eligible to receive exempt employee supplemental pandemic pay according to the policy originally approved by the Allen County Board of Commissioners on 5/21/2020 and amended 1/22/2021. Retroactive to first pay of 2021.

Sheila Curry-Campbell: Second.

Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 5-2 (Spurr and Armstrong). There are two policies, right? Not policies but two salary ordinances.

Tom Harris: I will move for the amended 2021 salary ordinance be it ordained by the Allen County Council of Allen County, Fort Wayne, Indiana that employee supplemental pandemic pay in accordance with the Allen County employee supplemental pandemic pay policy approved by the Allen County Board of Commissioners on 5/1/2020 and amended 1/22/2021, supplemental pandemic pay at a rate of \$2.50 per hour worked (not paid time off, sick leave, comp time, PHL) may be paid if deemed eligible in accordance with the policy guidelines. Retroactive to the first pay of 2021.

Sheila Curry-Campbell: Second.

Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 5-2 (Spurr and Armstrong). With that

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we will go to the next item on the agenda. Commissioner Brown, will you stick around for discussion on the PSCDA?

Therese Brown: Sure.

Kyle Kerley: The next item on the agenda was to be an appointment to the New Haven Economic Development Commission. I have not received the resignation letter from the person we appointed and so we are going to have to table that until the next meeting. The next item would be voting on the County Council Attorney Mitch Harper. I see him walking this way.

Mitch Harper: I am Mitch Harper.

Kyle Kerley: As has been discussed and we passed a salary ordinance last year allowing us to hire a Council Attorney. We have had a number of instances over the past year where legal advice would have been nice at the moment that we needed it. Council has discussed a desire to hire an attorney and under State Code we are given the ability to hire our own counsel. On that we have done a search and narrowed it down to Mr. Harper. On that I will open the floor for discussion.

Joel Benz: If there is no discussion, I will make a motion. I move that we hire Mitch Harper as the Council Attorney.

Sheila Curry-Campbell: I will second that motion.

Kyle Kerley: Is there anything you would like to say Mr. Harper

Mitch Harper: I would just like to say that I understand what the duties are and the parameters and really the obligations under the canons that attorneys are to follow to render legal advice. The role is to render legal opinion and not any policy advice. When I first served in the Legislature, the first committee that I chaired, we assigned a Legislative Services Attorney and one of the Legislators asked for a motion to be recognized. I leaned over to the Counsel and asked if I had to recognize that motion. He whispered back that he couldn't tell me that. I asked why since he was the Attorney from LSA. He said that it was a political decision. What he meant by that was the role of the Attorney was to render legal advice but there are things in the province that as discretion of the President or you as members for you to decide. If I ever tell you something like that it is with discretion and I will keep those boundaries very clear whether it is rendering advice to the Council as a whole or to individual members. Those are two separate things. If a member requests that is to remain confidential unless the member gives permission for that to be shared with the President or the rest of Council. I

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just want to lay out that I understand those roles. I respect every one of you. I may have the longest relationship with Tom Harris but the second longest is with the Councilwoman Sheila Curry-Campbell. I respect every one of you and the service you provide.

Kyle Kerley: Thank you. **We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0.** We welcome you to being our Attorney. Get with Charity to get going on the paperwork. Thank you for coming. The final thing we have today is, I am going to ask Commissioner Brown to come forward so that she can add some insight. Commissioner Beck is coming as well. Randy Brown, would you like to come up too since this kind of involves you?

Tom Harris: We are fortunate to have the majority of the Commissioners with us this morning. Thank you very much.

Kyle Kerley: This item that I am adding to the agenda is that currently circulating through the Statehouse is Senate Bill 384 and House Bill 1401. They are in regards to the Professional Sports and Convention Development Area of which the Coliseum is a part of. Beginning early last year I had discussions with Randy Brown, the Commissioners and some State Legislators on how the PSCDA is set up. The PSCDA is a tax district in which some of the taxes generated come back to the Coliseum. Currently those taxes are restricted where they can only be used for capital expenditures. Given the effects of the pandemic, we have drafted some legislation sent down to the State to one, allow some of those funds to be used for operations and lower the burden on the taxpayers and two, we have come to realize that the amount of tax dollars that are generated in the district are actually exceeding what the County is actually receiving back. The bill would ask the State to raise that cap so we can actually receive back all of the tax dollars or higher percentage of the tax dollars that are being generated so that they don't go to other parts of the State but come back to Allen County.

Tom Harris: Can I clarify, when you say we who is we?

Kyle Kerley: The County in general is kind of pushing. When I say we I would say the County that is on the legislative agenda.

Therese Brown: The Commissioners have it on our legislative agenda.

Kyle Kerley: I know we have talked about "I" and "we" but we would be the County Commissioners and those of us on County Council who has worked on it. The bill has a number and is circulating through. We have garnered some support but as with special legislation that affects only one County, we have

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been asked to pass a resolution in support of this. I will finish with my explanation and then let the Commissioners and Randy chime in on it.

Therese Brown: As Councilman Kerley has indicated, we are strongly advocating for an increase in the amount that is pervade back to Allen County from \$3 million to \$4 million as an allocation which is then split between the Coliseum and the Grand Wayne. This would allow an opportunity for the Coliseum to receive more of the funds. To your point, I believe having the ability to also offset operational expenses would be advantageous. This is no more than allowing us the opportunity to gain the revenue back to our community that is being received in the coffers of the State to be utilized for the offset, clearly not the entire offset but offset the loses that the Coliseum has currently with COVID but also to allow for the continuation of whatever those things are from a capital expense.

Randy Brown: Just to fill in a couple of blanks. The Coliseum currently receives \$2.6 million and the Grand Wayne receives \$400,000. The amount was increased to \$2.6 million about twelve years ago when the Food and Beverage Revenue was taken away from the Coliseum and reallocated to the CIB. That is a little history with that. The current plan is to increase our \$2.6 million by a million dollars to \$3.6 million with 40% of the revenue could be used for operations.

Tom Harris: Right now, none of those funds are available for operations.

Randy Brown: It is currently restricted to only capital.

Tom Harris: May I ask another question? What is the downside? The pandemic ends next month so what is the downside of passing this going forward for taxpayers?

Therese Brown: Even if the pandemic was like a clock and you stopped it, the work that these individuals do in gearing up doesn't end and it would take time to be able to do those types of things and an appropriation to be able to gear up to that. Effect to the taxpayer, this isn't collected through property taxes. This is collected through sales tax that is already being paid for whatever services in a captured area. I don't know if there is necessarily a down side but it is already funds that are being collected but not necessarily coming back to our community. If you took it to the Federal level, you pay a dollar in and you try to get that dollar back, it doesn't always equate to that.

Tom Harris: But it allows more flexibility to those funds.

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Randy Brown: Let's hope we get through the pandemic quickly so that we don't need to draw on the 40%. What that will do is give us more dollars for some unfunded capital projects. A couple of those are that we are a couple of years from replacing the hockey ice floor. That will be approximately \$5 million. We have roof work that is very close to needing to be done and some modernization window replacement of Memorial Hall. Those are the three dominant projects. Also for the future we will have an expansion of this room and that is five years out.

Kenny Fries: A couple of clarifications. I think acronyms kind of drive people nuts. PSCDA stands for Professional Sports and Convention Development Area. So the public understands there is no tax increase whatsoever to them but just trying to get money back into Fort Wayne and Allen County that is currently leaving and benefitting somewhere else. In my opinion, this should have been done years ago. I am glad we can get behind it and hopefully get it done now. Get the money back to Allen County where it belongs.

Kyle Kerley: Thank you Councilman Fries. I was going to say the same point that we make the public realize this is not a tax increase. Right now we have more money going out than is coming back and we are just trying to recapture that piece of the pie and bring it back to Allen County and benefit economic development in this area.

Randy Brown: Economic development is a major area. The Coliseum in a normal year has an economic development of over \$110 million. If you factor in direct spending, it is in the range of \$170 million. Coliseum events are big business especially right now when our hospitality industry is struggling and needs every bit of activity we can generate.

Sheila Curry-Campbell: What can we tell the folks that are watching as far as this House Bill? What would you like them to do? Contact their folks or Elected Officials to let them know we want them to pass this House Bill? Is that something we can do?

Therese Brown: Certainly, by asking for the names of the Legislators in our area to advocate for the passage and to vote for it for the betterment of our community. That is what I suggest.

Tom Harris: I will move for approval of Resolution 2021-0121-02 in support of the Allen County PSCDA SB384/HB1401 whereas the Allen County War Memorial Coliseum is a municipal department of the County of Allen, Indiana and whereas the Allen County Professional Sports Convention Development Area is a vital economic development tool for the County which supports the Allen County War Memorial Coliseum and whereas the Allen

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County War Memorial Coliseum has experienced a significant disruption in operations due to COVID-19 and whereas the financial impact of the operation of the Allen County War Memorial Coliseum is ongoing and whereas the PSCDA currently provides funding for only capital expenses and whereas SB384 and HB1401 call for a portion of the PSCDA funding be used for operational expenses now therefore be it resolved the Allen County Council urges the support of Senate Bill 384 and House Bill 1401 by the Indiana General Assembly to allow Allen County the flexibility in its investment and funding of the War Memorial Coliseum through the Allen County Professional Sports Convention Development Area.

Sheila Curry-Campbell: Second.

Kyle Kerley: We have a motion and a second. All in favor say aye, those opposed, like sign. The motion passes 7-0. Are there any other items that the Commissioners would like to discuss?

Therese Brown: Not that I can think of off the top of my head.

Kyle Kerley: Based on that we will move on to liaison reports.

Chris Spurr: There are some increases to a contractual change with IT. We should expect that to come before us.

Kyle Kerley: Any other liaison reports? The next meeting will be held at 8:30 a.m. February 18th at Citizens Square, hopefully.

Tom Harris: Approval to waive the reading on any matter approved today for which it may be deemed necessary for the County Council meeting of January 21, 2021.

Joel Benz: Second.

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

Joel Benz: Move to adjourn.

Bob Armstrong: Second.

Kyle Kerley: All in favor please signify by saying aye. Opposed like sign. The motion carries 7-0.