

ALLEN COUNTY COUNCIL MEETING MINUTES
October 20, 2022
8:30 AM

The Allen County Council met on Thursday, October 20, 2022 at 8:30 am in the Chambers in Citizens Square. The purpose of the meeting was for additional appropriations, transfer of funds in excess of the current budget, grants, 2023 Budget Adoption and any other business to come before Council.

Attending: Robert A. Armstrong, Tom A. Harris, Sheila Curry-Campbell, Kyle A. Kerley, Paul W. Lagemann, Ken Fries, and Christopher Spurr.

Also Attending: Council Attorney Mitch Harper, Nick Jordan, Auditor and Jackie Scheuman, Finance and Budget Director.

Chairman Kerley: Good morning. Welcome to the Allen County Council meeting for Thursday, October 20th, 2022. We're going to begin this meeting as with all meetings with the Pledge of Allegiance and a moment of silence.

Members: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

[pause 00:00:45]

Chairman Kerley: Amen.

Councilwoman Curry-Campbell: Amen.

Chairman Kerley: The first item up today is the adoption of the agenda. I would recommend with the auditor and doing the budgeting at the end of the meeting, that we wait till the end of the meeting for the auditor's report. Would anybody get that motion?

Councilman Fries: I'll make that motion.

Chairman Kerley: Okay.

Councilman Lagemann: Second.

Chairman Kerley: Motion & second to move the auditor's report to the end of the meeting. All those in favor say Aye.

Members: Aye.

Chairman Kerley: All those opposed. Auditor's report is moved to the end of the meeting 7-0. Can I have a motion to adopt the agenda as amended?

Councilman Lagemann: Motion to adopt the agenda as amended.

Councilman Fries: Second.

Chairman Kerley: Motion & second to approve the agenda. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed. The agenda is adopted 7-0. Approval of the minutes. September 15th and 22nd, 2022.

Councilman Harris: I move for approval.

Councilman Armstrong: Second.

Chairman Kerley: Motion & second. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed. Minutes are approved 7-0. Total appropriations request in the general fund today, \$198,000. Total appropriations request in other funds, \$68,999,098. I will now open the floor for public comment. Is there anybody here for public comment? Seeing none, we will move on and we will start with the building department.

Joe Hutter: Good morning, council.

Chairman Kerley: Good morning.

Joe: I'm Joe Hutter, assistant building commissioner. George is out sick, so I'm filling in for him today.

Chairman Kerley: Welcome.

Joe: Thank you. We're coming before you to ask for fuel allowance of \$30,000 to cover fuel costs. We all know that the prices went up. Without the actual fuel, we can't go and serve the community and do inspections, residential, commercial for the community.

Chairman Kerley: Any questions?

Councilman Harris: Just how is business going? How's the request and how are you guys keeping up with demand and such?

Joe: We were falling behind a little bit because we had a retiree. Took us a little over five months to fill that position to find somebody qualified. George had actually went out in the field and started helping out. He got caught up. We are still 1,089 on the board across the board right now. We don't see it slowing up, but to the same extent, the building is not slowing up that much. We start to see a little bit of slow down in residential, which we do in the fall anyway, but we always get a spike right there towards the end. Everybody's trying to get everything done before the end of the year also.

Councilman Harris: 1,089, how's that compare to--

Joe: It's been sitting about. I've seen it one time get below 1,000 this year, but it was only for like, maybe half an hour.

Councilman Harris: Wow.

Joe: I don't know if there's a glitch in the system or what, but I keep an eye on that periodically throughout the day just to make sure everything's going on. Holidays, shortages on materials, stuff like that, always plays a role in this stuff, but it is been staying right around 1,050 to 1,100, roughly, nonstop since the beginning of the year.

Councilman Harris: Well, congratulations on keeping up and thanks-- Pass it on for everything that's going on there. Thanks for all that you guys do in keeping up with that demand.

Joe: Thank you.

Councilman Lagemann: Mr. Chairman. Joe, the folks that we provided funding for to fill the positions, when you had the open positions, where are you at on the open positions and are you filling them in?

Joe: Right now, all of our positions are filled except for one position in a structural commercial. We're hoping to have that filled probably before the end of the year. That's our main goal. We got some stuff in the works. It's just not been finalized yet. Once it gets that point, we can report back to you guys if we need to on that, but I think we should be able to have that filled before the end of the year.

Councilman Lagemann: Mr. Chairman, I've got to say special thanks to Joe. I had a constituent reach out with a building permit issue. He helped me bring the team together, a couple of other entities that had to do inspections. What very likely could have taken weeks, took hours. You guys were really on it. I just really appreciate. I want everyone to know what a great job you guys are doing.

Joe: Thank you.

Councilman Harris: With that, Mr. President, I'm move for approval of overtime of \$50,000 in gas, oil and lube for 30,000 for a total of \$80,000.

Councilman Lagemann: Second.

Chairman Kerley: Motion is second. Any further discussion? Hearing none. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed? Thank you Motion passes 7-0.

Joe: Thank you, guys.

Chairman Kerley: Commissioners.

Chris Cloud: If you'll give us a brief IT break.

[pause 00:06:37]

Chris Cloud: While we're waiting, any big plans for the rest of the week? It's Thursday.

Councilman Harris: No, we forwarded in for this evening though, so.

Chris Cloud: Oh, I'm not a fan of this cold weather.

Councilwoman Curry-Campbell: Chris, you always have jokes. I don't know how I can use you as a fundraiser, but I really think you are funny and I appreciate you.

Chris Cloud: If you ask my wife and kids, they aren't always appreciated. Well, I have a brief PowerPoint, which is why this is taking so long. While it is spinning its little dials, Chris Cloud, Chief of Staff Board of Commissioners. We are here today to ask for the appropriation of the funds allotted to us via the American Rescue Plan Act. Last month, we had sent you a plan on short notice. Rightfully so, we were called out for that.

Since then, we had met in our monthly liaison meeting with Councilman Kerley Armstrong. Got some helpful feedback and resubmitted a plan with some tweaks to it based on that conversation. What you were resent was a modified version of the spending plan which I will have for you momentarily on the screen. Not sure what filling in of time I can do. This is really a rehashing of what was emailed to you, but I did want to at least have it up as we talk about. Largely, the crux of, I think, it was about \$72,300,000 was our allocation. Federal government allocates it based on population, so we were giving credit for all 385,000 citizens of Allen County.

The money needs to be obligated by the end of '24, spent by the end of '26. The final rule from treasury was effective April 1st of 2022. It is 300-and-some pages long and outlines the do's and don'ts. There are a lot of strings attached to this money. Because there are a lot of strings attached to this money, it was suggested to us, and I think it was good advice to show more or put more emphasis on revenue replacement as a category. Even if the uses might have been things that were eligible otherwise, revenue replacement has very few strings attached. Basically, it's just follow your regular rules for money. Take bids and follow whatever state rules might exist and local rules.

We do, at least based on the initial calculations that Nick was able to do, putting in the dollar amount representing '20 and '21 for revenue replacement. It's an interesting formula because it isn't necessarily how you or I might write legislation, but it was effectively-- I'm not sure if Congress did it or it was treasury. Did you earn enough revenue, was really the question from treasury, not necessarily, did you or didn't you?

We left, in the spending plan you were provided, a little unallocated assuming that there will be additional revenue replacement we could take for the 2022 fiscal year, because again, there's less strings. Outside of revenue replacement, which I think right now is allocated for \$27 million, the big item is infrastructure. We have to date received 36-million-plus requests for infrastructure, water and sewer projects. Water and sewer is actually one of the more straightforward uses of ARPA. If it is on the EPA grant list for water sewer or storm water projects, it's eligible. That's really straightforward. Much of this is not as straightforward. Wonderful. Thank you.

Councilwoman Curry-Campbell: Three minutes later.

Chris Cloud: Glad it did happen.

Councilman Lagemann: We're waiting, what's the maximum revenue replacement number that we could potentially take?

Chris Cloud: Whatever formulaically we can defend.

Councilman Lagemann: Do we have a sense of what that is?

Chris Cloud: We don't. Not yet because we have to have the year--You have to go through the year and have your books closed first to know all the numbers. Baker Tilly is, not that we don't trust our amazing auditor, but that's what we're paying them to do. They're going back and reviewing to make sure. The problem is they gave you a number, but they didn't give you the formula.

The GFOA, the Government Finance Officers Association has a template you follow. It's not like federal government said that this is the template. It's just a good practice. Baker Tilly is going to double check his numbers. I think the first year for '20 it was almost 15 million revenue replacement. Then last year it was more like 12-and-a-half. That's what gets you to the 27-something.

It's either your real-- They don't say revenue loss. They say revenue replacement. They assume your revenue is going to grow and they put a number in there of like 5.1%. It's the greater of your actual revenue that didn't come in the way it should or 5.1%. We assume, for '22 and potentially '23, there would be a number, but we won't know and you can't really claim until you've actually experienced the year.

Councilman Lagemann: How many years can you claim that?

Chris Cloud: That's a great question, because if you have to obligate by the end of the '24, but you can't really know your '24 revenue to the end of '24. I would say our best case scenario would be '22 and '23 who would be able to claim. Again, you're waiting until those years to do that. It's not that other categories aren't useful. It's just that revenue replacement clearly has the least amount of strings attached to it.

Councilman Harris: What's that mean, "strings attached"?

Chris Cloud: They tell you that it is a replacement for money you would've regularly earned in the course of being a government unit through taxes and fees and permit costs. Use it on regular government expenses. You still can't put money in a pension fund and you can't pay debt obligations. That's a universal with ARPA. Anything that we would normally use budget money, literally anything, you can use revenue under [crosstalk].

Councilman Harris: In other words, the strings attached that you're speaking of, those things that our federal government's trying to get us to do as part of receiving these funds. Correct or not?

Chris Cloud: You can use revenue replacement for anything including things you might use another ARPA category to do. It's just there might be more flexibility in how you do it.

Councilwoman Curry-Campbell: Question.

Chris Cloud: Yes.

Councilwoman Curry-Campbell: Mr. Chair, I do apologize. What about the bonus that we gave to those individuals? How is that calculated in this revenue replacement?

Chris Cloud: The bonus that we did for employees early in this year has no influence on this. There was a provision in ARPA for an hourly bonus for employees. The documentation process was rather strenuous. Most communities, I think, opted not to go down that path. Initially, it was just, "Oh, give a bonus." You had to prove they were at work, that they were doing the certain types of jobs that qualified. Then it was a hourly rate, so it wouldn't have been the same number per person. Most communities just-- Like we gave bonus if we had cash on hand and gave a bonus.

Councilwoman Curry-Campbell: You said that these funds could be used for anything. I know at the last meeting, my recommendation was to help with rental assistance and to figure out how we can help those individuals.

Chris Cloud: Sure.

Councilwoman Curry-Campbell: When we left here last month, the eviction court was full and there was so many individuals that were evicted just right after I said that.

Chris Cloud: Under revenue replacement I think one of the things that the commissioners-- Township assistance, the program that exists. One of the things that township assistance is eligible for is rental assistance as well as food and other things. That is, I think, one of the hopes they have of that revenue replacement money is an infusion of funds to townships to be able to--

They're going to run out of assistance money, hypothetically. Right now, things are not great, things may not continue to be great for a lot of people. The amount that they're able to raise in taxes to cover revenue-- Or tax business doesn't necessarily mean that's the only need. We intend to see if there's an infusion of cash that would be helpful for that. We can look at a true rental assistance program.

Councilwoman Curry-Campbell: Like a bright point or someone that's directly helping everyone.

Chris Cloud: We can do that. Sure. We can. These are called state and local fiscal recovery funds. There's another part of ARPA that was just rental assistance, and Fort Wayne did run a rental assistance program to Baker Tilly.

Councilwoman Curry-Campbell: I don't want to take up a lot of time, Mr. Chair, but there is no money. There is nowhere to get rental assistance as of today right now. I left my watch at home, but it's just so important that we take advantage of these dollars and help everybody with the intent. Justice40 is 40% of anything that comes in here. It should help those most affected, help those that are disadvantaged. We need to think about the Justice40. We need to make sure that we are making this money available to those that really have been affected. Thank you, Mr. Chair.

Chris Cloud: Let me run through this real quick. Just a couple of slides. 73,674,000, 3 to 4 was our full line allocation like I said. I said all of this. The big thing for me that I've always been circling back to is that any misspent funds are the responsibility of the local government unit, not the recipient. Any program you run, any grant you give, any funding you give, if treasury would come-- what's called, I think, either tier one or title one, we're the largest units, counties our size and states and things like that.

When treasury comes back and does some of audit after the fact, because I imagine it could be a decade from now, but they will eventually get around to it because they should. If there is misspent funds, we'll owe them back. That has been something I have circled my mind of. We're going to make sure every dollar spent under this program is spent correctly. What Baker Tilly has talked to me about is it's really a risk continuum. There might be programs that you're like, "You know what? It's low dollar amount, low risk, no problem."

Other things you're like, "Great program. A lot of risks. It doesn't quite fit every criteria." We just need to be aware. It's just about being aware of your risk tolerance. That's just something to circle back to as we go through this. The five categories, I think there are eight total in the legislation or the rules I should say. Public health, we paid rent at a COVID test. You all actually appropriate this money last year a while ago. We had rented a COVID testing site.

It was actually super helpful. Saw a lot of people through the door. Board of Health operated that. That was great. That site is no longer needed. Lease ran out. Board of Health stopped doing the community testing. That's actually over and done with. The other four, there is a city, county, city utilities, joint IT modernization and security project. I think the full project cost is upwards of \$9 or \$10 million but our portion is 3.9.

I sent you all the write up. It's a bevy of smaller projects. Infrastructure, it's \$30 million. 26, like I mentioned, for water and sewer projects where commissioners would like to set aside 4 million for broadband. Broadband is interesting under ARPA as Councilman Kerley is well aware of with the research he's done that we've talked about.

The ARPA broadband money requires the money to be spent on connecting homes by fiber. In some communities, that makes sense. In other communities, it may not make sense. Our true on broadband in rural Allen County is well above \$4 million. It's probably a hundredfold that number. This clearly is scratching a surface sort of thing, but because of that restriction, this is certainly not all that could be or might be spent by the community or private sector in the coming years on this issue with broadband.

Councilman Lagemann: Mr. Chairman. Real quick on that, Chris. Is that last mile or what's the criteria for that?

Chris Cloud: This isn't necessarily last mile, it's just you have to connect to a home. You might do a really long fiber run, but eventually, it's got to connect to a home. It could be a combination of but the key is that it has to directly physically connect to homes. I'm not sure that's the greatest way to do broadband in a very rural part of the community.

Again, these are rules that apply to every place in the country. There are some cities where this might be really easy to implement because it's just running fiber an extra block, and oh, well, you just put five apartment complexes on broadband. I'm sure there are places this makes sense for us. It's probably going to be an all of the above solution to providing broadband. Anyway, small amount in there.

Councilwoman Curry-Campbell: I do apologize, Chris. What about the broadband money that came specifically into Allen County? How did that fit into this--

Chris Cloud: Broadband money that came specifically to us.

Councilwoman Curry-Campbell: Yes, there's broadband funding that-- We'll talk later, but there's actually broadband money specifically. I don't understand why we're taking it out of vapor, but go ahead. Thank you.

Chris Cloud: There are actually probably five or six federal programs with broadband. The Bipartisan Infrastructure Law, the BIL has billions for broadband that is different and different rules and functions from this.

Councilwoman Curry-Campbell: Why are we--

Chris Cloud: Because those are grants you have to apply for them. This is money we have now.

Councilwoman Curry-Campbell: Somebody over there always talks about grants every month. I'm just saying.

Chris Cloud: We will certainly apply for whatever we can apply for.

Councilwoman Curry-Campbell: I'm trying to get rental assistance, so I'm trying to save you. I'm trying to help you.

Chris Cloud: I understand, it's noted.

Councilwoman Curry-Campbell: I'm trying to find somewhere else that you can help our folks that will be homeless tomorrow. Thank you.

Chris Cloud: That would be category six. The fourth bucket is revenue replacement, which I talked about. Again, for 2021, that number-- Again, Nick's initial calculation, which I have no doubt is probably solid, but we're going to have Baker Tilly. They are in the process of looking at that again. It's 27.5 million. Again, this is money that you can use just like any regular revenue money. Grant programs, I think the commissioners would like to do some assistance to non-profits and small businesses that comply with ARPA.

You can use that, again, under its own category, but under revenue replacement, more flexibility in how that might look and feel.

They've talked about, again, township assistance, like I said. We've been approached with a couple of affordable housing projects. Then what was requested of us is that whether it's offsetting other costs in the county or, again, you can use this money for any radio county expense, some capital contribution to the new jail project. Again, that may be really offsetting other costs to free up money in the general fund or directly from this but either way. Then things that just may, again, TBD, other stuff's going to come up. Again, as you'll see on the next slide, there's still 10-ish million unallocated in the spending plan. Assuming we'll have revenue replacement again for 2022, that would fall into that same bucket of-- Uses are way more flexible.

Councilwoman Curry-Campbell: Is one of those affordable housing, Jerry Starks?

Chris Cloud: I have not been involved in the meetings, but I think that name sounds familiar with the people that have met. If you said the name of the project I might be able to more identify.

Councilwoman Curry-Campbell: I don't have the name and the project in front of me. I just see the Woodburn, New Haven Maysville. I know those were infrastructure and I know Mr. Starks is trying to do infrastructure also, affordable housing. Thank you.

Chris Cloud: Then finally, seventh bucket is, you can use the money to pay for administrative assistant to administer the grant. This is more of just a to be safe number. I don't anticipate spending anywhere close to that, but because we still have many, many years of this, I wanted to make sure that we at least had something.

Like I said, this spending plan is not all of. It represents 62.7 million. Remaining is 10.9. I'm assuming we'll be able to do all of that as revenue replacement if the last two years is an example, but we'll know for sure in the coming months. This spending plan is not set in stone. You can amend it whenever. All that the state has asked is that when you spend, you spend according to your plan. If you modify and then spend money on something, it's fine. It's just state board of accounts wants you to spend according to your plan.

Councilman Harris: Is this the official plan or is this a summary of the initial plan?

Chris Cloud: Again, there's no template, there's no required form. This is where this law was really done in haste comes in is that there is no prescribed anything. What I sent you is the template treasury said, because they kept getting questions from communities of, "What should it look like?" That's the template they've asked communities to follow, but you aren't required to. One county in Indiana, it's just a spreadsheet with like 10 lines. That's the spend plan. It's very self-governing. The policy side of me says I don't really like the way the law was written as far as just the rules behind it. It's a little touchy for how it might [crosstalk].

Councilman Harris: I'm really skeptical on it and I'm concerned about it.

Chris Cloud: If they have a template, we'll use their template, but you're not required to. It can be as near as possible.

Councilman Lagemann: Chris, what's the role of the state board of accounts? Is it just an oversight of the expenditures?

Chris Cloud: No, they're treating it like any other special fund a county may have. It gets its own budget, you appropriate. It's no different than any of the 200 special funds that we have for anything. Their role in it really will just be, "Did Nick and his staff do their job of dollars and cents adding up? Did you have expenses out of there that were for this and not."

Because we haven't been audited by them with this program in place, they might want to see how you allocated funds. One of the things that we will have to do when we spend money is you have to, "Hey, we're already keeping track. There's a quarterly report. It's on our website. It's required by law." They might just come back and verify that you actually did do things. Like they might want to see a claim or something. I have not seen, Nick may have, but I have not seen anything from them that they're going to be overly involved more than they would with any other county money.

Councilman Lagemann: This is not state enforcement of a federal program like [unintelligible 00:27:19] type of thing or something like that, right?

Chairman Kerley: No, because this money did not go to the state first. For smaller communities where their money did come through the state, I can see the state being a little

more heavy-handed with them. For counties our size and the city size, you got your allocation directly from treasury, state's not involved at all. SBOA was just more, "Hey, you should run it like your regular money." All they've really talked about is just making sure you treat it like regular county funds and how you would account for those, and et cetera, et cetera. Rules are usually because people make mistakes and they have to clarify things. They might have more rules down the road, but I don't think right now there's much.

Councilwoman Curry-Campbell: That is the purpose of Baker and Tilly to make sure that we do not make these mistakes.

Chris Cloud: Absolutely.

Councilwoman Curry-Campbell: What role are they playing in this? You've come up with some numbers. When we're talking about reporting, at the end of the day, we're paying them a lot of money. Aren't they going to make sure that we don't return any money?

Chris Cloud: Absolutely, yes. I'll give you an example. With the IT project, they reviewed all the documentation from Resultant on that project. They had a Zoom meeting with Resultant to ask a bunch of clarifying questions, because they're doing this around the country for other communities. They will then issue for us a-- they have a name for it, but it's basically that risk factor. They'll tell you, "This project is, yes, no problem, low risk." Or they'll say, "This project, a little high risk." Or they'll say, "This just does not apply."

They're the sounding board for us. At the end of the day, we as a county are the ones who have to submit the reports and we're accountable to treasury. The consultant is the consultant. We're the ones who are held accountable. It's not like the federal government's going to go back to the consultant and say, "You gave them bad advice. We're going to be on the hook for the money." Yes, this is absolutely their job. Just like a job of an attorney, just like the job of Mr. Harper. It's to keep you out of trouble and is to tell you the risks of things. That's the role for us.

Councilwoman Curry-Campbell: Thank you.

Councilman Harris: I'm frankly a little bit concerned. This is a bit naive on my part, but a little bit concerned that we start this process, we're in it, we've received it, we start implementing some of the spending. A year from now, fed says, "Well, you're one of those counties that are now in our program. You've now started spending our money. We want to implement this since you're doing that." Can they come back and add to requirements?

Chris Cloud: Certainly, it's a federal law. They can come back and modify whatever they want. If you read the federal law part of covering state and local fiscal recovery funds, it's brief. Treasury is the one that developed 374 page rules because they were handed this really nebulous wide open couple of paragraphs and developed a program around it. As time goes on and they realize things that work didn't work, they already have. They've done all sorts of clarifying questions and answers things as things have come up for states, because states are much better suited to put money like this in place immediately because they have a vast array of programs already at the state level.

Indiana, we're creatures of the state as a county, so the state's the one that has social workers and the State Department of Health. Every state, the state's usually the one with the larger apparatus of some of those programs already in place. Many of them deployed money

immediately and many of them got their hand slapped immediately. Alabama tried to build a state prison with it like a sizable huge one and they're like, "Well--

Councilman Harris: That didn't fit.

Chris Cloud: That didn't fit. I don't think revenue replacement is something that they're eligible for. That, I think, is just a local thing either way. If they would've called it revenue replacement, no problem, but they were actually were just saying, "Where else can you use the money?"

Councilman Harris: To date though, the strings attached that you've mentioned doesn't engineer social policy or anything like that in these programs, anything like that?

Chris Cloud: Well, you are not required to do anything. You could just sit on this money until 2026 and do nothing. I mean, you're not required. The federal government says here's what you can do and what you can't do, but they never said, here's what you must do. It's not that money. They fast tracked the application grant process that you might have with another federal program where you apply and get a grant. It is fast tracked. You have to say, "You're all eligible, here's your money," but you are not obligated to do anything with it as a community.

No, there are not rules in place where as a string to get this money you must do X, Y, and Z. There might be strings that say, if you use the money for this, you have to make sure you do these things with it, but you're not obligated to do X, Y, and Z by all. There is a lot. As much as I want to say this money makes me nervous because there's not a lot of knowns about the details of how it works and how it shouldn't work, it is not-- It's flexible. Local decisions, these are local decisions being made. They're not telling you "you must do".

Councilman Harris: Are we in essence voting for the plan today?

Chris Cloud: No, just the appropriation of funds.

Councilwoman Curry-Campbell: Mr. Chair, can you go back to the slide where you had jail? Okay. Can you explain to the folks at home, because you got housing and you got township assistance, and then you have cost of new jail to be determined. Can you explain to folks what--

Chris Cloud: Those are two separate items. That's TBD, meaning like other things that might arise just in the course of the year.

Councilwoman Curry-Campbell: I see cost of new jail. We're going to take some of the ARPA money that I want to go for rental assistance and we're going to do what with the new jail?

Chris Cloud: The direction that I had been given based on the decision not to pursue a confinement income tax this year, was that council wanted to see more cash on hand set aside for the future project, so that if and when a decision is made on income tax or property tax or some other source or a bond or whatever, that the county had a large bucket of cash on hand to use to lower financing that we would need to do. That is the general census I got from the council meeting where that was talked about.

Councilwoman Curry-Campbell: I wasn't at that meeting.

Chris Cloud: To that end, we assumed that council would want something, some source. Knowing that can be used for anything, this can offset other things that are already in the budget. This can be used for that.

Councilwoman Curry-Campbell: It could be used for anything, and I know you said that a couple of times. I'm hoping that this body, maybe some folks feel if we save some money in some other spaces that we could give this money to the new jail, but I hope that won't happen. Thank you for explaining. The other thing I wanted you to explain to folks at home is revenue replacement, because I think this is a new terminology that people aren't familiar with this being the ARPA funds. Can you explain that also?

Chris Cloud: Sure. The federal government did not, apparently, when they crafted this legislation, want to just give money to cities and towns just as a, "Here." Clearly, during the throws of COVID, particularly 2020, many communities across the country lost sizable amounts of revenue. Every state does their local mix differently. We don't, for instance, in Indiana at the local level, use sales tax. Schools, but not local city county government. Other states do. Places like Ohio who rely heavily on sales tax to fund local government struggled. They were hurting.

Reading between the lines, Congress wanted to help but not just give straight money, and so they said, if you can show that your community did not generate the revenue it usually does in the course of a given year, and it had a little bit of a formula, did not grow its revenue by, they use the number of 5.1%. I don't know why they picked that. I don't know if they looked it across the state, the average. I have no idea where it came from, but that was the number.

They assume every year your revenue grows by 5.1%. If it didn't, you can take the difference between your base year and that 5.1%. For us, even though we did generate more revenue in '20 than we did in the base year of '19, it's a weird law. We didn't generate enough new revenue. That's how they would say it. Because you didn't generate enough new revenue, you're able to capture the difference between what they expected you to be able to raise as a community, year to year, versus what you actually did.

To Council Lagemann's question, my answer was we have to wait till the end of the year to be able to say what our actual revenues were to be able to say what we can capture as revenue replacement. You take all of the revenues across the board as a county and you put it all together. In our case, it's very possible. The coliseum lost money that year, but we generated more in property taxes than the year before. More in income tax than the year before. More in permits the year before. We couldn't just say, "Well, the coliseum lost--" That's lost revenue. You have to take everything together. That's the way they've outlined it.

When you take all of our stuff, put it in one bucket, we did not generate the 5.1% or whatever the percent. I think that's what it is. Instead of giving communities money directly to help them, they said, "You can choose to use this money that way if you'd like." It is new. I would say it's akin to the old idea of a community block grant back in the '80s and '90s, where it's just, "Here's money, do with it what you want." You as a community had to make the decision to prioritize this over something else. Because they made the rules so flexible, I think what has happened is most communities have realized, even if we wanted to run a program eligible under ARPA, we'd rather do it with revenue replacement money because there are no strings.

You can put whatever local strings you want on it and not have to follow their strings, because some of their strings just don't work in all communities, the things that you have to prioritize. They put a really strong emphasis on things called-- I think they're called qualified census tracts. There are some in Fort Wayne. I think there's, I don't know, 6, 8, 9, 10. In those places, in those census tracts, pretty much anybody who lives there qualifies for one of the programs. That's great because assuming those are the hardest hit places.

Councilwoman Curry-Campbell: Census tract is a joke. That data is not true. You look at the zip code and you look at the census tract, those two things do not match.

Chris Cloud: I understand.

Councilwoman Curry-Campbell: We, as a community, must create our own data and census tract is a joke, but anyway.

Chris Cloud: What I was getting at is, in unincorporated Allen County, there are no qualified census tracts. Community may say, "There are--" I'm sure of places. I cannot speak for Hamilton County. I imagine Hamilton County does not have any qualified census tracts, but there are probably people in Hamilton County who are struggling. Not everyone is super wealthy in Hamilton County even though there are camels there and fishers there. There are people who I'm sure are struggling.

If you just go by the federal strings and their rules, they may not be able to run a program, but if they did in revenue replacement, they could because they don't have to necessarily meet all the things. That's why I think most communities are using revenue replacement even to run a regular ARPA program that might [unintelligible 00:39:29].

Councilwoman Curry-Campbell: We don't use revenue replacement to build a new jail. Thank you so much for sharing that, Chris. I think folks at home really appreciate that. Thank you.

Chris Cloud: Sure.

Chairman Kerley: Mr. Harris.

Councilman Harris: I guess just a couple of thoughts here. One is the history of our state in this community in Northern Indiana has been we do not like federal money. It makes us very nervous. Even if you go back to the Wabash Canal, we did not want money from the federal government for the Wabash Canal because of all the concerns of what the federal government can do.

That said, I am not risk-averse. I'll take risk, but I represent 385,000 people and taking some risk of accepting this money and going down that path. I'm willing to do it, but I think we should be extremely conservative and win in doubt and questionable on any money, sit on it and don't do it. That's not what I meant. I'm skeptical of it, but I'll be supporting this today.

Chris Cloud: Thanks. Any other questions about just the buckets uses the logistics of--

Councilwoman Curry-Campbell: The only other question I have. I just really don't see anything that's going to help our small business. They were all affected in '21, '22. This is to make everybody equal. This is to help us all in Allen County, and I just don't see that, I don't see--

Chris Cloud: The item listed grant program under revenue replacement, that's the intent. A small business nonprofit, that was the intent. It's easier to run it under the less strings attached revenue replacement category than it is to run it on its own because again, it's very stringent on qualifying.

Councilwoman Curry-Campbell: We're paying those folks a whole lot of money to simplify this for us and make sure that we make the right decisions, to make sure we're giving the money to the right people. Chris, I love you.

Chris Cloud: They're telling us we should use revenue replacement for things like that. That's what they're telling all their clients because--

Councilwoman Curry-Campbell: I just don't feel good about this, Chris. I just don't. I still love you though.

Chris Cloud: I appreciate that.

Chairman Kerley: A couple of questions. Obviously, in our discussion we talked a lot about the broadband, should we leave it in infrastructure? Should we take it out of revenue replacement because of the strings? Just a discussion that we had in general because there are those-- I call them last mile strings but connect to the house, however, you want to phrase it. Then the other question was for the 26 million infrastructure, that already includes what we have already allocated, correct?

Chris Cloud: Yes.

Chairman Kerley: That number was 5 million?

Chris Cloud: Yes. They're on that same list. I wish they did not put the string attached of direct fiber to the house, because that just does not make sense in every community. Whoever in treasury drafted that, that was-- I can't figure out if they took existing federal programs and the language of those and cobbled together a big final rule document from the stuff. Treasury is not usually the department who oversees stuff like this, and so I just don't have a lot of confidence that these are going to make a lot of sense for a lot of communities.

I think they're going to struggle, which is why most people are being advised to use revenue replacement even for an eligible category just because the requirement that it be a physical connection to a house is really expensive in a really rural area, and there could be better ways to serve it. I think our initial idea for this broadband number was much higher, and we've lowered it reflecting that there are probably better avenues to connect for broadband.

Chairman Kerley: When I'm looking at the ARPA allocation, the spreadsheet that you sent me, I view that as the plan, if we call that the plan. My only concern really is that set aside for broadband, I'd rather see that in revenue replacement just because of the strings. Outside of that 4 million, I think when we had our discussions, I was pretty much in agreement with most of the rest of it, realizing that it's going to fall back on the council then to really sit down and work with the commissioners and some community organizations to carve out some funds for other programs that we may all deem necessary.

Chris Cloud: I think as we get closer to the end of '24 and then the end of '26, these things might shift. That four million for broadband, we may realize this just not going to happen. It's not feasible. Some other pot comes to our way that makes more sense, and so that gets

reallocated to another category. I certainly, again, like I said, the plan can be amended whenever. You're not locked day one into what your plan is. As we go, there may be water and sewer project requests we've received that, at the end of the day, a community decides, "You know what? We can't afford our portion of that," and so they decide not to. Again, this is a best-laid plan today, knowing that there's a lot of time left before '26.

Chairman Kerley: Mr. Fries.

Councilman Fries: I agree with Councilman Harris about the federal government meddling in our local government, but I also look at the ARPA fund is if they begin to do that, then we can opt-out.

Chris Cloud: Absolutely.

Councilman Fries: We can say, "Keep your money we don't want it."

Chris Cloud: Absolutely.

Councilman Fries: With that being said, I will make a motion to appropriate within the ARPA fund 975, 20 million in contractual, 48,999,098 in structure improvement for a total of 68,999,098.

Chairman Kerley: 68 million.

Chris Cloud: 68 million, I'm sorry.

Chairman Kerley: That's not the updated request. That was a placeholder Nick put on the agenda. Correct?

Chris Cloud: Would you advertise?

Councilman Lagemann: We're working off of Chris's spreadsheet that he sent to us.

Chairman Kerley: Yes.

Councilman Lagemann: All right.

Councilman Fries: The total will be \$73 million.

Chris Cloud: You're appropriating the balance. You've already appropriated 5 so that gets you to the 73.

Councilman Fries: The 68,999,098 appropriation gets us to the 73?

Chris Cloud: 73, because the 5 is appropriated.

Chairman Kerley: What you put on the agenda was just a placeholder. Correct?

Nick: The number on the agenda is the number you want to use right now. Next month, it may have \$100, 000 more to it because interest is earned every single month as well. Chris may come back quarterly and say, "Let's appropriate the interest revenue that's in there." The figure that's up there, the 68 plus the 5 million and some change that we did.

Chairman Kerley: What's on the agenda, it says contractual and infrastructure improvement. They're only asking for 21 more in infrastructure and 27 million in revenue replacement. These lines are wrong that's in the agenda, correct?

Chris Cloud: No.

Councilwoman Curry-Campbell: You all bear, let me speak.

Chris Cloud: The agenda is correct in the lines in the budget we need the items placed in. When there is an identified project, we'll have, Nick's folks they're going to love us, create a new line, and then transfer the money within the series to that project, so then you'll say. We don't yet know every single line, it's basically your appropriate money to the 300 series and to the foreign series, and then from there as things get specific, they'll get broken out into specific lines.

Councilman Harris: Infrastructure on this agenda is wider a wider term.

Chris Cloud: There's really no connection-- There's not a word-for-word connection between the spending plan and our budget because we're looking at two different things. One's the plan and one is our budgetary way of dividing up accounts and money.

Councilman Fries: Today's request is \$68,999,098.

Chris Cloud: That gets you to the full 73 million appropriations. Correct.

Councilman Fries: That is my motion.

Host: Has there been a second?

Councilman Fries: No.

Councilman Lagemann: Second

Chairman Kerley: Motion & second. Any further discussion?

Councilwoman Curry-Campbell: Mr. Chair? I'm just really trying to understand, Chris, because I'm not feeling this at all. I really want to understand, so are you saying to me in that \$26 million for water sewer projects that there is-- Did that Woodburn, New Haven, and Maysville, is that included in that number?

Chris Cloud: We received \$36 million of requests so far from communities. The \$5 million you've already appropriated; those requests are included in that number.

Councilwoman Curry-Campbell: In that 26?

Chris Cloud: Yes. The only one of those three, we have to date, 100% said, yes, you're good to go is Woodburn because the project was already engineered ready for bid. The other two requests I think are requests that we've identified as, yes, we will. The only one to date that we've said go ahead is Woodburn because they were ready for \$375,000.

Councilwoman Curry-Campbell: Woodburn was \$375. New Haven was \$2 million.

Chris Cloud: I think that is still there.

Councilwoman Curry-Campbell: Maysville is \$2.5 million.

Chris Cloud: Is not what we're going to do with them. They requested a very large amount of money for not a lot of houses, and so when you look at it on an ERU, which is an equivalency rating unit, it's like one house equals one ERU. We're trying to figure out what the correct fair thing based on what we've previously may have done with the regional water sewer district from an allocation or a grant or something to them so that it's equitable across regional water sewer districts.

If you do a project that's \$5 million and it only serves two houses, that's a lot of money per house. \$5 million per project serves 2,000 houses makes more money or makes more sense. The request they had was \$2.5 million. They may not get the full \$2.5 based on if we find that it's a little too much for not enough houses. They know that. We've talked to them about that number.

Councilwoman Curry-Campbell: Nelson Peter's not here, is he?

Chris Cloud: He's not in.

Councilwoman Curry-Campbell: He is not.

Chris Cloud: He's not here today.

Councilwoman Curry-Campbell: I don't know if anybody, if Therese or Mr. Beck could speak on Jerry Starks, JM Starks, what Stark is trying to do out there, because I'm trying to find out where is his number. He's trying to build some affordable housing. He needs some infrastructure. I know Linda Golden needs infrastructure. These folks are trying to do great things here. We have [unintelligible 00:49:50] that's trying to do things. I'm trying to understand, if we've got \$2 million sitting over here, you saying they're probably not or you're not going to give that. Are we going to help some of these minority contractors that's trying to create a space?

Chris Cloud: We have had meetings.

Councilwoman Curry-Campbell: I know but, but I know it's--

Chris Cloud: No, no, no. Our offices had meetings with those two people recently, within the last few weeks. Yes, there are placeholders in there, but we have not committed to anyone, again, except Woodburn because we didn't know what would be appropriated. Until we knew the buckets, you can't really talk to people about their needs. I know the last one you mentioned, our office had a meeting with her early last week. I don't know if the first one has approached us. I don't know.

Commissioner Therese Brown: Let me narrow in. What Chris is explaining is that we have put place markers of dollar amounts for projects, two of which, under the bucket for affordable housing.

Chris Cloud: The revenue replacement bucket.

Commissioner Therese Brown: Right. That revenue replacement bucket has those projects, or at least two projects that I believe are Southeast, specifically. I don't have committed to memory and I don't know if Commissioner Beck does as well, but they're in the preliminary discussion stage. There are things that, as we've had discussion with Councilman Kerley, Lagemann, and Armstrong, is until we start getting deeper into these things, we've got to get a lot of engineering done. We'll have to go through a lot of paperwork and things like that to try to narrow down what those actual costs are and what we can contribute to, but there are place markers for those projects.

Councilwoman Curry-Campbell: That place marker, it sounds like it's in this revenue replacement.

Commissioner Therese Brown: Right, as Chris is explaining is that it's easier for us to be able to grant those dollars in the revenue replacement, [crosstalk] it being in--

Councilwoman Curry-Campbell: Versus infrastructure?

Chris Cloud: The infrastructure must be a water or sewer project under the APA's grant program. Affordable housing, part of it might be that.

Commissioner Therese Brown: Very small.

Chris Cloud: The other part of it may not be, it may just be a true grant. That's why you're going to have to--

Commissioner Therese Brown: The larger wrap-around cost would need to be out of revenue replacement versus the potentially smaller component coming out of infrastructure. We do have--

Councilwoman Curry-Campbell: I'm just try to handle some business before I leave here.

Commissioner Therese Brown: Totally understandable.

Councilwoman Curry-Campbell: You all know, December 31, I'm out. I only got to get two more meetings to fight this battle. If we're making some decisions on the ARPA funds today, I want to make sure that the southeast side of Fort Wayne, that these minority contracts are a part of this process. We got to make sure that we are being intentional when we have an opportunity to make things right. Justice40 is real. Are we really making these funds available to those people that are mostly impacted? I'm just saying. I love you, Chris.

Councilman Harris: Mr. President, I move the question.

Chair Kerley: Motion to end discussion.

Councilman Lagemann: Second.

Chair Kerley: Motion to end discussion second. All those in favor say aye.

Members: Aye.

Chair Kerley: All those opposed?

Councilman Spurr: I had a question.

Chairman Kerley: Too late. Move to the question to appropriate \$68,999,098 for the ARPA funds. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed?

Members: Aye.

Chairman Kerley: Motion passes 4(Tom, Bob, Paul, Ken)-3(Sheila, Kyle, Chris).

Chris Cloud: Mr. Spurr, I can talk to you afterwards if you have a specific question on the logistics or something.

Councilwoman Curry-Campbell: Thank you very much.

Chris Cloud: Thanks, council.

Councilman Lagemann: Mr. chairman. Chris and the commissioners, I just want to say I appreciate you guys doing a good job of really breaking these down, giving us a sense of where this money is going. To the point where as we are speaking with our constituents, and they're asking, "What are you doing with it?" Helping us have that answer, helping us have that clear answer is absolutely critical. Thank you.

Chris Cloud: Councilman Kerley had asked and I think we certainly could commit to this of regular reporting back to council on, A, we're required the quarterly but whatever reporting council wants, we're happy to come back and provide that of things as they go on.

Councilman Lagemann: Appreciate that.

Chair Kerley: Thank you.

Councilwoman Curry-Campbell: Thank you.

Chairman Kerley: Mr. Jordan, a follow-up question. When he's ready.

Councilwoman Curry-Campbell: Let Mr. Peters know we missed him today.

Councilman Harris: You had a question for Nick?

Chairman Kerley: I have a question for Nick.

Councilman Harris: Hi, Nick. Nick.

Chairman Kerley: The next step on the revenue replacement side is we have to tell you where to spend that 27 million, correct?

Nick Jordan: No, you've just made an appropriation that you've appropriated the money in the 300 and 400 series. Unless you reduce that appropriation, the money's been appropriated.

Chairman Kerley: Yes.

Councilwoman Curry-Campbell: What is the application process? What is the process now that the buckets and the money has been allocated, what is the process?

Nick Jordan: For revenue replacement?

Chair Kerley: Yes.

Nick Jordan: Revenue replacement within the [unintelligible 00:55:16]?

Councilwoman Curry-Campbell: He's already explained what-- I understand.

Nick Jordan: As Chris just explained, now that the money is appropriated in the 300 and 400 series, they can move that within the 300 and 400 series. If they wanted to pay for a 200 or 100 series expense, it can't be done. It would have to come to council on a transfer between series. Right now, the money is between the 5 million that's already been appropriated, and the 68 million that was just done today. All the ARPA money aside from any new interest earned is appropriated in services and capital.

Chairman Kerley: Thank you.

Chris Cloud: We will then now begin developing those application processes. That's the next step.

Councilwoman Curry-Campbell: Who's on that committee, Chris?

Chris Cloud: There is no committee yet. If you'd like to be a part of that committee.

Councilwoman Curry-Campbell: Sheila needs to be a part of that committee.

Chris Cloud: That is the next, and we've told Baker Tilly this is the next step. They're primed and ready to start that process for all these things. We'll need an application process for lots of things to make sure that we-- I will keep you in mind.

Chairman Kerley: The Attorney would like to say something, then we'll move on.

Attorney Mitch Harper: Mr. Cloud, you said earlier my job was to avoid trouble. Actually, a little correction. I believe what Congressman John Lewis said, sometimes there's good trouble.

Councilwoman Curry-Campbell: Good trouble.

Chairman Kerley: HR.

Nancy Steigmeyer: Good morning, council.

Chair Kerley: Good morning.

Nancy Steigmeyer: Nancy Steigmeyer, Human Resource Director, and I have with me--

Mary Rian: Mary Rian, HR Generalist and Recruiter.

Nancy Steigmeyer: I have met with each of you over the last couple of months and provided a business case regarding our HRIS system. Ed Steenman, our director of IT proposed last

month for 2023 budget for the subscription for a new HRIS system that is necessary business expense. Today, we are here to ask for a not-to-exceed appropriation of funds for the implementation and training package for the one that we actually are leaning towards.

I'm asking for a not-to-exceed because we are actually going to go back to them one last time in a plea to reduce the implementation costs. It is a necessary business expense. The training will help us to utilize the system at the maximum level for all departments that are involved and the employees that will be using the system as well. I did provide to you another copy of the estimated one-time fees, which was \$118,200.

Councilman Harris: Are they watching this live?

Nancy Steigmeyer: [chuckles] I don't know. Probably not.

Councilman Harris: Does that hurt your leverage of going back to reduce that cost?

Nancy Steigmeyer: It would hurt our leverage with the second-in-line probably.

Councilman Harris: Oh, I see. There's more than--

Nancy Steigmeyer: We have not yet declined the second.

Councilman Harris: Okay. Very good.

Nancy Steigmeyer: There's two that we are down to. The one that we want the most has the implementation costs at \$118,000.

Mary Rian: If they're watching this might encourage them to lower them.

Nancy Steigmeyer: That's right. Strong them a little.

Councilman Harris: Well, again, I think from my standpoint, is the ROI, if you will, what do we get out of this system, and the challenge that HR will have as you had in the past, We apply these monies towards software improvements, data process improvements to get better data from, but then it feels like we don't utilize all of the capacity that that software offers.

The challenge that I'm giving to you and the department is we need on a regular basis to get data out of that. I think from a council perspective, it can be very beneficial to get data out of that. As you know, getting that data for the county can be very strategic in allowing the county to make decisions on everything from hiring and benefits and everything else and in practices and philosophies, if you will. I'll move for the approval under contractual for \$118,000.

Councilman Lagemann: Second.

Chair Kerley: I appreciate that you asked for to not-to-exceed. Unfortunately, the motion is for the full 118. That's the motion and the second. All those in favor say aye.

Members: Aye.

Chair Kerley: All those opposed? I'm going to say aye because I wanted it to be not-to-exceed but I appreciate the project.

Nancy Steigmeyer: I will work on it, I promise.

Chair Kerley: It's not your fault. Thank you. Motion passes 6-1(Kyle). Let me get to my notebook. At the next meeting in November, we will accept appointments for or nominations for appointments to the Alcohol Beverage Commission, the Allen County Childcare Facility Board, the PTABOA Board. One Democratic appointment, one Republican appointment. Redevelopment Commission, Woodburn Economic Development Commission, Visit Fort Wayne. The one seat on the library board and the New Haven Economic Development Commission.

Councilman Lagemann: Mr. Chairman could you, between now and the next meeting, provide us with restrictions that are requirements for those appointments? I know some of them have to be one party or another, but there are also some qualification requirements. I know some of them you can't be an elected official to be on those. If you could give us or send out the requirements for those appointments, I would really appreciate that.

Chair Kerley: I will work on that. Then the proposed meeting dates for next year are in the list. Then after that, we'll do the auditors' report. January 5th would be the election of officers. January 18th, regular meeting. February 16th, regular meeting. March 16th, regular meeting. April 20th, regular meeting. May 18th, June 15th were both regular meetings.

July 20th would be the budget allocation meeting and regular meeting. August 17th, regular meeting. September 21st would be a regular meeting. September 28th, like this year, would be the budget hearing. October 19th would be a regular meeting plus the budget adoption. Then we'd finish the year on November 16th and December 21st with regular meetings.

Councilman Lagemann: Do you need a motion to adopt the regular meeting schedule?

Chair Kerley: Yes.

Nick Jordan: The biggest thing for us today is just to make sure if there are any changes to that so that we can let the city clerk's office know for reserving the room. That's why we like to get it done now, but everything's the third Thursday except for that 28th and the January 5th, but completely what you guys want to do.

Councilman Spurr: My motion to adopt as written. Oh, sorry. Go ahead.

Councilman Fries: I was going to ask a question about the January meetings. Do we have two separate meetings in that month or can we do the organization, the election of officers earlier on the 19th? Have that meeting earlier in the 19th and then we start the regular meeting later on.

Nick Jordan: We can do it. We just have to do that before we preside over the first meeting. We'll need to get that done.

Councilman Harris: The challenge is some of those meetings start in January. Are you saying wait till January 19th? The challenge is that some of those meetings actually start happening in January. That's why we do it.

Councilman Lagemann: The appointment.

Councilman Harris: That's why we try to do it sooner then.

Councilman Fries: On the 1st. Got you.

Chair Kerley: The recommendation from the attorney is to have it early. [unintelligible 01:03:50]

[laughter]

Councilman Harris: Thank you.

Chair Kerley: To keep us up.

Councilman Harris: For that legal opinion. We appreciate that.

[laughter]

Councilman Spurr: Motion to adopt as written.

Chair Kerley: Motion? Is there a second?

Councilman Lagemann: Second.

Chair Kerley: Motion is second. All those who are in favor of the 2023 meeting schedule say aye.

Members: Aye.

Chair Kerley: All those opposed. Meetings schedule is approved. Mr. Jordan, auditor's report.

Nick Jordan: Council, in your notebook, you see the financials through the end of September and we'll briefly touch on this during your budget adoption, but everything still looks healthy and as it has before. Miscellaneous revenue is trending ahead here to date. I'll zoom in here. You can see it's about 4% higher than it is year to date. As we know, we're through 75% of the year. As we know the building surveying, planning, things like that, have had record years.

Again we know the Care Federal prisoners has been down. Interest revenue is starting to tick back up. I anticipate, you know what? We have 45 million on here estimated that's probably going to be closer to \$47 million to \$49 million in miscellaneous revenue, how we're currently trending year to date. Then the other financials that are within the notebook, the major funds. Similarly, you see very strong financial position as of this point in the year.

Councilman Harris: Based on spending, any ideas on the rollover yet?

Nick Jordan: As we talked about when we did the bonus, I think you can easily estimate based on history, three would probably have been closer to five million, six million, but we've used two million of that for the bonus. For sure, I would think in the three million to four million range. I know next month I'm going to come for-- Today we did a couple 100,000 of appropriations. Next month I'm going to come for approximately 500,000 for worker's compensation. I don't know what else will be on the agenda. We'll get that through the end of the month. Those are last-minute expenses, so to speak, that are not currently in the budget.

Councilman Lagemann: Mr. Chairman.

Chair Kerley: Yes.

Councilman Lagemann: Nick, this is a little bit somewhat terribly off-topic, but can you give me a sense of where we're at with both LIT and Cum Cap?

Nick Jordan: Just to clarify, lip public safety as you know-- I'm going to pull this up just so we can see. The lip public safety, when we talk about lip 1 because we appropriated the 1.4 million for the radio. That brought this amount left for appropriation down around 400,000. It'll be close to that amount, maybe a little bit higher towards the end of the year. Then on Cum Cap, fund 321, as were, this is through the end of September.

You can see over here where my cursor is 32%, approximately 33% has been spent year to date. That leaves approximately seven million, eight million in cash. The amount left for appropriation is only two million. This follows a similar trend as the prior years, as I've presented on grass before. Lead economic development, similarly, you can see around 32% has been spent. Only two million is available for appropriation, similar to Cum Cap.

As I've showed before on the graphs, the expenses don't come to fruition to-- Excuse me, the budgeted doesn't come to fruition on what's expend. We break the CEDIT down there, LIT economic development down by the departments that do budget within that fund. I'll have the graph. I can pull it up now. For the budget adoption, we convene a new meeting.

Councilman Lagemann: Just one more quick question on both those funds, LIT and Cum Cap. As we prepare for our monthly meeting, is that something that you could break out for us and just say expenditures to date with more specific projects, just to have a sense of when it started?

Nick Jordan: How we budget in here, we have the expense by line item. The gray area that we can definitely put together, we just would have to work potentially with the commissioner's office if you have a contractual line item. Within there, we can look and see who the expense was to, but I don't know specifically. When it comes to a project, we may have to ask the commissioner's office, "Hey, what's that for?" Or the highway department, "What's that for? If it's not readily discernible from the line item.

Councilman Lagemann: That would be really helpful. I've had a lot of constituent questions specifically on those projects and just having a good sense of where we're at in the timeline on those projects, what money's been spent. All of those kinds of questions would be really helpful to be able to answer.

Nick Jordan: I'm here, we can go over one. We can prefer anything in advance to help answer the questions.

Councilman Lagemann: Super. Thank you.

Councilman Harris: Mr. President, I'll move for the approval of the financial report.

Councilman Lagemann: Second.

Councilwoman Curry-Campbell: Second.

Chair Kerley: Motion and multiple seconds. All those in favor say aye.

Members: Aye.

Chair Kerley: All those opposed. Any liaison reports?

Councilman Harris: If not, I'll move for something. I'll move for the approval to waive the second reading on any manner approved today for which it may be deemed necessary for the county council meeting of October 20th, 2022.

Councilwoman Curry-Campbell: Second.

Chair Kerley: Motion and a second. All those in favor say aye.

Members: Aye.

Chair Kerley: All those opposed. Mr. Spurr?

Councilman Spurr: I just had a few things that I wanted to discuss if we could. One of which is using transfers within a series. I would like to see anytime something is moved within that series that it'd be brought before the council. I don't know right now what the amount would be, but I think for transparency sake, it's important that come before the council. I would like to see--

Councilman Harris: Is that for the whole county or are you saying a department or what are you saying?

Councilman Spurr: I'm saying commissioners, county, and that will be established at a later date. When it's moved within the series, that would come before council for approval.

Councilman Harris: For approval as a consumer.

Councilman Lagemann: Councilman Spurr, do you have a threshold number you're thinking about? Like \$5-- I mean we want to get [unintelligible 01:11:05].

Councilman Spurr: That's why I wanted to put that out there for discussion for maybe the next meeting, but I'm thinking somewhere around 25,000, something like that.

Councilman Harris: Operationally, Mr. Auditor, how much does that happen and how burdensome does that become?

Nick Jordan: We do transfers within series, meaning, if you budgeted for a contractual in the 300 series and say you wanted to move it to a maintenance agreement, we move things within series all the time. It can be daily. That's just how we've operated for at least the time that I've been here. It allows us the flexibility that when people budget-- Personally, I don't care what line item if you put in general supplies, miscellaneous supplies, paper.

Some people, some departments like to give more detailed than others. I have, historically, because I don't care what line you put it in the 200 series. If it's a supply, put it in there and then spend accordingly. If council wants to go this route, it will require a little fine tuning from departments on the budget aspect at the beginning.

Then once that is fine tuned, hopefully, it's less transfers going down the road, but there will always be transfers within series just because whether it be historical errors by the auditor's office saying, "Hey, you can pay for it out of there." The Council at the time saying, "No, that item we think needs to be a different purpose than what my interpretation of it was all the auditor at the time."

Councilman Harris: I guess I'd be concerned about the approval process, understanding it.

Councilman Spurr: It's not going to eliminate that, but it might lessen it. It depends on what that aggregate number is. Whether it's set at 50,000, 25,000, 15,000 or whatever it is.

Chair Kerley: Nick, do you think it would force departments to budget better or budget more consciously?

Nick Jordan: To say in general, no, because I just don't think there's a habitual problem of-- Again, some of its interpretation or what one foresees as possibly not good budgeting compared to good budgeting. Again, my own preference. If it's a service in a 300 series and it's contractual or maintenance or things like that and they break it out how they do currently now, we don't see any red flags of, "Hey, you haven't had a contractual line. You're paying too broadly out of there." You're paying for a service. There's just the title we've put on the line.

If the council and the majority of the council says, "Hey, that contract was too broad. You need to break it down." Like highway department needs to say Maplecrest engineering. Whatever it may be because highway, if you look at their budget, they break down by road project things like that. If the Council at the time wanted that specifics, to Paul's question on the projects, then you will have certain budgets that will all need to be broken down greater. When you think of the majority of the departments, not necessarily. If you have problems with a printer contract coming out of a contractual or maintenance line, then we'd have to change accordingly. You're getting into minutiae at that point in time.

Councilman Spurr: I just think it leads to greater transparency for the taxpayer. Wouldn't you agree to an extent, Nick?

Nick Jordan: Yes, there's no doubt. Like I said a contractual line, you'll see a 3113 as the last 4 digits of it. It says contractual. If you asked me to date, "What's in that line?" I don't know. I got to pull up the detail and see. I can give you a broad base guess on what contractual is, but if you want to see in the minutiae there, we have to pull up. That's when if you want it readily on the face. When you look at this, then you will need, per the law, the specific purpose we're getting done in the fine print at that point in time.

We can do. Whatever the majority of Council does, it will just require some learning curve at the beginning because we have historically done it. I know what the law-- Sure, I gave the law to you guys, so I know what the law says, but we haven't always operated as strictly. Specific purpose in our mind was if it's in the 200 series, 300 series or 400 series, that's the specific purpose not contractual versus maintenance within the 300 series.

Councilman Harris: I'd be willing to discuss it further, I guess. I'd be concerned about having to approve the movement of some of that. Maybe we can identify what might be perceived as either abuse or high numbers or something to identify that and to discuss it with

those departments. Man, I tell you that they mentioned that happens daily and it would just be like putting the brakes on everything. That's with the perception.

Councilman Spurr: [crosstalk] when you set the level, Council Harris. You set the level.

Councilman Harris: Yes, you set that number high enough. I would really want to dive into understanding how much activity, what that average numbers are and then is it abused? Is it not? How do we?

Councilwoman Curry-Campbell: How would you know?

Councilman Harris: One of our goals for council has been we don't want to keep bringing people to council meetings to do that mundane transfer of whatever. In fact, the thought was, "Let's just do it," or if somebody's trying to transfer or do something, we would just do it without having to bring the department head here. That would be 180 the other way where we're trying to get them.

Chair Kerley: A lot of those would be something you can handle an aggregate, right, Nick?

Nick Jordan: Yes, but the thing is you guys got to think about something for a second. You're wanting the transfers of a certain dollar threshold to come before council. Right now, if it's in contractual, nobody's told me that it can't be paid out of contractual, and so the first step would be the council having to say, "Hey, these contractual expenses, we don't like. We want those more specific." Then the transfer would happen. Right now the directive of, "Transfers over 25,000, come before council." I don't have anything to bring to you unless there's one.

I can say, "Hey, your contractual is fine. Keep spending on it. Council didn't say anything was not--" That's a 300 series allowable expense per law, not that, "Hey, you're paying for engineering services out of 400 series that says infrastructure engineering that we want that to be specifically for road engineering line." We would have to go through that process to work through of what you want broken out of certain lines before you would even get to this step of having to transfer stuff between lines.

You guys can set the rule today in 25,000, 50,000 wherever, we can, as they happen, we'll bring them to you and say, "Here's what we got." I don't foresee a lot of them. We don't have a ton of transfers over 25,000. I'm not going to tell anybody unless I get directive that you can't pay out of that line or unless it's unallowable which we already do now.

Councilwoman Curry-Campbell: Mr. Chair, I just wanted to ask Mr. Spurr. Is there a situation that we need to be aware of? Tom said he would weave, but is there something we need to know about?

Councilman Spurr: No, not specifically. I wouldn't say. I guess my whole intention and point is to bring greater clarity for the taxpayer. As Nick just mentioned, when I go through the budget book and I look at the budget book, there's a lot of things that are just there's no explanation. It's just a great big cauldron of whatever. When I mentioned that, I think it's important discussion toward clarity.

Councilwoman Curry-Campbell: Right.

Nick Jordan: A good example today, appropriation for HRIS implementation is coming out of a broad contractual line. Do you want that broken out into an HRIS implementation line? I would argue no because I don't want this to grow by 300 pages.

Councilman Spurr: I was going to say it would be an endeavor and the challenge would be as you just said. The budget book would essentially triple in size, probably double. I don't know. I think it's--

Councilman Fries: We can not do it because we think it might be difficult. If you think about it, and you're exactly right. The taxpayers have a right to know where their money is being spent, and how it's being spent. Even if it's difficult we still need to make sure that we do everything we can as the fiscal body to make sure that we are letting the taxpayers know this is how we are spending your money.

Councilman Spurr: Exactly.

Attorney: Transparency.

Councilman Spurr: Exactly. That's a word that's, unfortunately, overused today, but it is. It would be a light shine on the budget, and it would create greater transparency and clarity for the taxpayer. I guarantee you, if I go to my constituents today and I give them that budget book, they are going to be clueless how to interpret that. That's just something I would like to further discuss.

A couple of other things, and I know, Nick, you and I, we have talked about this numerous times. We haven't really gone down the river with it. Is the vote logging software that can reside at the server level just so that it could be a way where the constituents could go to a web page and say, "Okay." Very similar to what the city does. That's something that we can undoubtedly fund out of our own allocated funds. I just don't see--

Nick Jordan: It's already created. I just got to put the information out there. It won't look as robust as the city because we do things differently and the city has legislative powers compared to you. You only have fiscal so the action taken is a lot less.

Councilman Spurr: That element could be totally left out. I would like this body to visit that before I leave on the 31st.

Councilwoman Curry-Campbell: We got some demands, don't we?

Councilman Spurr: Not demand, just suggestions.

Councilwoman Curry-Campbell: They've got demand, baby.

Councilman Spurr: Then the third thing that I would like to see is the personnel committee rules and procedures written and adopted. I know there's some of us who have really worked on that. I would like to see that come to fruition.

Nick Jordan: It would be amending them. A previous council has already adopted.

Councilman Spurr: There's some verbiages that would be amended.

Nick Jordan: That's what I'm just saying. There's already guidelines that exist. On the screen, I just pulled up, on your first topic, just so you see. Like here, I'm using ACJC as an example. These contractual services and contractual cleaning. If they put those in a contractual line, I would never say something's wrong with that. That's that if the council would want things broken down like that, as an example, they have arbitration services, contractual services, contractual services again, and contractual cleaning.

If you want the minutiae of lines broken out like that, because I would argue arbitration, contractual services, contractual cleaning can all be in a contractual line. It's a 300-service-based expense. Whatever you guys want, we can do. It's just explaining and then disseminating the information to departments and going from there.

Councilman Harris: Possibly, if you wanted to have further discussion, we'd have to evaluate this, I think, a bit more before we jump into that. Maybe we identify one department to do a pilot program to see what it looks like in a three or six-month period. Maybe you start with the biggest department and just work with that department to identify it and see if it makes sense, because it can very well be overwhelming for everybody involved, I think.

Councilwoman Curry-Campbell: I think we should start with the Sheriff office. I think they have probably the largest and you probably can figure this out.

Councilman Harris: I think we better talk about this first, have further discussions.

Councilman Spurr: Oh, for sure. Today, I just wanted to get it out there and get people on this body thinking about it.

Councilwoman Curry-Campbell: Thank you for sharing.

Chair Kerley: With that, the next council regular meeting will be held 8:30 AM Thursday, November 17th, 2022, in the chambers room of Citizen Square. The next council meeting will be immediately following this one for the budget adoption.

Councilman Harris: We do adjourn this one. Shall I move for Adjournment?

Councilman Lagemann: Second.

Councilwoman Curry-Campbell: Second.

Chair Kerley: We have a motion to adjourn and second. We are adjourned. We'll, take a five minute break and then come back and do the budget. Welcome to the Allen County Council annual budget adoption meeting, Thursday, October 20th, 2022. We already did the pledge and moment of silence. We are immediately going to go into the approval of the 2023 Allen County budget. Mr. Jordan, please take over.

Nick Jordan: Morning, council. On the agenda, which is very small on the screen, but we'll go through the Allen County pieces, which is the first piece, you adopt the appropriations or you adopt the budget. 207 million through all the funds. Then you'll pass the salary ordinances for elected officials, for the non-classified employees, which we consider the special occupations or lawyers, chief deputies, attorneys, then the classified employees and part-time employees. Then we'll approve Southwest fire and the airport budgets because they're binding tax units.

The first page I have in your book, and I'll blow this up a little bit. This is just a brief summary of where we're at today. The total budget is approximately 130 million. We anticipate revenues. As of right now, we're estimating 131 million, though we're positive by a couple of hundred thousand. The other fund budgets, which is everything outside the general fund and the LIT Public Safety fund are 116,557,807, with a total Allen County budget of \$247,386,647.

One thing I did want to touch on because I was talking with Councilman Harris yesterday about it, and you've probably seen it in the newspaper with other taxing units and so forth, but it's in regards to the tax rate, potentially, not going up, or units saying that they are going to reduce the tax rate. I just want to caution everybody. The reason the tax rates are going down is because assessed value is going up.

As you can see this graph, I know you can't see the detail, but the line going up is your assessed value, and the line going down is Allen County's tax rate. This looks back from the '08 assessment all the way to the 11/22 assessment. We've increased our tax levy, as most units have, [unintelligible 01:26:41] I would mention guess all of them with rare exception. The increase in the tax levy has been less than the growth in assessed value and so that's why you see these curves cross and tax rates go down because assessed values going up.

For the average taxpayer, this is a caution. Just because we're decreasing the tax rate does not mean that tax bill will go down. Because you're increasing assessed value may be more than likely more because the real estate market more than the tax rate so why the decrease in the tax rate. The tax rate has gone down, but it's a function of the increase in assessed value.

Councilman Spurr: Because they won't hit the breaker.

Nick Jordan: Even if they do. If you hit the circuit breaker and your assessed value is going up 10%, your circuit breaker is 10% higher. The circuit breaker caps are still going up based on your increase in assessed value. It's just a caution that when you speak on, and like I said, we've seen headlines of the recent with other tax units, they expect their tax rates to go down. I would hope almost everybody's tax rate is going down. That has been the history of the last few years, with a rare exception of new fire territories and things like that. Tax rates have gone down across the board, and it's because assessed value is increasing at such an exponentially level.

Councilman Harris: That's indicative of a growing community with demands. It's indicative of a growing community with demands of housing and if we can increase housing, we can reduce the assessed value from the standpoint of demand.

Nick Jordan: I'm not by no means implying that the increases in tax levies are not warranted. As we know, with certain fire districts, fire territories, they may have been charging three cents. We know the county, we paid off a bond a few years back, while at the same time, we increased the major bridge rate because we have bridge needs. The levy is warranted. I'm not implying that the tax levy increases are not warranted, it's just the rate has gone down because the assessed value increases, not because units are not adopting or increasing their tax limits.

Councilman Harris: Thank you.

Nick Jordan: The summary page here, you see it's more than a balanced budget. We have to pass the balance budget. I can take any questions you guys would like. I'm going to zoom out here. The rest of this, this is the department detail by department budget that was adopted. You can see the appeal or reduction for each department. What we went through last month, factoring in those changes that were approved. This is the budget for every single fund. Paul asked about Cum Cap and LIT Economic Development. You will see them here.

You will see highway, Board of Health, so forth. This is, in your notebook, it shows the breakdown by what we lumped together departments or budgets based on the financial operations, general government services and judicial arenas and represent this pie charts. This is the breakdown of the revenue. You can see the majority comes from property tax and next piece when you add local income tax, public safety and LIT certified shares. Between those two, you're at 80% to 90% of your revenue. Then these are the meet of the adoption. I'll stop for any questions you guys have at this point.

Otherwise, procedurally, Tom will read the tops of these.

Chairman Kerley: Mr. Spurr.

Councilman Spurr: Having said what you just said, and going off what I said earlier, in accordance with Indiana Code 36-2-9-13 section B, it states that the honor may not permit an item of appropriation be overdrawn or be drawn on for a purpose other than the specific purpose for which it is made. Whereas such a change in appropriation may only be approved by an affirmative vote of the Allen County Council, and whereas the Allen County desires to clarify and direct that the specific purpose, language attached to purposes set out in the budget for items within series in the budget.

I would propose, I would motion that we amend the budget to state that specific purpose is understood and intended by the fiscal body of the county of Allen to apply to purposes listed within series, with series of this annual budget. Number two, make such an amendment to be read with attached to, and considered a part of the Allen County budget.

Further, the Allen County Council directs that the county auditor, acting in the capacity of auditor and as clerk of the council, shall notify the president and members of the council of any appropriation request to draw for a purpose other than for a specific purpose, and that such request may only be made after approval by presentation and vote to the county council. I'd like to attach that.

Chairman Kerley: Was that a motion?

Councilman Spurr: That is a motion to amend and attach that to the budget?

Councilman Lagemann: Can I ask a question here?

Chairman Kerley: Oh, yes. There's no second.

Councilman Spurr: I'll second it.

Chairman Kerley: Okay. Motion to second. Any further discussion?

Councilman Lagemann: Yes. What happens then if a project goes over budget?

Nick: The law that Chris is referring to only talks about the appropriation to be overdrawn. Again, to correlate what we did earlier, if the 68999098 in APA, we can't spend 70, that's over-- we're spending over appropriation. The 48 or the 20th million that was for contractual, units appropriate it for that specific purpose. That's all that was appropriate for. To your point, if there's a project within contractual within infrastructure engineering, that's a million more than what the commissioner saw it to be, nothing prevents them from going forward and paying for it, because it was appropriated as infrastructure engineering.

Very broad category or contractual, I'm just using this as an example because we just did it. There was no specifics within those two buckets, within those two appropriations. This law would only kick into play if the 20 million was concrete, then they wanted to move that to construction of whatever building. Then it's a little bit of different specific purpose, because one was for concrete, and now one's for asbestos removal, but in a contractual bucket, everything's fair game. If for a service related expenditure. In my interpretation, if under my eyes in the auditor's office, those things, those expenses are going through.

Councilman Lagemann: I understand. Just to follow up on that then, what would happen--

Chairman Kerley: I'm sorry, go ahead.

Councilman Lagemann: Go ahead.

Chairman Kerley: Say a department has a line for medical, and they want to transfer \$30,000 to food, then that would have to come--

Nick: That's going to fall under this. Yes, because for the specific-- My interpretation in a specific purpose of medical and food do not have a direct correla-- You can try to connect them if you want, but council appropriated for medical, not for food for inmates. That's something we're again, under my interpretation and say, "Hey, we got to put this on the docket if it's over \$25,000."

Councilman Harris: Or whatever number we determine.

Nick: Or yes, whatever threshold. Then that would be for the next meeting, counsel to approve.'

Councilman Harris: Is there abuse happening in this regard right now in the county?

Nick: Well, abuse is subjective, but--

Councilman Harris: Well, perspective of the auditor.

Councilwoman Curry-Campbell: The Sheriff department have any of these [crosstalk]--

Councilman Harris: Just let him answer it from a broad perspective.

Nick: I would say in comparison to what exists with other taxing units out there, Allen County, when you look at the budget book, we are extremely transparent compared to what other units, how they adopt their budgets. Could you be more transparent? Yes, because as I gave the example earlier, if you asked me what's in a contractual line, I don't know without looking in the detail, but I can find it for you in five minutes. If we want that on the fly, we

can have it, but there's not abuse to the extent that a 300 series services item is being spent on services in the 300 series.

Councilman Spurr: My point Nick, is just to create another added level of clarity in that, a constituent could take that book, rather than someone who is educated in the field like you are, and deals with it on a daily basis, and look at that and more broadly, or better understand.

Nick: I wholeheartedly agree. Another example between food, if you have equipment and you have cars, and X department transfers from equipment that the council thought was to be approved for equipment, whether that be computer, guns, tractors, whatever it may be, and they move it to cars, that's not what council approved it for. You could look if that's what we be coined as abused, but you could also look at it as, that's a capital item which council appropriated it for was capital. It depends on how much the majority of council wants to look into. That's why the law, we've never viewed it as we're running a foul of the law, because specific was broadly interpreted.

Councilwoman Curry-Campbell: Mr. Chairman, may I speak? Okay. I want to use the sheriff department as an example in commissary. Would they be able to move those dollars around? We've talked about training, we talked about diversity, equity and inclusion. We talked about some of these things that we think that the sheriff department need or whatever. Would they be able to move that money from commissary for training for specifics?

Nick: That's a good question, but it doesn't correlate 100%, just because it doesn't require appropriation. Under IC 36-10, there's a list of uses for the commissary. Again, depending on how broadly you wanted to interpret that list. The very last attribute on it, if you don't fall within any of the a, b, c, d, whatever number or letter goes to, the last one is an allowable purpose both agreed on by the council and the sheriff. Right now, they can use it for training, for sure. Without a doubt. That's one of the allowable uses for commissary. If they buy a tractor to fix something at the range, you could argue it's allowable. It's for sheriff's use. They go out there and train, they're going to use the tractor to maintain the grounds.

Could you say no, it's not allowable. It's subject to interpretation, but the whole point being is it will never under the current law come before the council for commissary because it doesn't. You get a report every six months with a breakdown of the expense, nothing approved in advance unless it was-- or excuse me, it should be come before counsel if it was something that doesn't fall within the current A through J or whatever the subsections are.

Councilwoman Curry-Campbell: Well, I know the commissary, those numbers have changed drastically in a short period of time. I guess that's why I'm questioning that. What happened with the sheriff in commissary, that they spent absorbent now. A lot of money moved.

Nick: Also, I can say-- It's only my reading, my interpretation of the list that was presented, 300 some thousand was used for a command vehicle. That's the term I'm going to use.

Councilwoman Curry-Campbell: I'm sorry. Used for a what?

Nick: A command vehicle. That's the term that I'm going to use.

Councilwoman Curry-Campbell: \$300,000 was used for a command vehicle out of the commissary. Is that what you just said, Nick Jordan?

Nick: That's my interpretation.

Councilwoman Curry-Campbell: Oh, interpretation.

Nick: It's on the list. We all see the same list. They've used money to make improvements out of the range. They've bought bikes, they bought vehicles. It's many lines. I don't remember, though I can pull it up here.

Councilwoman Curry-Campbell: Maybe we can have it for next meeting because I think people are--

Nick: We've already sent it to you. We have it. No, we're just, we'll pull it up now.

Councilwoman Curry-Campbell: It just seems like--

Councilman Lagemann: If I may, I just want to--

Councilwoman Curry-Campbell: Sure, go ahead.

Councilman Spurr: I think what Nick is trying to say, and please correct me if I'm wrong here, Nick, but the commissary fund would be very difficult to measure what I just read against any other fund in the budget.

Nick: You can't interpret this. This has nothing [crosstalk]--

Chairman Kerley: Doesn't apply to commissary.

Councilman Spurr: Right.

Nick: You don't have the enforcement over commissary except for, if you guys were to try to say--

Councilman Spurr: The commissary fund is a very broad stroke, the way it's written, so this doesn't really--

Councilwoman Curry-Campbell: Yes.

Councilman Spurr: I guess that's what I'm trying to say.

Councilwoman Curry-Campbell: Thank you for sharing. It's just been brought to my attention. I did finally speak with the sheriff. My concern was, are you really trying to spend this money down before you leave office? Like I say, we had a private conversation, but I did discuss this with him, because I just couldn't understand how much money was moving so fast, Nick. I was just concerned. Concerned. A lot of money.

Councilman Harris: Call the vote?

Chairman Kerley: Do you want to call the vote?

Councilman Harris: Whoa, whoa, whoa, whoa. Vote on this document?

Nick: Yes.

Councilman Harris: Okay. I would like to get a comment in. My comment would be this, I was handed this five minutes ago. This is a bit disingenuous when you said just 30 minutes ago, we need to have more discussion on it, and we should have more discussion. Now, wait, let me finish. If that's the way you want to roll, that's fine, but I'm very concerned that you're trying to do something that you just said 30 minutes ago, "Yes, let's have more discussion maybe by the next meeting," and I'm handed this document, walking into this meeting five minutes ago. Very disappointed. Very disappointed.

Councilman Spurr: I understand what you're saying, Councilman Harris. I think you're reading into that a little bit too much. No monetary value has been set. We're simply saying is that along with the taxpayer, we're looking at it a little closer. That's what we're saying.

Councilman Harris: Well, we talked about the idea of setting a threshold, let's say, \$50,000 or \$35,000. When a department wants to say-- This is a game that you're going to set up. If I'm going to move \$35,000 and get caught on it, I'll move it to \$10,000 and \$20,000, and I'll come in under \$30,000, so, I'll just do it differently. Now, you've established a process for game playing in the county. I don't like that process.

Councilwoman Curry-Campbell: This hasn't moved anywhere. Did this--

Chairman Kerley: There's a motion on the table.

Nick: Just so I can make sure my comments are construed correctly, Sheila or Councilwoman Curry-Campbell, excuse me.

Councilwoman Curry-Campbell: Thank you.

Nick: This is the Sheriff's Commissary report, just so you see where my-- This says LDV Inc. The expense was \$357,644. Then I went out to the website and I looked what LDV Inc. was. They make emergency response vehicles. That's how I made my assumption or correlation between what the sheriff potentially purchased. That's the--

Councilwoman Curry-Campbell: I'm sorry, you said you went to the website and you just-- Say that one--

Nick: Yes. All statutorily that's required is we're getting this document. You see it's 13 pages, it's a six-month window of ins and outs of the commissary. Under any of the law, 36-8-10.

Councilwoman Curry-Campbell: Under the law?

Nick: Yes. This list here, the vendors or the PCS deposit is actually money coming in for data for whatever it may be. One of them on here is LDV Inc. in expense of \$357,644. Other in the document, it shows that it's equipment. Simple Google search shows, it's a LDV Inc. My assumption is he bought a command vehicle or a emergency response vehicle. Whether--

Councilwoman Curry-Campbell: Have you seen it? Have anybody in the county seen this \$350,000 vehicle, Tom Harris?

Councilman Harris: They did a big press conference about it months ago in the spring.

Councilwoman Curry-Campbell: Oh, okay. I don't sit on that committee, but I'm just saying--

Councilman Harris: No. Is it television?

Councilwoman Curry-Campbell: He googled it. I'm just wondering.

Councilman Harris: The TV did a big press conference about it back in the spring.

Councilwoman Curry-Campbell: Was the sheriff there?

Councilman Harris: Yes.

Councilwoman Curry-Campbell: Sheriff, if you could hear us, we're still looking for you. Sheriff, sheriff, please come to our monthly meetings. Thank you. Go ahead.

Councilman Harris: Call for vote.

Councilman Lagemann: Call for the vote, second.

Chairman Kerley: Call for the vote in a second on the item that was presented by Mr. Spurr. [crosstalk]

Councilman Harris: [crosstalk] the threshold, to be [crosstalk] set I think, later, right?

Councilman Spurr: To your point, that's the discussion that I would like to have afterwards.

Councilman Harris: Okay. Would you like to explain, Mr. Attorney?

Attorney Harper: Yes. This is a very spare amendment. It's simply a restatement of what is the current statute. I know all of you received the letter that the auditor sent to everybody explaining that. I think it gives our auditor, and he's also the clerk of the council, some clarity on what the statutory duties are, because he inherited a way of conducting the expenditures that I don't know when it probably originated. As he pointed out, the statute says, cannot permit, unless if it's on a purpose other than the specific purpose. This says essentially, and gives everybody notice, everything is included, including within the series. The county council, the fiscal body's required by statute to approve all expenditures.

You do that through the budget. You also do that through the various appropriations throughout the year. There is no threshold in this. This is something to work with the auditor to say, for items that are \$25,000 and under \$50,000 and under, whatever you would decide to do, he can bundle those together and assemble and provide to the council, something for you to ratify at each end of the month meeting, but you can't do that here. That is something on what you do procedurally, with the auditor, because you've got to really approve every expenditure at the end of the day. You could do that even as a consent item, where he's making that judgment.

I think, Councilman Harris, you do raise a legitimate issue for discussion that departments might be incentivized. I think it's a valid point, but I think you can get into that robust discussion when you're talking about whether it's wise to set this limit procedurally. Again, I may be a little unclear here, but this gives our auditor guidance, the parts procedurally about how auditor would work in terms of presenting things to council is something still to be discussed. There are some very keen things to do before January 1st. Also, if you don't do that, you would be in almost constant special meetings to approve as well, which you don't want to do. You don't want to--

Councilman Harris: Exactly. I don't know. Maybe that's the intent. I don't know.

Attorney Harper: I hope not.

Councilman Fries: This would need to be done, Mitch, before the budget's approved.

Attorney Harper: You're signaling that that's with this 2023 budget?

Councilman Fries: Right.

Councilwoman Curry-Campbell: Nick, what role do you play? You're talking about this, correct, sir?

Nick: Right.

Councilwoman Curry-Campbell: Nick, you got this, right?

Nick: I have that.

Councilwoman Curry-Campbell: You have this?

Nick: Yes.

Councilwoman Curry-Campbell: Okay. Did you have any input with it, Nick?

Nick: Well, yes, I actually spearheaded-- because whether it's this council or councils before. The council has always griped about certain expenses and not knowing what they are. I provided this law to the council. That as an example, in the email that was sent, if you remember at the beginning of the year, we had \$5 million for ARPA. It was actually brought up today. Within that, in that meeting, a motion was made or was going to be made regarding the breakdown of that ARPA.

Councilman Spurr: It was made, it failed.

Councilman Harris: Sorry, it was what?

Councilman Spurr: Made, it failed.

Nick: Yes. At the end of the day, the motion was approved for \$5 million in a 400 series, I believe it was, I can't remember. That can be used for anything then capital wise. If you wanted to limit it to certain cities or towns from there, then potentially, this law can be interpreted that the specific purpose was \$250,000 for X community. That wasn't what we approved. Today, contractual infrastructure improvement were approved, broad. That's what I brought this up, as in this law. This is what it says, "How we've historically interpreted specific is broad. It's based on series, not on individual projects or lines. It's 300 series, 200 series, 400 series. By services, capital."

Councilman Spurr: Right. Based on some of our inquiries, that was made.

Nick: It's way even councils before you [crosstalk]

Councilman Spurr: They've mentioned it. Right. Exactly.

Councilwoman Curry-Campbell: What's been the problem in the past?

Nick: I can't say councils-- Council members have questioned an item that is budgeted. Is it used? We can show, no, it isn't used. What was it used for? If it's something broad like contractual, what are they spending that contractual for? As was brought up earlier? That's when you can't see on the surface, in a budget book, you can't see in these line items what [silence].

Councilwoman Curry-Campbell: You could find it in five minutes if we gave you five minutes.

Nick: Yes. We can pull it up. We can tell you that.

Councilwoman Curry-Campbell: Exactly. This will help you be more transparent, is that how you feel?

Nick: It would definitely increase transparency. Whether help is the word you put there, but it would increase transparency, for sure. It will create work. To Kenny's point, we're here, we're paid to work. If that's what council, the majority council, wants to do, we will do it.

Councilwoman Curry-Campbell: Who else was on this committee or who else was-- I'm just asking for a friend.

Nick: No. Again, this generate as an example based on inquiries that this is what the law says.

Councilwoman Curry-Campbell: Yes, sir.

Nick: I emailed all of you. The full council.

Councilwoman Curry-Campbell: Right. I didn't know if it was someone on council that maybe you had-- No? It's okay. It's the law.

Nick: I've definitely discussed, like I said, prior to this council, even though this law, we've never interpreted it as--

Councilwoman Curry-Campbell: We need to fix it the day before I leave office December 31st, is that what we need to do? What do we need to do? It's the law.

Nick: I will say, I don't know if, as I think I've communicated today, the way you've appropriated items so far, and the way the budget is, this is barely going to come into play. It's barely going to come into play, because I don't believe the Councilman Harris' question of abuse or even transfers over the \$25,000 threshold. Those aren't frequent. Jackie just communicate here, if the-- which we have no way of telling because the council would be ratifying in a later meeting, if we would potentially have to hold expenses, if they wanted to transfer something, and say it was the beginning of the month and you're meeting three weeks later.

If they want to transfer, we just had one with highway a couple of days ago, and they thought it should be a part, we think it should be 400 series, it needs to come before Council. We have to wait to the councilman, but if that was within series, that, we would usually do on the fly. If they wanted to do that, we'd have to say, "No, we're going to have to hold off, we're going

to have to wait until the council meeting for them to approve it." It would delay paying invoices for the, as we talked about food or supplies or food or medical equipment example earlier.

?Chairman Kerley: I think the attorney has an--

Attorney Harper: Correct me if I'm wrong in this characterization, but I think your auditor is doing a fine job of trying to avoid projecting policy judgments to the County Council, which is your purview. I try to do that too, but I think what he's saying is, there's this, which just restates what the current statute is, but when you look at the budget that you're passing, and these appropriations, there's chunks of it that are just a big blob of money. It's formless and shapeless like mashed potatoes, and it can be converted to anything, and perhaps the council could ask and work with department heads and so on, to define and make more specific the budget, because otherwise, it won't be applied here.

If there's \$30 million sitting in a chunk, and it says contractual, it can be done for any contract unless you folks make things more specific. I think-- Am I correct?

Nick: Yes. I'd want to clarify something that you said earlier, Attorney Harper, though. Council approves the appropriation, commissioners approve the expense. Once the money is appropriated, it goes through the flow of the department, the auditor's office, then commissioners approve it. You're on the front end, and if you wanted to control on the front end, this is the only route I'm aware of to follow.

Councilman Harris: Is the intent to pass this? Are we also going to set that threshold today, or are you wanting to set that threshold at a further time? I guess [crosstalk]

Chairman Kerley: At a later date.

Councilwoman Curry-Campbell: You guys spoke about \$25,000, is that what you're saying?

Councilman Harris: Sorry, Kenny. I got to get that question in.

[crosstalk]

Chairman Kerley: We've had a call for the vote. I'll let the attorney clarify it.

Councilman Fries: For his clarification, and that's the point I was going to make is, we need to drill down and as a council for future budgets. When we look at contractual, we need to break that down into different lines. What are these contracts for? Who are they going to be with? That way, then I think you'll have a much more delineation is the amount of contract that's going to go to different companies.

Chairman Kerley: We've had a call for the vote.

?Attorney Harper: Roll call vote.

Chairman Kerley: Roll call vote. This is to attach the motion or the amendment to the 2023 budget. We will do a roll call vote. I will go from my right to left. Ms. Curry-Campbell.

Councilwoman Curry-Campbell: Aye.

Chairman Kerley: Mr. Harris.

Councilman Harris: On the basis that this is a restatement of the existing law, I will vote in favor of it.

Chairman Kerley: Mr. Armstrong. Mr. Curley is an aye. Mr. Lagemann.

Councilman Lagemann: Aye.

Chairman Kerley: Mr. Fries.

Councilman Fries: Aye.

Chairman Kerley: Mr. Spurr.

Councilman Spurr: Aye.

Chairman Kerley: Okay. Motion passes. Amendment passes 7-0. Now, are we ready for Mr. Harris to start reading a lot of stuff for the next 10 minutes?

Councilman Harris: For the first one is the ordinance or resolution for appropriations and tax rates. Be it ordained, resolved by Allen County government for the expenses of Allen County for the year ending December 31st, 2023. Sums herein specified or hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated, shall be held to include the all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

In addition for the purposes of raising revenue to meet the necessary expenses of Allen County, property tax levies and the property tax rates as herein specified, are included herein. Budget form 4B, for all funds must be completed and submitted in this manner prescribed by the Department of Local Government Finance. This ordinance resolution shall be the full force and in effect from and after its passage and approval by Allen County government.

Chairman Kerley: Can I get a second?

Councilman Fries: Second

We have a motion in a second to approve the 2023 budget. Any further discussion, hearing none. All those in favor say aye.

Members: Aye.

Chairman Kerley: All those opposed? Thank you council motion passes 7-0. We've got a lot of stuff to sign today, so don't rush out of here.

Councilman Harris: First, can we sign on this? I didn't see the signature.

Chairman Kerley: Yes, you should. There's three or four pages back [unintelligible 01:56:17].

Councilman Harris: You could just sign my name on there.

[laughter]

Only kidding.

Councilwoman Curry-Campbell: Fit it all up. It's all good, I know who you're talking to.

[laughter]

Mr. Fries: [unintelligible 01:56:33] this way, then I'll go back that way. Okay?

Nick: Council attached all these, you'll see the first document that time sitting around will be the ordinance and you'll have all those forms 4B, those are for each fund. This is the elected officials, you'll see that it has the grid, so to speak, not the pay grids but a spreadsheet, looks like a grid of the elected official salaries. Then when we go to non-classified there's one for there, but we'll touch on this, our ordinance for elected officials.

Councilman Harris: Now, therefore, salary ordinance 2023 and non-classified employees, department heads, chief deputies, attorneys, doctors, executives, special occupations. Now, there 4B, it ordained by the Allen County Council that. The attached shall be salaries of non-classified employees employed by Allen County, Indiana. They shall be paid their annual salary in 26 equal payments and shall receive no overtime unless otherwise noted. This ordinance read and considered and adopted by members of Allen County Council on the 20th day of October 2022.

Nick: This is-- You can do non-- Yes, it's just that you got the elected official one there. [crosstalk]

Mr. Fries: I'll second that.

Chairman Kerley: Okay. Motion to second to approve the salary ordinances for non-classified employees. Any further discussion? Hearing none, all those in favor, say aye.

Members: Aye.

Chairman Kerley: All those opposed? Motion passes 7-0.

Councilman Harris: Keeping up here, we're almost right. [silence] It should be background music. Kenny, if you can do some background music [crosstalk]. [chuckles] All right. Next up is the salary ordinance 2023 for elected officials. Now, therefore, be it ordained by the Allen County Council, that the attached shall be the salaries of elected officials employed by Allen County Indiana. They shall be paid their annual salary in 24 equal payments, and shall receive no overtime. Pursuant to IC36-2-12-15, the compensation of the Allen County severe will be reduced to \$70,147 if he is not registered, severe under IC25-21.5, or IC25-31.

Pursuant to IC36-2-14-15, the compensation of the Allen County Coroner will be reduced to \$40,322, if he is not licensed to practice as a physician in Indiana as determined by county council. Pursuant to IC36-2-13-17, a maximum Sheriff annual compensation is equal to that of the full-time prosecuting attorney in the county. This ordinance read and considered and adopted by the members of Allen County Council on this 20th day of October 2022.

Mr. Fries: Second.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: Motion in multiple seconds. Any further discussion? Hearing none. All those in favor, say aye.

Members: Aye.

Councilman Lagemann: All those opposed? Motion passes 7-0.

Councilman Harris: I was kidding about the music. [chuckles] Now, what? The salary ordinance?

?Nick: Yes. That's for the classified, so then when the council takes into consideration, the compensation study later, well, this is what we will amend based on any action taken assuming you do when that time comes.

Councilman Harris: 2023 Salary ordinance, be it ordained by the Allen County Council of Allen County, Fort Wayne, Indiana that the salary ordinance includes wages and other compensation received by employees under the auspices of the Allen County Council for work performed by the employees. Other compensation includes holidays established by the Board of Commissioners of the County of Allen plus vacation, sick days and sick day reimbursement allowed as set forth in the Allen County personnel manual.

Full-time employees are employees who are paid from individual annual salary appropriation lines found within their respective officer or department, provided that any sworn officer of the Allen County Police Department who completes any portion of his 12-month of county employment during the calendar year of 2023, shall for such a period in 2023, which comprises any portion of such initial 12 month of employment, be paid at a rate equal to 97.5% of his salary as approved herein.

Except as specifically identified below, full-time employees shall be regularly scheduled to work not less than seven and one half hours per day on a five-day week schedule.

Departments who are required to operate on a 24-hour day may establish alternative work schedule that best fits their operations, i.e. four day on and two day off. Departments may elect varying hours within a work week and shall notify the auditor of such election. The auditor shall establish an hourly rate for each full-time employee.

This hourly rate shall be determined initially by dividing the employee's annual salary by 52, then dividing the regular number of hours the employee is scheduled to work i.e. 40 hours or 37 and a half hours per week. Once determined, hourly rates shall be modified with the approval of County Council. Overtime payments is required by the Fair Labor Standards Act are hereby specifically approved. Employees who are on a 37 and a half hour work week shall receive straight time for hours work between 37 and a half and 40 and time and one half thereafter.

Employees who are entitled to overtime payments in accordance with the Fair Labor Standards Act and are not otherwise compensated shall be paid an hourly rate as determined above. Classified employees shall have their step increase effective on their anniversary date. Employees who achieve and maintain Level 2 or 3 assessor certification and are not elected will receive an additional \$19.23 per pay period up to a maximum of a \$500 for each level achieved payable from the reassessment fund.

Councilwoman Curry-Campbell: Second.

Councilman Harris: Not done yet.

[laughter]

Nick: Almost. That was page 1.

[laughter]

Councilwoman Curry-Campbell: Page 1? I'm sorry. Oh God.

Councilman Harris: Except as set forth, or otherwise specifically allowed by the ordinance, no other payments shall be made to employees for compensation for work performed. A salary grid is hereby established for all classified positions as presented and approved by the Allen County Council for 2023. Set grid shall be modified in accordance with the proceeding paragraphs as required. This ordinance read, considered and adopted by the members of Allen County Council of this 20th day of October, 2022. Now.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: Motion in a second. Any further discussion? Hearing none. All those in favor, say, aye.

Members: Aye.

Chairman Kerley: All those opposed? Motion passes 7-0

Nick: Do you need water?

Councilman Harris: [laughs] Does it sound like it? I think we're moving on here. This one, Nick, is for part-time, correct?

Nick: Yes.

Councilman Harris: Next step?

Nick: Yes, sir.

Councilman Harris: Okay. Very good. All right. For the 2023 part-time hire salary ordinance. Now, therefore, be it ordained by Allen County Council that the attached shall be hourly salaries for part-time employees employed by Allen County Departments that utilize part-time hire. This salary ordinance indicates the range of pay received by part-time county employees for work performed during the year 2023. Part-time employees shall receive no more than a hourly rate established by County Council for hours worked, and will not otherwise be entitled to fringe benefits.

Those who are scheduled to work a minimum of 30 hours per week in a position that extends for 12 months or more are eligible for group health and group life insurance. Unless otherwise specifically allowed by this ordinance, no other payment shall be made to part-time employees for the Compensation for work performed. This ordinance read, considered and adopted by the members of Allen County Council this 20th day of October, 2022.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: Motion in a second. Any further discussion? Hearing none. All those in favor, say, aye.

Members: Aye.

Chairman Kerley: All those opposed? Motion passes 7-0. Almost done, guys.

Councilman Harris: Now, we're halfway. All right, Nick. This next one is then for the Southwest Allen County fire budget. Is that accurate?

Nick: Correct.

Councilman Harris: Okay. Ordinance of resolution for appropriation and tax rates. Be it ordained, resolved by Allen County Council and for the expenses of Southwest Allen County fire for the year ended December 31st, 2023. The sums herein specified is hereby appropriate and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided by law.

In addition, the purposes of raising revenue to meet the necessary expenses of the Southwest Allen County fire, the property tax levies and the property tax rates are herein specified are included herein. Budget Form 4B for all funds must be completed and submitted in a manner prescribed by the Department of Local government finance. This ordinance resolution shall be in force and effect from and after its passage and approval by Allen County Council.

Mr. Armstrong: Second.

Councilwoman Curry-Campbell: Seconds.

Chairman Kerley: Motion in a second. Any further discussion? Hearing none. All those in favor, say, aye.

Members: Aye.

Chairman Kerley: All those opposed? [crosstalk] we're falling behind. Motion passes 7-0

Councilman Harris: [chuckles] Okay. This one is regarding the airport authority. Ordinance resolution for appropriation and tax rates. Be it ordained, resolved by the Allen County Council that the expenses of the Fort Wayne Allen County Airport authority for the year ending December 31st, 2023. The sums herein specified are hereby appropriated and ordered set a part out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year unless otherwise expressly stipulated and provided by law.

In addition, the purposes of raising revenue to meet the necessary expenses of Fort Wayne Allen County Airport Authority, the property tax levies, and property tax rates are herein specified are included herein. Budget Form 4B for all funds must be completed and submitted in a manner prescribed by the Department of Local Government Finance. This ordinance

resolution shall be in force and effect from and after its passage and approval by Allen County Council.

Councilwoman Curry-Campbell: Second.

Chairman Kerley: Motion in second. Any further discussion? Hearing none. All those in favor, say, aye.

Members: Aye.

Chairman Kerley: All those opposed? Motion passes 7-0. Is that it Nick?

Nick: That's it.

?Chairman Kerley: Okay. [crosstalk] With that, I'll accept the motion to adjourn.

Councilwoman Curry-Campbell: Thank you so much.

Councilman Harris: Motion to Adjourn

Councilwoman Curry-Campbell: Second

Chairman Kerley: We are adjourned.