

**ALLEN COUNTY COUNCIL MEETING MINUTES**  
**September 15, 2022**  
**8:30 AM**

The Allen County Council met on Thursday, September 15, 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, and any other business to come before Council.

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

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

**Councilman Kerley:** Good morning and welcome to the Allen County Council meeting of Thursday, September 15th, 2022. I call the meeting to order and we will begin with the pledge of allegiance and a moment of silence.

**Councilmembers:** I pledge allegiance to the flag of the United States States of America and to the republic for which it stands one Nation, under God, indivisible, with liberty and justice for all.

[pause 00:00:59]

**Councilman Kerley:** Amen.

**Councilwoman Curry-Campbell:** Amen.

**Councilman Kerley:** First thing will be the adoption agenda. Do we have any changes?

**Robert Armstrong:** Mr. President, I'd like to move the financial report to the end of the meeting if we could.

**Councilman Kerley:** Okay.

**Councilman Lagemann:** Second.

**Councilman Kerley:** We have a motion and a second all those in favor say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** Motion is approved 7-0. Financial report will be at the end of the meeting. Next item. Yes. Sorry. Next item is the approval of the minutes for July 21st, 2022.

**Councilman Lagemann:** Motion to approve.

**Councilman Harris:** I second.

**Councilman Kerley:** We have a motion and a second to approve the minutes for July 21st, 2022. All those in favor say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** All those opposed. Motion passes 7-0. Next will be approval of the minutes for August 18th, 2022.

**Councilman Lagemann:** Motion to approve.

**Councilman Harris:** And a second.

**Councilman Kerley:** Motion in a second to approve the minutes of August 18th, 2022. All those in favor say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** All those opposed. Minutes are approved 7-0. Total appropriations requested in the general fund is \$0, total appropriations requested in other funds was to be \$68,999,098 but the commissioners have removed that request from the agenda. Public comment. Is anybody here for public comment? Seeing none, we will move on to economic development. Good morning.

**Rachel Black:** Good morning. Rachel Black, Allen County Economic Development.

**John McKibben:** John McKibben, Director of Operations for Harris Boats.

**Rachel:** Okay. This morning for council's consideration, you have a four-year resolution approving a statement of benefits for Brunswick Leisure Boat Company, LLC, located at 11111 North Hadley Road. The company plans to expand their business by adding a 17,000-square-foot building to the facility, as well as add a new fiberglass line. The real property improvement investment is over \$2.2 million, while the person-- I'm sorry, the real property investment is \$2.2 million, while the new manufacturing equipment is \$2.3 million.

The estimated completion date for the building is in January of 2023, and the equipment should be installed in the spring of next year as well. Brunswick plans to hire 38 additional employees with salaries around \$1.5 million while retaining 356 jobs with salaries over \$90 million.

The company offers a comprehensive benefit package, [clears throat] excuse me, including paid vacation, health insurance, life insurance, dental and vision insurance, tuition reimbursement, employee training, and paid holidays. The company has also stated in their application, they are willing to contribute to the Tax Abatement Development Fund. A portion of that tax savings is 5%. Based upon the point system, they are eligible for a 10-year tax abatement on both real and personal property. If approved, the company is estimated to save around \$229,000 while still paying \$210,000 over the 10-year deduction period. Either Mr. McKibben or I are happy to answer questions.

**Councilman Harris:** Maybe if you can tell us a little bit about the company where you're at presently and some of your plans.

**John McKibben:** Sure. We're up on Hadley Road right across from Master Spas. The company itself, Harris has been around for 85 years. It's actually the longest continuous pontoon boat manufacturer in the country. Long history with Fort Wayne. I think they started originally over on State Street, and then they moved over to Hadley Road. We employ roughly 376, 360 right around there salaried and hourly folks. It's a one-shift operation. Any other questions?

**Councilman Harris:** Headquartered here?

**John McKibben:** Harris Boats is headquartered here. It's owned by Brunswick Corporation. Brunswick owns roughly 40 different boat manufacturers, including Boston Whaler, Sea Ray, there's quite a few Lawn Low. They're actually headquartered out of Chicago but Harris itself is in Fort Wayne.

**Councilman Harris:** With some of the clouds forming in the next couple of years, what's your thoughts against the boat industry or pontoon business?

**John McKibben:** That's a good question. In the boat industry, it has its highs and lows. In the pontoon industry, it's a much flatter segment of the boating industry so that you don't see the high swings as what we call the fiberglass boats, so the speed boats and all those. Ours not that they're inexpensive, but they seem to be much more resistant to the economic challenges.

**Councilman Harris:** Despite that, you're still anticipating continued growth in the next 10 years?

**John McKibben:** Absolutely. What this change does for us is actually stabilizes us. We buy a fair amount of fiberglass, so you can imagine the homes and the furniture, those bases and structures are all made out of fiberglass. That industry has been stretched super thin, so our strategy is to start bringing that skillset in-house and being in control of our own destiny.

**Councilman Harris:** What's your number one challenge for the business right now? What would that be?

**John McKibben** People, absolutely.

**Councilman Harris:** Is it?

**John McKibben:** Yes, absolutely.

**Councilman Harris:** What kind of positions or retention or recruitment or both?

**John McKibben:** It's on the hourly side, it's a challenge to find qualified candidates. It's not your standard, it's not your typical assembly manufacturing. You're not building door handles for the OEM or you shoot two screws all day long, so these operations you actually have to be able to read a bill of material, you have to think through it, be able to comprehend drawings. A little bit more thought has to go into it. You can imagine we don't necessarily build the same boat every single day. [laughs]

**Councilman Harris:** Right, yes. How about the labor force? Is that primarily the Fort Wayne, Allen County area, or, or is it beyond that?

**John McKibben:** I'm trying to think of somebody outside of the Allen County area, but I'd say probably the majority of it, yes.

**Councilman Harris:** In terms of wage increases and such, what are you looking at or maybe what if, I don't want you to give advanced information, but what have you looked at and what are you thinking in terms of wage increases or maybe average pay and that kind of thing?

**John McKibben:** We just went through a wage increase, especially in this environment, we're constantly doing evaluations to make sure we're competitive in the market. I think we just raised our hourly rate by \$1, \$1.25 so who knows where that's going to go in the next year but no, we're constantly making sure that we're competitive in the market. Yes, these days you have to be.

**Councilman Harris:** Yes, sure. Thank you.

**Councilman Lagemann:** Just we talked about this the last time we came to visit, but you're different from the RV industry in that this isn't piece pay, it is hourly wage. Correct?

**John McKibben:** Correct. Right.

**Councilman Lagemann:** Okay. Good. Appreciate that. Councilman Harris, if you come visit us on Lake James, you'll find that Harris has nothing to worry about anytime soon.

**Councilman Harris:** Yes, I made reference to Lake Mead last week that we were losing water somewhere in these lakes,

**Councilman Lagemann:** Well, we're not losing it anywhere in Indiana. We got plenty of water, so everybody should come here and do their boating and buy Harris boats apparently. Mr. Chairman with that, I will-- [crosstalk]

**Councilwoman Curry-Campbell:** I have a question, please.

**Councilman Lagemann:** Oh, go ahead.

**Councilman Kerley:** You go ahead.

**Councilwoman Curry-Campbell:** Mr. Chairman. Okay. Good morning. Thank you for being here. Can you tell us if you have any type of climate action plan for these next 10 years? We're asking this question of everyone that's coming into our space. There is no plan B for our planet and so what is it that you're going to do to be carbon neutral by 2050?

**John McKibben:** Our facility is one of the few in Fort Wayne that is landfill-free. We have a Michael Toice who is our EH&S manager. He is constantly looking at different ways to improve the environment. One is the first thing we did, and it was about a year and a half ago we went landfill-free. Last year we went a hundred percent LED. Then we also have 100% fuel to outsources for energy. We're always looking for the next thing to go after.

**Councilwoman Curry-Campbell:** I know I have spoken with the president about the checklist for the abatement, and I believe that is the area that we need to include moving forward. We have a lot of economic development, I can say over 2 billion have come to this space, and so we have to be mindful of the planet. He spoke about water. What are you doing with workforce development? Are you working with the schools? Are you working with any type of agency? Is there any job training? Are you taking advantage of any of these ARPA funds? I'm just asking.

**John McKibben:** Internally we do as I mentioned before, that's not your typical manufacturing. If you came in two years ago it was very standard, just a lot of the other manufacturers. When you get hired, you get a little HR intro, and congratulations, you're a Harris employee. Then you get sent out on the floor to go build boats. We realized that that

wasn't what was needed. We needed something more substantial. We've actually developed, and this is something that I saw when I had my time at new me, NUMMI out in Fremont, California. They had the philosophy that no employee touches, an individual's car on the assembly line until they're fully trained.

We set up, if you come to the facility, we have a segment that's marked off. We have a full-time individual that's in charge of training. That's all she does in her team. When you get hired, you spend your first week in this training cell, and it's not training. We're not training you how to build a boat. We're not training you on the specifics of a job. We're training you the environment so you know the language that we speak, we know we teach you how to use the general tools.

It's really an introduction to get them acclimated to the floor instead of just dropping them in a bucket of cold water. We're getting them to understand the culture and the language that we speak. We move them out. The next step is we're developing, and it'll be rolled out by October 25th, is phase 2 of the training program. Now you spend your first week in this general acclimation area. Then the next one is we have an offline area that's segregated. It's nice and quiet. It's separate from the lines. Now instead of going out and learning the job on the line, now you'll actually be trained to build a boat offline.

We have different boats offline with furniture, helms, and the substructures an you will literally be taught by a trainer offline on a boat before you ever get put to attack time to a rate, and be held accountable. Those are the types of things we have to do to keep and develop our workforce. That's something, just an example of what we're doing internal. Outside Carl Dorsett, he is in charge of our, he's the operations manager. I know he's working out or reaching out to the local colleges, trying to develop and bring in interns. We've had a couple of interns this last year. Those are the majority of what we've been doing.

**Councilwoman Curry-Campbell:** Thank you.

**Councilman Lagemann:** Mr. Chairman I'd like to pass for resolution number 2022-09-15-01 resolution approving a statement of benefits for Brunswick Leisure Boat Company, LLC.

**Councilman Harris:** Second,

**Councilman Kerley:** Have a motion a second. Any further discussion? Hearing none. All those in favor say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** All those opposed?

**?Councilmember:** Aye.

**Councilman Kerley:** Okay. Motion passes. 6-1(Spurr). Thank you.

**Councilman Harris:** Thank you and-

**Rachel:** Thank you.

**Councilman Harris:** -good luck to you.

**John McKibben:** Thank you

**Councilman Harris:** Congratulations on your continued growth out there.

**John McKibben:** Absolutely. Thank you for your support.

**Councilman Kerley:** With the council's permission, I guess there was somebody here for public comment. If you would allow them to come forward we will let them come forward.

**Sean Collentine:** Good morning, madam and gentlemen of the council. My name is Sean Collentine my zip is 46807. I have a handout here. I'm not sure how to distribute it, but it'll be after my little--

**Councilman Kerley:** Nick can get that from you, Sean.

**Councilman Harris:** Right behind you.

**Robert:** Right behind you there.

**Sean:** Thank you county council for being the taxpayer guardians against excessive spending last month, you saved Allen County taxpayers \$50 million. I really, truly want to thank you for taking that up on our behalf, for doing the right thing. Soon you will be presented with another jail spending challenge by the commissioners. You'll have another opportunity to protect us from excessive spending. Federal Judge [unintelligible 00:15:35] ordered 4 things; make the jail safe, provide sufficient staffing to make it safe, provide five hours of exercise per week for inmates and eliminate overcrowding.

He did not order a new jail. That is the course that the commissioners have chosen. They have stated many times that they can only build to answer the judge's orders. It will cost us \$29 million a year for 20 years, they have hired a jail building architect, not a broader range consultant who is reviewing the cost of their design choices. The jail builder elevators will be paid a fee of three plus percent of building cost, which will end up being a fee of \$9 to \$11 million. Where is the incentive to control cost? Who is the voice of reasonableness?

There are other solutions that have been proposed to address the judge's order cost-effectively. Delaware County, whose county seat is in Muncie completed a new jail in February of 2021. The old jail had a capacity of 235 beds. The new jail has doubled that capacity to 495 beds yet by January of 2022, Sheriff Skinner reported that he had 392 inmates in a year. He also said that he hasn't seen an increase in the crime rate in the past few years. He stated that he is seeing about the same number of arrests as he has seen in the past couple of years. He stated that local judges are placing more people in jail now, now that there is more room. It's a self-fulfilling creation.

Building jails at uncontrolled ruinous costs is a giant financial mistake, and they don't work. Who we choose to jail is a huge sociological choice. We are imprisoning poor people and half of those poor people are Black. Why is it that 13% of the population represents 50% of the people in jail? Think about it. That is not right there are other solutions available. Say aloud. "No more" to financing this jail proposal when it comes before you. Together let's build a system of justice, not simply larger stockades. Let's spend our money on mental health and drug treatment. Something people-based that can guide people toward a better life, not simply imprisonment. Thank you.

**Councilman Kerley:** Thank you.

**Councilwoman Curry-Campbell:** Thank you.

**Councilman Kerley:** We will move on to the reclassifications.

**Erika Beachem:** Good morning council. Erika Beachem HR Compensation Generalist. Here today as a follow-up to the personnel committee, the personnel committee met on August 25th to review new positions. There were a total of three and also met again on September 8th for reclassifications. There were a total of seven. On the agenda we have the Wayne Township Assessors office for a reclassification request for the real estate records deputy to move from a OSS-3 three to an OSS-4. The personnel committee did vote on this two to one. Do we want to go through each one or as a department?

**Councilman Kerley** We'll go. Yes, we'll go department by department.

**Erika:** Then the second-- I'm sorry. Reclassification was the personnel property deputy moving from an OSS-4 to a senior personnel property Deputy OSS-5, 37.5 for all three positions, non-exempt. Vote was altogether two to one from the personnel committee.

**Councilman Harris:** Question. are these do these positions exist within the assessor's office as well? Not just Wayne Township, but the other assessor's offices?

**Erika:** That is correct.

**Councilman Harris:** Yes. Is it the same job? Are they rated differently? I know the intercessor came in the spring, I believe, asking for some reclassifications. I think we held them off on the a basis that we were going to do some further analysis or something with the assessors. Are these similar to those or is this different jobs compared to them?

**Erika:** They are similar, but unfortunately, due to where the HR stood with this, we remain neutral just simply because the study isn't complete. All departments were advised that there is that risk of considering now versus waiting till the study is complete that individuals might be redlined depending on the outcome of the study.

**Councilman Harris:** In other words, I just want to get this clear in my head a little bit. In other words, if these two pass today, it would signify or signal the assessor that her position should be moved as well.

**Erika:** The study should reveal that in itself. We're still hopeful that the study will be complete by October. That would iron out, I think, as the personnel committee review this, it was a unique situation and that the inequity existed internally. We could see that there were others and like jobs that were already at this classification level. it's simply in advance of the study making a recommendation to move these individuals now.

**Councilman Harris:** HR stay neutral even though they--

**Erika:** We were advised by the comm study vendor Clemens to wait. The impact we did have the representative there to answer questions to the personal committee as well to the department head and elected officials, but it was advised that it was minimal, but it would be at the risk of individuals being redlined.

**Councilman Harris:** Thank you.

**Councilman Kerley:** Councilman Fries. Yes.

**Councilman Fries:** To clarify this a little bit, and I know the assessor was told that we're having a special meeting. Bring your people, we're going to do them all to get back up to level. When this new study comes in October or January or the first or second quarter of the year, which is the big issue with why we needed to try to fix this now because there are inequities that we know exist with the employees that need to be addressed now to try to get them up to where they're supposed to be. The assessor was told, we're having this meeting on the 8th, please bring your positions.

I think she said it had been handled internally, so she wasn't going to bring them there.

Wayne Township did, to try to get their employees up to where they're supposed to be. I know all these were scored previously by HR, but HR said they were staying neutral. I asked the guy doing the study, I said, "What is your biggest concern about not reclassifying now?" Because my concern is as an employer in county council, as the employer, that we are not treating our employees equally and that we need to fix now.

If we've been made aware of it, we don't want to be having suits filed where they can charge deliberate indifference because we knew about a problem and we didn't address it. I thought this is the time to address it. I'm not sure when the study will be done. It might be October. We may approve it in January. We may approve it in the first quarter. We may approve it in the second quarter. We may not approve the whole thing in the first place. I think these employees needed to b-- their positions needed to be addressed now.

I asked the guy doing the study, "What's your biggest concern?" He said that some employees may be red-circled or red lined. I asked all the department heads and elected officials at that meeting on the 8th show of hands, "Is anybody want to withdraw their request if their employees get redlined?" None of them did. I know the last time we did this in eight, seven, six, whenever it was, there were probably about a handful of people in the entire government that got red lined.

The vast majority of people were shown to get increases, which is the reason I thought Bob thought and Chris thought we needed to have the meeting on the heap to try to get this level playing field for those employees. Because I look at it both micro and macro overall government as an employer, but also each one of those individual employees not being treated the same as other employees that are similarly situated. It need to be fixed.

**Councilman Harris:** Can you mention last time we did this was in '07 or 8? Are you talking about the reclassification? We brought the consultant in 16.

**Councilman Fries:** Yes, the original one that Oliver did back in-- I was in charge of our detective division, so it was probably '04. '03 when we did the first classification.

**Councilman Harris:** I was here in '95 and we were using Oliver.

**Councilman Fries:** We did a big classification in '04, '05.

**Councilman Harris:** Oh, I see.

**Councilwoman Curry-Campbell:** Mr. President.

**Councilman Kerley:** Yes.

**Councilwoman Curry-Campbell:** Thank you so much for being here. We know that there are inequities. We know that. That was one of the questions I asked. Is there anything that jumped at you? Because at the end of the day, as Councilman Fries stated, do you really want a lawsuit? Because that's the road that we're going down if we do not allow this to be fixed now. There are people that are sitting next to other people that know that this is not right. It's been a system where some folks have made decisions to give my buddy, my friend, a raise. Now we have these inequities that are popping out automatically.

We do not allow them to fix this today because we know how government works. We say October, October could be July of 2023. We need to be realistic about this. We need to meet people where they are. We're trying to retain people so the study is being done, but I don't think we need to be waiting on the study to handle the business of our county employees. Thank you.

**Councilman Harris:** A question. With that, is it possible to describe the need from the department, what your need is so we can understand it? Because we need to understand what the issue is, frankly.

**Derek Camp:** My name is Derek Camp. I'm the chief deputy for the Wayne Township Assessor. What this position is and why we're asking for the reclassification is we had two situations come up this year. We have a state law change that happened in the legislature this year that goes into effect January 1st that removes the requirement for businesses that have previously filed their business personal property returns. If they are under the 80,000 exemption, they no longer need to file those. That cuts out two-thirds of the paperwork that we have to do in our office.

That is part one. I'm going to come back to that here in a second. The other is we have two business personal property deputies currently. One of them retired this summer. Rather than replacing that position when we don't need an entirely new personal property deputy for our jurisdiction, we have moved that position into a rental income specialist, which we do have more need of right now. Then what we will do with this plan is combine our sales deputies and our personal property deputies into one team, where they're doing both responsibilities of the personal property and the sales disclosure part of our office.

They're getting two jobs now, merging into one and handling both aspects. Instead of two teams of two, it'll be the one team of three handling it. It is a bit of an inequity between our staff and others. The County Assessor's office still has the two teams. They are currently scored and ranked at the OSS-4 and the OSS-5, depending on those positions, and they are still in two teams there because they do have a larger staff, they do have a larger jurisdiction to cover. Ours, we are merging them into one team and combining responsibilities in addition to addressing that inequity and pay classification.

**Councilman Harris:** From an HR standpoint, will this exacerbate this problem by passing this today, making the problem happen further in another department? In the assessor's department?

**Erika:** Again, we did have the consultant there, and the risk would be that these individuals we redline. That would be the only but it's minimal when you look at where the other departments are already sitting. They are already at this level.

**Councilwoman Curry-Campbell:** Mr. President may I speak?

**Councilman Kerley:** Yes.

**Councilwoman Curry-Campbell:** Once again, this is public information because we just stated it. We already know that there is inequity. We already know. If we do nothing, we have a lawsuit. If we do nothing. Thank you.

**Councilman Kerley:** Are these due to take effect immediately or January 1st?

**Derek:** Immediately.

**Councilman Kerley:** Do you need additional funds?

**Derek:** No.

**Councilman Fries:** Question. Would that be next pay period they start or would it be effective today?

**Derek:** Today.

**Councilman Fries:** Today. If there's no further discussion, I'll both at the same time. Consider approval for consideration of salary ordinance amending to pay for real estate records deputy two from an OSS-3/2 at \$35,693 to a property and sales deputy OSS 4/2 to \$40,094 37.5 hours a week not exempt.

Number two is consideration of salary ordinance submitting the pay from property from OSS-4/2, \$40,094, the senior property sales Deputy OSS-5/2, \$43,581 37.5 hours. Not exempt.

**Councilwoman Curry-Campbell:** Second.

**Councilman Kerley:** We have a motion. A second. Any further discussion?

**Councilmember:** Mr. President.

**Councilman Kerley:** Yes.

**Councilman Spurr:** I'm going to abstain from the vote knowing that there's a current salary study in progress.

**Councilman Kerley:** All those in favor of the motion for the two salaries reconsiderations say aye.

**Councilman Spurr Spurr:** Aye.

**Councilman Kerley:** All those opposed?

**Councilman Harris:** Aye.

**Councilman Kerley:** Motion passes 5-1(Tom)-1(Spurr). Did you vote, Bob?

**Robert:** yes.

**Councilman Kerley:** Thank you very much.

**Derek:** Thank you.

**Erika:** Thank you.

[background noise]

**Councilman Kerley:** DPS.

**Erika:** The personnel committee did review with DPS three new positions and also one of those three are reclassification request starting with the land use permits specialist, the recommendation is for an OSS-4 to move to a OSS-5, 40 hours non-exempt. Then we also have Associate Land Use Planner, which is a new position. BZA and Associate Land use Planner. Special projects OSS-4. This is just a new position. The vote for the new positions was three to zero with the personnel committee for the reclassification, it was a two to one vote for the land use to be reclassified from OSS-4 to a 5.

**Councilman Lagemann:** Mr. Chairman?

**Councilman Kerley:** Yes.

**Councilman Lagemann:** Ben, thanks for joining us today. Could you give us a quick synopsis of how many permits you're moving through the process today versus how many you were moving through maybe say five years ago?

**Ben:** In the packet for the personnel committee, we had data back to 2015. At that time, they're around 3,700 permits per year last year. We're on the track this year to do 6,000 permits, and that's an additional two, the 600 public hearings that we'll do last year and this year.

**Councilman Lagemann:** Double the work.

**Ben:** Almost that with the same amount of employees.

**Councilman Harris:** When's the last time-- and you're new in this role. I guess we can still say new, I don't know, 9 months, 10 months.

**Ben:** Within a year.

**Councilman Harris:** Yes, very good. How many new positions have you seen in the department, I guess this year or last year? Or have you had new positions or have you been growing with the growth that's coming at you from a DPS standpoint?

**Ben:** We're a merged department so in 2007 there was a land use division that I was a part of in Fort Wayne. Then we merged with the county in '08. At that time we were negative four employees between '07 and '08. Since then we've added two. Right now we're sitting at negative two since '08 if you do the math. The two positions that were created, one was

projects and one was plan commission. We have not added any employees to our administrative staff since 2008.

**Councilman Harris:** I see these positions being between the city and the county. The city of Fort Wayne do we pay all this or does the city pay some of this fee or what happens here?

**Ben:** We're unique in a lot of different ways. This year, Fort Wayne reimburses our department every quarter, 40%. The interlocal agreement that the county council had approved a few months ago for next year would put Fort Wayne at 50% for next year. Essentially, the county approves the overall budget, and then every quarter we bill Fort Wayne community development half of that.

**Councilman Harris:** Ben, if we pass this today, does the city also have to pass this, or what happens from a city administration standpoint?

**Ben:** From my side of the budget, we have enough in our budget items to pay for all three employees and the reclassifications today. Then I will work with Nancy Townsend and her division to make sure that's also something that they can do and talks with them right now and for the next couple of months because it's only a portion of the year, I'm confident that will happen. If there's not enough on her side, we would, go before the city council and ask for that.

**Councilman Harris:** The demands for the county are there picking up. We anticipate that continued growth to be happening from the county's perspective. Are you seeing that demand happen from a city of Fort Wayne perspective?

**Ben:** Absolutely. With the comprehensive plan coming online, there is a lot of asks that community development is of my office. A few of these positions are directly related to that riverfront development, downtown development. A lot of the initiatives and the comprehensive plan are asking the communities asking us to do. We've been involved in a lot of different partnerships with community development. When you talk about proactive rezoning or downtown development, there's not a permit number for that. That just works and we need people to do that work.

**Councilman Lagemann:** Mr. Chairman.

**Councilman Kerley:** Yes.

**Councilman Lagemann:** Ben, knowing that housing costs have risen up over 40% in the last couple of years what-- talk about some of the initiatives that this department has taken on just in the last few months to reduce the cost of housing at Elwood County?

**Ben:** We passed an ordinance on September 1st that reduced some square footage. It reduced some standards. That was kind of in my mind the first step to look at what ordinance requirements are going to directly impact the cost of new housing. Also, we're hoping that it'll have an impact on infill development in Fort Wayne specifically. Between those two things, we're hoping that that bridges the gap that we have right now. There is a housing shortage. There has been for several years and just, I don't know if it's related to this Councilman Lagemann, but in the last three years we've approved our plan commission has approved 5,700 lots. What that means is that those are about five years' worth of work already

approved in the future. Any kind of downturn in the economy or anything like that we still have that work to be done in the next five years regardless of what happens.

**Councilman Lagemann:** Thank you.

**Councilwoman Curry-Campbell:** I have a question, Mr. President.

**Councilman Kerley:** Yes.

**Councilwoman Curry-Campbell:** With all of this economic development, we really want to give you what you need to be successful. Are you asking for enough employees? I say this all the time because I don't think we're being realistic, and I know it's hard to find employees right now, but I know that there's 2 billion would it be of economic development that's here in Allen County. We understand the city is having the same issue that you are having. Are we asking for what we need to be successful?

**Ben:** We answer it this way. There's wants and there are needs. What I was directed to do by my governing board is ask for what we need. We need three and the reclassification is a part of that need. Next year there's going to be an item on my work program to look at staff analysis again. I'm not sure if next year is the time to add somebody or not. My charge was to ask for the things that we need to do our job.

Is it enough? I don't know yet. There's a lot of turnover in my office and so I didn't want to ask for more than what I thought I needed right now. That's how I handled it. Those are always things we're looking at in the future, do we have enough staff to meet the needs and the request of our customers? We also serve six different jurisdictions. There are needs of Hunter Town and Monroeville that are asking us to do planning work. These positions represent some of those needs in some of the ways that we can meet our customers that are asking us to do things with them and for them.

**Councilwoman Curry-Campbell:** If this vote does not pass, which I'm hoping that it will, but if it does not pass, what is your plan B?

**Ben:** Plan B would be that our planners would have to do the work that they're currently doing, and that might impact the service that they're providing. Meaning the reclassification allows our front office to take more of the administrative functions away from our planners. Our planners are the ones that are doing the public hearings. Our planners are the ones that are reviewing the bigger projects, especially downtown projects, and economic development projects. Their time right now is being spent on administrative functions. This reclassification allows our administrative staff to take those functions away and back.

**Councilman Kerley:** [unintelligible 00:39:10].

**Councilman Fries:** Mr. President.

**Councilman Kerley:** Yes.

**Councilman Fries:** I will carve this out since number one is reclassification and it didn't pass three-zero and the other three did pass three-zero. I will make a motion for consideration of salary ordinance amending the pay for a land use permit specialist, three of them from OSS-4/2, \$42,767 to an OSS-5/2, \$46,487 40 hours non-exempt.

**Councilman Lagemann:** Second.

**Councilman Kerley:** Motion and a second. Any further discussion?

**Councilman Fries:** One more thing I'd like to add is the personnel committee did pass number two, which is a land use specialist, OSS at 5/2.

**Councilman Harris:** You made the motion just for number one, correct?

**Councilman Fries:** Number one. Just to clarify that we already, personnel committee three out of five too.

**Councilman Kerley:** Motion and a second. Hearing no further discussion, all those in favor say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** All those opposed.

**Councilman Spurr:** I'm going to abstain again based on the salary study.

**Councilman Kerley:** 6-0-1(Spurr). Okay.

**Councilman Fries:** I'd like to make a motion to approve consideration salary ordinance established to pay the land use permit specialist OSS-5/2 of \$46,487, 40 hours non-exempt. Would you like me to do them all at the same time or separately?

**Councilman Kerley:** Go ahead.

**Councilman Fries:** Number three considerations salary ordinance establishing to pay the associate land use planner BZA PAT 4/2, \$56,827, 40 hours, non-exempt. Number four consideration salary ordinance established in pay of associate land use planners special projects PAT 4/2, \$56,827, 40 hours, non-exempt.

**Councilman Lagemann:** Second.

**Councilman Kerley:** Motion and a second.

**Councilman Harris:** Just to comment, it's not too many times that we do this, but in essence, we're helping the city of Fort Wayne with their needs in this case as well, so I just want to go on record.

**Councilman Lagemann:** Mr. Chairman I will also comment that we have changed the city of Fort Wayne's contribution level from 40% to 50%, which is the largest and most substantial increase in the history of DPS.

**Councilman Kerley:** [chuckles] Motion and discussion.

**Councilmember:** So moved.

**Councilman Kerley:** Discussion has ended. Move to the vote on the three new positions for DPS. All those in favor, say aye.

**Councilmembers:** Aye.

**Councilman Kerley:** All those opposed.

**Councilman Spurr:** Abstain.

**Councilman Kerley:** Okay. 6-0-1(Spurr). Okay. Thank you.

**Ben:** Thank you.

**Councilman Kerley:** Youth Services. Good morning, Miss.

**Erika:** The Personnel committee did review Youth Services request for reclassification of their youth care worker. This would also include the transportation officer. This classification is currently at a POLE 2 the recommendation would be to move them to a POLE 3. The vote was three to zero.

**Chris Dunn:** Good morning, Chris Dunn with Youth Service Center. I want to go back and review a little history with this, our POLE 2 positions. First of all, there's a mistake on here. It says in 18 there, should be 20. Our POLE 2 positions are our frontline youth care workers who work directly with the youth in our care.

The councilman Fries brought up that back in '07 study, he went before council and requested that that the jail confinement officers be moved from POLE 2s to POLE 3s. That was approved by council. The rest of the POLE 2s were going to be considered at a later date. The Youth Service Center and Allen County Juvenile Center frontline staff were those POLE 2's and it was never brought back in front of council by any of us and that is our mistake.

A lot has happened since then. The work that we do is somewhat similar. We would like to request that this be approved to bring us all back in line again. I realize we serve a lot of different ages of individuals, but again, the work is very similar. Our age range that we serve at Youth Service Center is 6 to 18.

Again, we have 20 staff working the frontline with these children. We deal with a lot of mental health children. We currently have a six-year-old and a nine-year-old in our care. Our numbers fluctuate daily. It is very challenging at times. We do not have the luxury of locking them down when their behaviors are so out of control. We have to interact with them. We have to keep them busy.

I've had two positions open. A third shift on our girls' unit and a second shift on our boys' unit currently for the POLE 2 positions. The number of applications we are getting has been low for the last couple of years and the quality applications have been challenging to say the least. Any questions so far about any of this?

**Councilman Harris:** Your request is for 20 people and to have a pay change in essence?

**Chris Dunn:** Yes, to be-

**Councilman Harris:** Now, Chris, when they leave your organization, where do they go if they leave your organization?

**Chris Dunn:** I don't know that for a fact.

**Councilman Harris:** Do they go to ACJC?

**Chris Dunn:** Their pay is the same. We don't lose very many staff at them. I did lose one last month from our facility to the community corrections to program that is paid higher at the POLE 3 level to my understanding. I can't tell you where they all go.

**Councilman Harris:** The challenge that I see from an HR standpoint is that, and this happens in big business. Large companies, I've worked in large companies where we see people move from one organization one department, one division to another division to another department, and all of a sudden, if you're not careful, you're really working against yourself or one department is paying more than the other and everybody moves to that department.

Then another department says, "Oh, my gosh, we want to raise increase," and everybody jumps to that one and then the other one was and all of a sudden, so for the people and the public to understand this is not unique to government, however, we're not helping ourselves when we're picking one department and moving them up and not picking another apartment moving them up. What do we do as council? Let's bring in a consultant figure out how to make sure that they're all paid properly.

Then possibly, out of HR, we create a career path process where we know that they may start in your department and then they may end up moving to another department, and then they may end up moving to another department and that would be the appropriate way to deal with this rather than trying to compete for wages all over the place. Thoughts to them.

**Chris Dunn:** I would argue that I think people come into this profession deciding that they want to either work with children or with adults.

**Councilman Harris:** Are their children at ACJC?

**Chris Dunn:** They're under 18. Yes.

**Councilman Harris:** Okay.

**Chris Dunn:** I think when the pay is higher, the other agencies such as jail confinement and community corrections, people may want to move over for the two dollars plus more an hour that they can get doing that and change from working with youth to adults. We have lost other staff when other government agencies come out with big pay increases.

The last time this happened was about five years ago when DCS, Department of Child Services had a huge increase for their family case managers. We had at least three staff leave for that new position. They had great experience working with youth. They were going to get close to \$10,000 pay increase by moving and they moved over. I haven't had a lot of staff moved to-

**Councilman Harris:** What's your turnover rate this year? How many people have left you?

**Chris Dunn:** Oh, at least, well it depends on where you're talking. I've had a couple of cooks.

**Councilman Harris:** Of these 20 that we're talking about, how many people have left?

**Chris Dunn:** At least three. I've got three new staff in there right now.

**Councilman Harris:** Three out of 20? Okay.

**Chris Dunn:** Out of the whole agency, 30 employees I've lost by six.

**Councilman Harris:** The ones were talking about are the 20. [unintelligible 00:47:55] first.

**Chris Dunn:** The other thing I like to bring up is our per diem is that \$641.46 currently. This pay increase will be factored into that in our cost report for 2023 and we will receive a return on a dollar- [crosstalk]

**Councilman Harris:** You've asked for that increase from the state this year or last year?

**Chris Dunn:** No, because I couldn't ask for it because it hadn't been granted, but I will definitely ask for it in our new cost report that we will start working on the first of the year.

**Councilman Harris:** Based on this?

**Chris Dunn:** Yes.

**Councilman Harris:** If this doesn't pass, are you still asking for that? An increase from the state?

**Chris Dunn:** I can't ask for it. I have to put it in my cost report. If it's not there, I can't put it in. I have to put actual dollars into my cost report. If these dollars are being spent, we will get them back through our per diem from the state.

**Councilman Harris:** Last question I'll giving this up here but last question would be this, from a leadership management perspective, is it better to grant everybody an increase today and have them redlined and told them that we've overpaid them, or is it better to wait until the study is completed and then give them an increase, which would you prefer?

**Chris Dunn:** Redline does not mean they've been overpaid. Redline just means they are being paid what they should be paid and with the new increase that might come following the report that we hope comes out. They just don't get it but they got it sooner.

**Councilman Harris:** No, redline could mean that the rating came in such that they are not to be paid that rate and they don't move up until the rate catches them, so that means that they're overpaid at that point. We would continue to pay them until that position eventually catches up but that in essence is what that means. I would disagree with you on that one but your preference which way would you prefer?

**Chris Dunn:** I would prefer to start paying them what they deserve presently.

**Councilman Harris:** At the risk of them all being redlined?

**Chris Dunn:** Yes.

**Councilman Harris:** Yes. Thank you.

**Councilman Kerley:** Ms. Curry-Campbell.

**Councilwoman Curry-Campbell:** Thank you so much. Thank you for being here and sharing your story. The youth is our future. Mental illness is real. I say it over and over again. The only people that can fix the criminal justice system is the criminal justice system. We need to pay people their worth. I think what you're doing coming here today, this is something that is necessary. It's hard to find people to work with children, quality people. I understand your challenge, but we need to make this look attractive for people to stay and for people to come. For those reasons, I will definitely be voting for a due pass. Thank you.

**Councilman Kerley:** Councilman Freeze.

**Councilman Fries:** I appreciate Councilman Harris making my point. When you talk about the inequities that we have in our jobs, we have a current system that we've been using for years, so we can have classification for our employees. The system we have now shows community corrections as POLE three and confinement officers of the jail POLE three.

You will find, when you talk ACJC and also Youth Services, they're losing a lot of people to community corrections who's making more money doing the same job. We have a system currently that we need to fix and make sure that these employees, that ACJC has, that Chris has are treated fairly and equally based on their current job description.

**Councilman Spurr:** [unintelligible 00:51:29]. I'm sorry.

**Councilman Fries:** No, go ahead.

**Councilman Spurr:** Mr. Dunn, in your professional opinion, does the pay difference in any way relate to safety? Could there be an issue with the safety attributed to attrition?

**Chris Dunn:** Yes. I have a 13-year-old currently in our facility who is autistic. He's pretty high up on the spectrum. He's been involved in at least four restraints because of his behavior. He goes after staff, he goes after other residents basically because you say no to him. "No, you can't do that." I've had two staff involved in a restraint with him. Both of them were injured.

One of them fractured a bone in his hand and has a, not a cast, but a wrap on it. The other individual injured his hip. Both of them missed work because of it. The more children we see coming in like that, which we are seeing a lot of them. I spoke at Personnel Committee about having a individual autistic in July high on the spectrum who smeared feces everywhere in our building and our staff had to clean that up. That's just not appealing to a lot of people. It's tough. We're seeing more and more mental health children coming in on lots of meds. A lot of people don't want to do that work.

**Councilwoman Curry-Campbell:** That's right.

**Councilman Kerley:** First, a couple of comments and questions. First, I know we started working, what, three years ago now working on our daily rate. We had some outside help come in. Can you just comment on, I think, in 2019, we were getting \$220 a day.

**Chris Dunn:** It was a little higher than that. Our cost rate is based on our budget and our spending rate. These last couple years with COVID, we saw a lot of children come through our doors. A big push to leave them at home, not bring them in, not move the children around. Continuing to spend the same money on our budget with less children, it made it level off.

I think when we increase the spending for our staff and we see an increase in number of kids, our numbers are be getting back to normal. We've also opened up to more counties we're serving so that we can have more control over our daily numbers. It's going to help improve our rate and keep our facility full and improve the return.

**Councilman Kerley:** What are we charging surrounding counties to--

**Chris Dunn:** The same. Everybody is charged the same.

**Councilman Kerley:** Is that 641?

**Chris Dunn:** Yes

**Councilman Kerley:** Okay. Then a question, this is not necessarily a concern but just to comment. The elephant in the room is, obviously, we're under a federal lawsuit with our jail. We have been asked by the sheriff's department to potentially come up with some solutions to help them increase staffing. Obviously, the first ask is always money, increase their pay rate or whatever.

Now that we're reclassing your positions, considering your positions and also ACJC, if we move those to POLE three, but then we come back and we have to do something at the jail to address the lawsuit, which is a short-term hazard type pay. Are you guys going to come back again and ask for the positions to be adjusted up again, maybe another dollar or \$2 an hour?

**Chris Dunn:** We would hope that that would be taken in consideration in the first place. We should all be POLE threes. We are all doing similar work.

**Councilwoman Curry-Campbell:** Mr. President. The only concern that I have is that we have an issue with the jail. Do we have overcrowding at the ACJC?

**Chris Dunn:** I can't speak on their behalf.

**Councilman Harris:** This is Youth Services.

**Councilwoman Curry-Campbell:** I understand, but I'm just saying-- I'm starting to think about this in the sense of we're all connected these dots are. I don't even want to open that can of worms right now, but I want to stop talking because I just had a random thought. I just had a random thought. Thank you.

**Councilman Harris:** How many youth can you take at Youth Services?

**Chris Dunn:** We're licensed for 25.

**Councilman Harris:** How many do you have today?

**Chris Dunn:** When I left, we were around 14 and we have accepted a couple other kids to come in. We're always getting calls from all over the state.

**Councilman Harris:** These kids haven't done anything wrong. These are not kids that--

**Chris Dunn:** Not necessarily. We have a mixed population. We have children who come to us through probation departments. We had one come in last night, I'd say around 6:00 PM,

for running away from home. He's 14, testing positive for marijuana use and resisting arrests. He had at least two resisting arrests charges with the runaway.

**Councilman Harris:** The courts might place them in your position rather than an ACJC.

**Chris Dunn:** They have a scoring system they use called the Tray. There's multiple factors in there, including whether they're in school or they've been expelled, whether they have had past charges for the court in the last 12 months, and then what their current charge is. Everything gets scored a number of points. Based on that determines where they stay. The more serious the crime, the more likely they are to stay at ACJC. The less serious it is, they will either send them to us or they will try to send them home on electronic monitoring or curfew checks.

**Councilman Harris:** What I said on the board a few years ago, the thought was that this state was going to-- It had changed their position in that they were trying to place more youth there if needed. I think Judge Sims, back in those days, was concerned that the state had changed and said, "Let's not place them in Youth Services. Let's figure out places to put them instead." Has that switched again? Is the state now saying, "Our plans are to put them in use services versus other alternative placing"?

**Chris Dunn:** I don't recall it the way you're explaining it. There is the JDAI. It's a program going on across the state to get children out of secure detention and get them back with families, get them back with less security.

**Councilman Harris:** Is that impacting you though? Is that impacting you?

**Chris Dunn:** You could say yes, because we're getting some of those children, because they don't want to hold them in secure detention if the charges don't merit that. I don't know. That's a national movement though. That's coming down from the federal government. The federal government makes funding available to all states, and you have to meet the expectations they have set forth. DCS has to do the same thing with No Child Left Behind. Of course, they're always going to try to put them back with extended family.

Kinship in foster care are a huge area, but some of these children are just too much for that. Our six-year-old that we have right now has been in three foster homes in the last month, and his behaviors are just too much for them. We just had another child last month that had 14 different foster homes. It just wasn't working in foster care so they're working to try to figure out where he needs to go.

**Councilman Harris:** You haven't seen a switch. I didn't dream that up. Just a few years ago, you had indicated that the state was leaning one way and they've flipped and went a different way. You're not seeing a change, presently, in how they want to send or where they send the children.

**Chris Dunn:** Well they're always trying to put them in foster care.

**Councilman Harris:** Okay.

**Chris Dunn:** They're always pushing. It's the cheapest place to put them. They're not always appropriate for foster care, in my opinion. Yes, they're always trying to go with foster care first.

**Councilman Harris:** Okay, that helps. Thank you.

**Councilman Kerley:** We talked about it earlier the possible for red line and you brought up that all three positions should be scored as-- actually all four if you bring in community corrections. Under our current system, I tend to agree with Councilman Freeze that all four positions are POLE three under the current system and should be paid accordingly. What I'm here to say now is that I still respect your workers, but I'm not sure when we move forward that all four positions may be scored the same. A glaring difference between the jobs at the jail and Youth Services is the jail has a 5:1 inmate to confinement officer ratio.

At full capacity, you have a 1.4:1 client-to-staff ratio. That is something that should play into job classifications. we brought it up with the jail overcrowding. There's been times, before the lawsuit, that the inmate-to-staff population at the jail was 6 or 7:1, when we were low-staffed and way overcrowded. I just want you to be aware. I support three class under the current situation.

I just want everybody to be clear. When we go through this process, these jobs may no longer be scored the same jobs. Whether it's your department or any other department that's coming for reclassifications, you guys have to be ready that as this new system comes online, whether it's in October or July or whenever we get it done, that there may be changes that result in people going, "Why are things changing?"

Everybody needs to understand that from council to the commissioners, to HR, to department heads, to the employees that are getting reclassified and being told today, "Hey, you're getting raised because your job's the same." Six months from now when we go to that new system, they may not be scored the same any longer.

**Chris Dunn:** I'm not sure where you came up with the ratio. State dictates that we have to be 1:8. On any given shift, on any given unit, we have two of them. We have two youth care workers working, so I would say--

**Councilman Kerley:** I took your total capacity which is 25 and divided it by your total POLE, two number of workers, where I took the jail at 750 and divided it by the total number of confinement officers that we have approved. That's not taking shift, that's just taken overall employees working in that job verse placements, verse people in the jail, verse total confinement officers that we have approved currently in our budget. That's where I came up with that ratio.

**Chris Dunn:** Okay. Well, I would first start off by saying that 2 of those 20 are transportation officers, so they're transporting kids to court, to medical appointments, to dental appointments, eye appointments. They're more like 1:1 or 1:2 when they're transporting like that and they're gone all day on the go. We don't have a central control or an admissions process, so when the new kid comes in these youth care workers are going up front and doing that kind of work, which majority of our admissions take place in the evenings. We don't have any front office staff in the evenings.

Again there's two on each shift on each unit. We have two units, boys and girls. They're doing everything for these kids. If they go to school-- all of our kids go to school. They're all working online. Staff go where the majority of the kids will go. They split up. If we have handful of kids in our classroom, one staff goes over there with them, and somebody may be stuck back watching somebody on the unit who has not been enrolled yet.

Again, at best, we're 1:6. Then when our numbers get low and we have children below nine, the state expects even lower ratio. Right now we only have one six-year-old and one nine-year-old, but if we were to have three children under nine, we're required to go from a 1:8 to a 1:5 ratio. We don't pick and choose the ratios. It's set by the state.

**Councilman Lagemann:** Mr. Chairman, call the question.

**Councilman Fries:** I make a motion to approve the salary ordinance amending the pay for Youth Care Services 18 of them and transport officers 2 of them, making a total of 20 workers, from a POLE 2 of \$41,875 to POLE 3, \$47,051, 40 hours non-exempt.

**Councilman Lagemann:** Second.

**Councilwoman Curry-Campbell:** Second.

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

**Council Members:** Aye.

**Councilman Kerley:** All those opposed

**Council Members:** Aye.

**Councilman Kerley:** Five, two. Did you vote, Chris?

**Councilman Chris:** I was yea.

**Councilman Kerley:** Okay. 5-2(Bob & Tom).

**Councilman Harris:** Thank you.

**Councilwoman Curry-Campbell:** Thank you.

**Councilman Kerley:** ACJC

**Erika:** The personnel committee met with Juvenile Justice Center regarding the youth care worker. They have a total of 45 including one transportation officer that they would like to be considered from a POLE two to a POLE three. The committee did vote 3:0 for this recommendation.

[silence]

**Andrea Trevino:** Good morning. Andrea Trevino, Allen Spirit Court.

**Shane Armstrong:** Shane Armstrong, Allen County Juvenile Center. Council, good morning. The handout that you're receiving is something that was provided to personnel committee earlier last week. This is a financial, when we got into ratios out of county holds, how we can and cannot accept kids based upon our staffing availability. That's just a simple handout so you can look at those numbers and we can get a little deeper into that discussion as we move along here this morning.

**Councilman Harris:** You might explain what this--

**Shane:** Absolutely,

**Councilman Harris:** Unless that comes later, which I'm around.

**Andrea:** It does. Do you want us to explain now? We're having to explain now?

**Councilman Harris:** Sure.

**Andrea:** Last year July 1st, Jail Removal Act was passed which basically suggested, strongly recommended, and in certain cases, mandated that kids under 18 who have been waived to adult court and previously held in adult facilities, be transported and transferred to be held in juvenile facilities. That is because, as Mr. Freeze can probably tell you from his days back at the jail, when they have to hold juveniles--

**Councilman Fries:** As the Sheriff. I wasn't actually in jail.

**Andrea:** No, we'll clarify the record on that.

**Councilman Fries:** Clarification.

**Andrea:** Not that we know of, anyway. Thank you, Councilman Freeze, for that clarification. I was not trying to suggest that. The juveniles who are held in adult facilities are held in their protective custody units, which are pretty coveted units within a jail. They stay in those rooms at least 23 hours a day, sometimes for full days, that is because there is a sight and sound separation requirement between juveniles and adults. They are not allowed to be around adults in any capacity.

When that changed last year in July 1st, we were one of the facilities that stepped up and said we will take kids from around the state who have been waived to adult court and were being held in adult facilities, and we will make our facility available for those kids so that they can be in juvenile detention facility. Since that time-- We charge for that. We charge, currently, \$150 a day, and Shane and I have been in talks to increase that because our facility is in high demand.

A lot of facilities that are on the state opted out of taking these waived kids, that is because it changes the dynamic of your facility in a big way, as you can imagine. Those kids are either accused of or convicted of crimes like murder, attempted murder, armed robbery, rape, the worst of the worst. We are one of the facilities around the state taking those kids and charging for them. You'll see, in previous years, we might have made small percentage of out of county holds, high 100,000s, 200,000s.

It increased significantly last year to almost, what was it? Half a million. This year we are on track to make over a half a million dollars from those out of county homes, so 270 through the first two quarters. The problem is we're receiving calls daily and we don't have the staffing to take those juveniles at this time. That's what we're here for, for our request. Not only because we believe it is a safety and public safety concern, but for our employees, for the kids that we serve. Also, we certainly don't want to be put in the spot where we are making decisions to release kids that otherwise wouldn't because we don't have the staff available in our facility.

On the flip side, and for the taxpayers, and certainly, for you from a financial and fiscal standpoint, this can give back. This can pay for itself. We're not asking for any new money

either for this year or next. We reworked our budget, got creative with our 200, 300 series, and basically, told our staff, "You're going to be lean next year," because we had to make some cuts so that we could put this at the forefront.

We have completely reworked our budget, and the budget we submitted, by the deadline, assumes, per Nick Jordan's instructions, that this would be granted because those were our budget instructions. That was all worked in. That is represented in the current budget that we submitted. We went in flat despite this reef classification bumping these staff up if it is granted. That pretty much explains that financial doc. I think Shane's going to touch on it a little bit and his presentation, unless you all have questions right now on that you'd like me to answer? Yes, Councilman Michael.

**Councilman Lagemann:** Mr. Chairman, you may or may not know this, Your Honor, but what is the daily rate that we pay for the lockup, for the jail when we take in state prisoners? Do you know that number, or maybe Nick knows that number?

**Andrea:** I thought it was between 30 and 50, but I could be--

**Councilman Lagemann:** What's the daily rate, Nick, that we pay or that the state pays when we take on state prisoners in the jail?

**Nick:** It's about \$40.

**Councilman Lagemann:** Your Honor, the delta between the folks that you take in and what we're getting paid by the state is over \$100 per day. Is that correct?

**Andrea:** Yes, per individual.

**Councilman Lagemann:** I just wanted to clarify that. Thank you so much.

**Andrea:** We'll continue with the presentation unless there's more questions on the financials.

**Councilman Kerley:** Did you have a question?

**Councilman Fries:** No, I didn't have a question. I didn't know if we're ready for a motion or not.

**Councilman Kerley:** No.

**Councilman Harris:** Need further if you get it.

**Shane:** Council, and I could probably go 30, 40 minutes here. I'll really do a brief overview and I know, Personnel Committee, you've heard some of these things. We are very short on staff. When I say short on staff, a real quick overview, of these 44 positions that we're discussing, I have three currently on long-term workman's comp situation. When I say workman's comp, these are folks that were injured in the line of duty dealing with combative juveniles or combative juvenile adults, if we want to use that term.

I don't know when they're going to return. I don't have a return date in place. I have one person currently on active duty for military. That person has been on leave since May of 2021. Currently, have orders to return October of 2023, assuming those orders are not adjusted. Six current trainees working right now at the center in the training program.

Hopefully, they show back up. Hopefully, that they get through the training program. Hopefully, we can staff them and put them in some of our openings. That leaves us with six additional openings.

I'm basing this based upon last week's information. Six additional openings prior to the meeting of Personnel Committee. I received an email the day before that one of my current employees was being looked at for a position within a similar department just at a higher rate of pay. That gives me seven openings. I'm operating about 62% of staff for my line staff, my direct care staff that we operate 24 hours a day, seven days a week, three shifts.

With the reduction of those number of staffs, it makes it very, very difficult to staff appropriately, to program appropriately. We are fighting with other departments. I don't want to use the term fighting. We are competing with other departments to retain as well as attract others. In this course of the last six months, I've had job offers to potential individuals. They have accepted those job offers, but then received a another job offer from other departments, rescinded that job offer simply because the rate of pay was over \$2.39 an hour to start off with.

It is very difficult for us to compete with other departments that are doing the exact same work. I understand the ratios that we're talking about. Mr. Curley brought up about the ratios and juveniles and adults. I think we all can understand that dealing with juveniles and dealing with adults, it can be very different. I will say, we as people that care for these juveniles, we have to program these juveniles, so our ratios are much different. We don't decide the ratios, but we have to abide by those ratios.

When we are programming these kids, not just housing them, but programming these kids, we have to maintain a 1:8 ratio. That is critical for our operation, but now let's move to that next level. As the judge alluded to, when the Jail Removal Act came into place, not only are we housing juvenile offenders, we are housing adult offenders.

We are programming those adult offenders that are housed in our juvenile facility just the same as we are with those juvenile offenders. We are housing some very dangerous, very similar as adults. I understand that we want to use the term juveniles. They are juvenile in age, many of them are not juvenile in size. I would want you to consider that as you're mulling over the decision of these in front of you.

**Councilman Lagemann:** Mr. Chairman. Your Honor, you heard me at \$110 a day. We should fill that facility and full fund it. Thank you. It's about fiscal responsibility.

**Councilman Harris:** One of the challenges, Judge, from my perspective is, is the state going away from-- Are they going to a regional approach where they're finding locations like ours and trying to route everybody to that regional approach, versus allowing other counties to create their own place to take care of their own kids?

**Andrea:** No, it's really being done on a county by county basis as you know. Not every county has a detention center, and some that do have them have chosen not to take these way defenders because it does change the dynamic of your center. It absolutely does. When we take kids from out of county, we don't know what we're getting, often, and they don't have anything to lose with our staff.

When we have kids that we see over and over again, we know what sets them off. We know when they're getting agitated. Our staff is very familiar with those kids that we see on a regular basis. When we take kids from other county, it's a mixed bag, because we don't know what sets them off. We've had some go ballistic. There was a riot up in the detention center up north.

My friend, Judge Stefanik, is really mulling around not taking these juveniles anymore because it's caused him quite a headache. We'd like to continue it. My staff does a heck of a job, I will tell you that. They do a heck of a job. We have not had a lawsuit over something big like that for over 12 years. That is because we take safety our utmost priority.

My staff does a really good job containing all that, programming our kids, but keeping them safe. It's important that we be able to continue to do that. I fielded questions before. Can you guarantee that they'll say or you'll be able to get-- I can't. There's no guarantees. I don't have a crystal ball. What I can tell you is people that are leaving for more money, \$5,000, \$6,000 a year, in fact, to another county department for the same benefits, same time credits, everything else, they won't leave. They won't leave for more money. That's all I'm asking you to normalize today.

**Councilman Harris:** What's the percent of youth that are in your facility that come from out of this county? What's the ratio?

**Andrea:** That's the crazy part. We're averaging between, probably, 8 to 15 on any given time. We're not talking a huge number right now. That's partly because of our--

**Councilman Harris:** 8 to 15?

**Shane:** Kids.

**Andrea:** Out county homes.

**Councilman Lagemann:** At a \$115 or \$110 a day in addition to what we get paid by the state.

**Andrea:** I know. [unintelligible 01:18:47].

**Councilman Harris:** Thank you. I think we've agreed at three points.

**Shane:** I would share that just on my drive here, we currently have nine in population on my drive here. Literally, 10-minute drive, I received two calls from two different counties requesting bed space. We have daily requests.

**Councilman Harris:** How many beds do you have?

**Andrea:** We have a lot of beds. We can't operate at full capacity without coming to you asking for double the staff. That's the truth of the matter.

**Councilman Harris:** How many do you have [unintelligible 01:19:22]?

**Andrea:** Right now we have, what, 60?

**Shane:** I'm sorry, what was the question?

**Councilman Harris:** How many beds? How many youth could be in your facility, total?

**Shane:** Physical youth, we have 96 general population beds. One diagnostic wing, which is our orientation wing. You could essentially house maybe 113 kids. Now, with 113 kids, we would triple the staff. Give me your ratios.

**Councilman Harris:** How many do you have in there now?

**Shane:** We are about 52 right now, based upon what's coming in May and what happened in court today

**Councilman Harris:** The challenge. we've had-- By the way, thank you for your approach to safety. This council has played a part in that, in that we've been granting a number of requests to improve the safety over the last 10 years, I think, there, so we do understand that. It's great that you're focused on that. Do you anticipate that to go up, about the number of kids in ACJC? Is that going to [unintelligible 01:20:26]?

**Andrea:** We have this discussion weekly and I'm always of the opinion, and Shane is always tempering me a little bit, I am always pushing him, "Can we take them? We need to take them." Always pushing him to take them. The problem is we always walk that line between safety. We have, at times, had to have discussions where we've been dangerously close to having to go to a secure lockdown facility. That is the truth. We have not had to do it but we have been close. We have had to talk about, "What does that look like? What are we going to have to hear from downstate? If we can't stop this, and we have to keep kids in rooms longer than they're supposed to be in rooms." We don't want to do that.

**Councilman Harris:** We're seeing the same thing with the jail. The jail, we were taking inmates, and all of a sudden, we're over-staffed, and we're getting in trouble, and blah, blah, blah. Our first responsibility are for the citizens of this county, first and foremost. That's why I was asking about that ratio. Yes, it's great that we're bringing in additional revenues, but our primary responsibility is for the people in this county and the cost of that, too.

**Andrea:** Absolutely.

**Councilman Lagemann:** The taxpayers, Mr. Chairman.

**Councilman Harris:** Exactly.

**Councilwoman Curry-Campbell:** Question. Your capacity, would that be 85% of the one-third team? Would that be capacity if you got to that number? You said you have 52. I'm just asking.

**Andrea:** Best practices wouldn't ever put you at full capacity, ever, and so what it's recommended--

**Shane:** I think there's a safe number that we could get to, assuming that we were fully staffed on all shifts, with all parts covered. I think 70 to 75 would be a safe number. Now, when I say safe, we're doing math equations. We're not doing behaviors. Sometimes, behaviors would dictate what we can or could not hold.

**Andrea:** And the logistics. We have, obviously, gang members in our facility, and when we have those no-contact or protection orders and only so many units, that becomes a logistical

nightmare for us too. We can't have one mix with the other. We only have so many units for our boys. That all plays into who we can take and where we can place them as well.

**Councilwoman Curry-Campbell:** Thank you.

**Councilman Fries:** A question, Mr. President?

**Councilman Kerley:** Yes.

**Councilman Fries:** Your Honor, the original Personnel Committee meeting we were supposed to come to, I think the HR did go ahead and score these, correcting. The documentation show they scored it at POLE three. Since I've looked at it, it says it was a POLE two and a half, but originally it was a POLE three. Is that correct?

**Erika:** We're not able to evaluate at this time. We're changing to a new system and it would be unfair to do it before the study is complete. That's why we're neutral.

**Councilman Fries:** [unintelligible 01:22:58] but okay, thank you. You have documentation that shows it's POLE three?

**Councilman Lagemann:** Mr. Chairman, I call the question.

**Councilman Harris:** Oh, I'm still getting questions.

**Councilwoman Curry-Campbell:** I was going to say one--

**Councilman Lagemann:** We can take this forever if we want, but I call the question.

**Councilman Kerley:** No, but I'm already having to--

**Robert:** I'll pass my question on to you guys.

**Councilman Harris:** Sheila, would you like to go first?

**Robert:** Sheila?

**Councilwoman Curry-Campbell:** Once again, we must give these folks what they need to be successful. I don't think that we need to wait for-- Nothing against Personnel. Government takes a long process. We've been at this for a while. I think for us to hold this up to-- We can't wait any longer. We need to fulfill your request. Like I say, this could be July of 2023 by the time we're done with this stuff. Thank you.

**Councilman Harris:** The turnover rate, what's your turnover rate this year?

**Shane:** High.

**Andrea:** High.

**Councilman Harris:** I appreciate that. What does high mean to you?

**Shane:** I don't know what the percentage is because we're constantly fighting that.

**Councilman Harris:** What's the number? How many have left, maybe?

**Andrea:** That's why we brought the request, quite honestly, because this reclassification has been on the horizon for some time. In fact, when they reclassified the confinement officers at the jail to a POLE three, the names of our employees were thrown into that, that they would be revisited, that they would be reviewed, and that was likely deserved at some point down the road.

It wasn't. In fact, I was willing to be patient and to sit back and to let the process play out. Until this year, in combination with the Jail Removal Act last year, the number and the type of juveniles that we're seeing. Then, let's be honest, inflation. Everything else. People are leaving more for money than they ever have for my center.

We've talked to them. We talk to them before they leave. We know that that's playing into it. The one that we received just prior to Personnel is actually holding. Now, he got an offer. He's not accepted because we went back and told him, "Can you wait until we get a decision from the County Council?" He did. That tells me that money is playing into people's decisions, as it probably should. We all have families to take care of, and \$5,000, \$6,000 a year is a lot of money to a lot of people.

**Councilman Harris:** Out of the 45 that you're talking about, how many have turned over this year, of those positions?

**Andrea:** We've had seven in the past one to three months. That is exponentially higher than we've ever seen.

**Councilman Harris:** Where are they going?

**Andrea:** They're all going to community corrections to be residents service officers for \$5,000, \$6,000.

**Councilman Harris:** Government has a chance, and I'll say this broadly, not just for the county, but we have a chance to make changes and then we make our own problems. Probably, we've created that problem for you. That's what government does. We do that better than anything, I think. What is your thought in terms of creating some kind of a career path in the judicial system, that they may start in one department and after a period of time, they could move to your area, then after a period of time, they could move to another department? Your thoughts?

**Andrea:** I think that that's what was happening previously. We would get attrition every now and again because people would decide, "I don't want to work with juveniles. I want to work with adults," or vice versa. I think that's great. Everybody should choose the path that they love. What we're becoming concerned about is just normalizing that pace, so that they can just land where they want to land and not just where they're getting paid a fair amount more within county government for the same or similar work.

**Councilman Harris:** Thanks.

**Councilman Lagemann:** Mr., Chairman, can I call the question now, please? Thank you.

**Councilman Fries:** I'll make a motion for approval of salary ordinance amending the pay for Youth-- I'm going to do both of them, number one and two. Youth care workers, 43, and transport officers-- Just one transport officer?

**Andrea:** Shift supervisor, yes.

**Councilman Fries:** I'm going to get there in a minute. From a POLE 2, \$41,875, to POLE 3, \$47,051, 40 hours non-exempt. Would you like me to do the supervisor at the same time?

**Councilman Kerley:** Sure.

**Councilman Fries:** Consideration of salary ordinance amending the pay of youth care worker from POLE 2, \$41,875, to shift leader, POLE 4, \$52,697, 40 hours non-exempt?

**Councilman Lagemann:** Second.

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

**Members:** Aye.

**Councilman Kerley:** All those opposing.

**Robert:** Aye.

**Councilman Kerley:** 6-1 (Bob). Thank you.

**Andrea:** Thank you, Council.

**Councilman Kerley:** And probation.

**Judge Wendy Davis:** Good morning. Good morning, Council.

**Erika:** The first agenda was not in the Personnel Committee. I don't know if we want to just do that first and then go to the second and third and fourth item, for the consideration of the salary ordinance amendment for the probation officer. That was not reviewed by Personnel.

**Participant 1:** Why don't we do the other [crosstalk] put that in the back.

**Councilman Harris:** You better say that. I was just--

**Judge Wendy Davis:** By way of background, that's a grant that we are getting from the state for my problem-solving courts. I can get into it a little more, but just, that's why it wasn't in front of Personnel.

**Councilman Kerley:** Let's put that at the back and do two through--

**Councilman Fries:** At the end? Okay.

**Councilman Harris:** We might as well end on a good note.

**Councilman Kerley:** Two, three, four and five.

**Judge Wendy Davis:** Appreciate that.

**Erika:** All right. The Personnel Committee did review the request for reclassification for a finance coordinator, Part 4, to a finance director, Part 5, 37.5 exempt. We also considered

court administrator, in this case, a reclassification for the salary. Then, the law clerk exempt, 37.5, also for a salary allocation. There was also a new position that was being reviewed, court reporter for a Part 3. The vote in the new position was a three-to-zero. For the reclassification, the three positions, it was two-to-zero with one being abstained.

**Judge Wendy Davis:** Good morning, Council. Thank you for your time this morning. By way of background, if you all remember, I think it was back in the pandemic, we were out at the coliseum when I first took over to reorganize Circuit Court. I came before you all and said, "I have a longtime employee who I was making the director of operations, that I had anticipated being here this year, or whenever she decided to retire to further reorganize my court," because I wanted to keep her on. She has since then retired.

What is before Council this morning is a further reorganization within the budget that you all have already allotted to the Circuit Court, so I'm not asking for new monies. Additionally, in lieu of creating new positions, I want to keep the number of staff down in the Circuit Court and not be excessive with my staff. Accordingly, the finance coordinator, I gave her-- She's the direct report to Eric. Mr. Zimmerman gave her all the responsibilities of Circuit Court as far as the financial part of it, as well as time and attendance-- You gave her those duties, so I'll let you talk about that a little bit.

**Eric Zimmerman:** Yes. It simply is that the person that retired. By the way, Eric Zimmerman, I'm with Circuit Court. She did a lot of the time and attendance for the Circuit Court staff, also paid a lot of bills as far as accounts payable. When the director of court operations retired, a lot of those responsibilities, because she was doing it for Adult Probation as well, fell onto her. Basically, we're asking for a re-class from a finance coordinator for Adult Probation to a finance director of the Circuit Court. She would take on those additional responsibilities, and actually, has already taken on those responsibilities.

**Judge Wendy Davis:** Like I said, that's part of the reorganization. Number three and number four, so the court administrator, as you all know, Circuit Court, I run three problem-solving courts, I run the most in the state. I run a Veteran's Court, a Mental Health Court, and an Addictions Court. In fact, yesterday during my Mental Health Court, I had 64 participants that I had to get through in one day, so it was a pretty exhausting day.

I will say that the Supreme Court advocates those problem-solving courts because they're certified, and these are all felons that would otherwise potentially be in jail, that are not in jail, they're mentally ill and addicted, so the court administrator, this number three now, is going to become one of my court coordinators. A little bit about that as well, Community Corrections has historically run all my problem-solving courts. We're moving all of that under Eric's umbrella, so Eric will be administering all three of my problem-solving courts, taking on probably about 200 more participants under his roof. [crosstalk] Yes, go ahead.

**Councilman Harris:** If I can ask, why? What's the thought there?

**Judge Wendy Davis:** We work really closely with Director Churchward. As you know, I'm the Vice Chair of Community Corrections, and running the problem-solving courts for these case managers, Councilman Harris, are very, very time-consuming. Not only is it time-consuming, it's a lot of pressure on these case managers. These are mentally ill and addicted individuals that we are putting out in the community in lieu of jail, supervising them and monitoring them so closely, many with GPS on them.

We'll still use GPS through Kim, but with all Kim's responsibilities, we collaborated. Ms. Churchward came to Eric and I and asked us if we would take all of the problem-solving courts and place them under probation, just to take some pressure off of her and her case managers, because it's such a high-functioning position with those case managers. Eric's people have stepped up and said they will take that on. Additionally, the Supreme Court and Office of Court Services wanted us to do either one department or the other instead of putting like OVWI Court under Eric's and my other two problem-solving, they wanted us to consolidate under one. That's why that happened, but really, it's Ms. Churchward just needing some relief.

**Councilman Harris:** Judges is not meant as a tongue-in-cheek or cheap shot or anything, but should we reclassify those jobs because those responsibilities are coming away from those individuals?

**Judge Wendy Davis:** That I would leave for Ms. Churchward, to be honest. I think because she runs the facility now, and I don't want to speak for her. I am the Vice Chair of Community Corrections, so I'll tell you what I know. I don't want to speak for her because she knows the intricate details of her departments, but she needs those case. She's a little understaffed, so she needs those case managers to be available to go to the residential facility since the residential facility now is getting so full.

**Councilman Harris:** I mean, you can see from our perspective when you add all the judicial issues in front of us today, how that could be perceived like we're just bouncing all over. We're just raising rates, and we're moving stuff around, and everybody's climbing up the next ladder, and it's just frustrating.

**Judge Wendy Davis:** If I can be so bold to say, I think our criminal justice system and our criminal justice case managers are kind of stretched to the hilt because of all the pressure we feel of keeping them out of the jail. The more we keep them out of the jail, the more that go on to Community Corrections, the more that go into problem-solving courts, so we are trying to shuffle around staff to say who's got availability to do it.

**Councilman Harris:** So you need a bigger jail.

**Judge Wendy Davis:** I'm sorry?

**Councilman Harris:** You need a bigger jail?

**Judge Wendy Davis:** Ooh, I'm not going to go there.

**Councilman Harris:** [laughs] That's what tongue-in-cheek. We'll let that one go. Keep going.

**Councilwoman Curry-Campbell:** May speak, Mr. President?

**President Kerley:** Yes. [crosstalk]

**Councilwoman Curry-Campbell:** I think Mr. Harris had a joke today, because what I believe the judge is doing is trying to keep people out of jail, and so we're here to support you and what you're doing. I say it all the time, the criminal justice system can only be reformed and fixed by the criminal justice system. This is an example of what we're trying to do to fix the criminal justice system and keep people out of jail. Thank you.

**Councilman Spurr:** Because I'm going to piggyback off of Ms. Curry-Campbell-- I think a lot of the time, the media talks about what our numbers in the jail are, and having been at JRAC meetings and Community Corrections meetings with you, I always try to bring up the number that aren't. Since you're here, could you expand on the--

**Judge Wendy Davis:** Absolutely, sure.

**Councilman Spurr:** In your problem-solving courts-- I'm not asking you to talk to Superior Court, because I know they have similar programs, but just in Circuit Court. Through your programs on an annual basis, through alternative-type sentencing in these Circuit Courts, how many people are we keeping out of jail through your system?

**Judge Wendy Davis:** Diverting from the jail?

**Councilman Spurr:** Yes.

**Judge Wendy Davis:** It's a great question, Councilman, and I'm glad you bring it up because I do think there's a lot of misinformation out there. I would say over the past year, especially because we started a new-- If you recall, when I came to council, we started a new problem-solving court for OWI, for individuals that struggle. Actually, we're finding it's not just alcohol, but it's fentanyl, it's all kinds of drugs, so we've gotten that court up to about 180 participants, and that's only been a year and-- Two years, a year and a half, Eric?

**Eric:** Yes.

**Judge Wendy Davis:** That's up to, and I can't go any further. I'm pretty much at capacity with the staff that I have. Then my other problem-solving courts, I would probably predict about-- In the past year, 400 maybe that have been diverted from the jail, that are low-level nonviolent felony offenders. That many of them have been on probation, and they violate their probation-- You see those probation numbers in the jail. They violate their probation because they're using, they're overdosing, they're whatever, so we divert them now into a problem-solving court.

Or with the veterans, I currently have a lot of veterans in my court right now, you'd be surprised, in Fort Wayne, but many of these veterans have already been to the DOC, and our recidivism rate in Veteran's Court is at 9%, so these courts are working, we are keeping them out of the jail. If you're asking me, and I know-- That's not even withstanding Judge Gull's Drug Court, Judge Zent's Reentry Court. None of them overlap, we all do--

We are trying to collaborate with the county and the sheriff's office and the commissioners to do our part within the system, and I think what you heard from Judge Trevino is that we are kind of underpaying some of these positions. Back to the reorg, my court administrator will now take over one of those courts from Community Corrections, as well as being a court administrator. My law clerk who is a lawyer, she's got a JD, I'm asking her then to be the assistant administrator to the judges, because my court administrator can't handle being a problem-solving court coordinator and a court administrator.

All of that being said, like I said, Councilman Kerley, I'm only working within the budget you all have allotted me, and I'm trying to do it with the taxpayers in mind, but also trying to run a criminal justice system where we can continue to take people into these courts and diverting them from the jail.

**Eric:** If I could just add one quick macro to your question, President Kerley, we supervise in this community on an annual basis, almost 10,000 individuals are under some form of community supervision between the three collaborating agencies; Criminal Division Services, Community Corrections, and Adult Probation. Many of which, as Councilman Harris knows, paid their way through the system, diverting those costs from taxpayers, so from a macro perspective, we are very active, very successful-- Which by the way, in Adult Probation, our recidivism rate is 12% to a national average that's over 35%.

We're proud of those numbers, and we're keeping a lot of people out of jail. Despite some criticism that we have too many, we have on average about 100 probation violators in jail. We look at each one of those individuals as individuals to see if there's ways that more programming can be effective, but at the end of the day, some people aren't amenable for treatment. Some of them, they aren't ready for it, they're not ready to take on that responsibility even when we force it.

There's no one in that jail from Adult Probation that hasn't been given multiple opportunities, unless they show themselves violent or dangerous, we take that very seriously. Every single one of those individuals has been held accountable to a degree that does not require incarceration up until the point where a judicial officer makes that decision.

**Judge Wendy Davis:** Council, I will tell you, the three problem-solving courts that we run-- And I have to give kudos to Kim Churchward and my chief probation officer sitting next to me-- They tirelessly work to make sure we're not coming to county council asking you to fund those courts. I mean, haven't yet.

In fact, I have set up a 501(c)(3) through the Supreme Court, I have multiple lawyers on my board of directors that raise money for the problem-solving courts because many of these participants, especially the mentally ill ones, we just want to get them housing, they just need a clean place to live. Many of them don't have family. They were originally homeless, and we've taken off the street, so the 501(c)(3) that these lawyers--

My board of directors are all lawyers in the community, you probably know many of them. Councilman Harris Trent is my president, but I have so many. They are literally raising money so that we don't have to go to the taxpayers to say, "Okay--" If you're going to pay for a jail, pay for a jail, but we're going to run these problem-solving courts and get these people stabilized in the community, but we're not going to ask taxpayers.

We're going to get private funding to do that when the participants can't pay for it themselves, like Eric does. Eric does a good job trying to get the participants to have some skin in the game, because they're not incarcerated, so to work with them and to get them jobs.

**President Kerley:** Mr. Fries, I know you have to leave, so I'm going to let you go first.

**Councilman Fries:** I would like to make a motion, and this is only going to be on two through five. Number one has not been discussed yet, right?

**Judge Wendy Davis:** Correct.

**Councilman Fries:** Would you like them all done at the same time?

**President Kerley:** Sure.

**Councilman Fries:** Okay. Consideration number two-- Consideration of a salary ordinance amending the pay for finance coordinator from PAT 4/2 from \$53,275, 37.5 hours, non-exempt, to finance director PAT 5/2, \$58,603, 37.5 hours exempt. Consideration of a salary ordinance amending the pay for the court administrator--

**President Kerley:** Do the three re-classes, and then the new position separate.

**Councilman Fries:** Which one's the new position?

**President Kerley:** Five. [crosstalk]

**Councilman Fries:** Okay. Back to number three. Consideration of a salary ordinance amending the pay of the court administrator from special occupation \$84,000, to special occupation \$90,750, 37.5 hours exempt. Number four, consideration of a salary ordinance amending the pay of the law clerk from special occupation \$63,350, to law clerk assistant court administrator \$83,350, 37.5 hours non-exempt.

**Councilwoman Curry-Campbell:** Second. [crosstalk]--

**Councilman:** Second.

**President Kerley:** Motion and multiple seconds. Any further discussion?

**Councilman Harris:** Yes, I do have a question on number two, the finance coordinator moving to the finance director. Judge, this is the area the state auditor or state audit process has identified as problems in the past. Is that correct, this area?

**Eric:** Not specifically, Councilman. The audit reports have been corrected, we've changed the way we do business now [crosstalk]--

**Councilman Harris:** But is this individual over that?

**Eric:** This person was over that, exactly. Now that we resolved those issues, she's more open to do more things to the degree that it was about [crosstalk]--

**Councilman Harris:** Was there anything found this year in the last audit?

**Eric:** No. Our whole process has changed to the point that we no longer go through a state board of account audit. We use the treasurer's office to manage all of our money, the clerk's office receives all restitution and pays that out. We no longer do that--

**Councilman Harris:** The amount of growth that's going to continue to come through that department in terms of fines and fees and such are just going to continue to climb, so that's good that you fixed that. I appreciate that.

**Judge Wendy Davis:** Can I take a moment, and I don't get to do this publicly very much, to applaud Eric Zimmerman. I came into this position not knowing Mr. Zimmerman very well, and not to get too detailed, but he has stepped up to the plate tenfold for me and for Circuit Court-- Not that you didn't in the past-- And for Adult Probation, but I'm not going to let him retire. Unraveling this audit that we all talked about at some point was a huge undertaking, and he got it done with this new-- This is a new individual, and he got it done with this new individual. I just want to say publicly that I'm really proud of that.

**Councilman Harris:** My last question, should a rating system come back and rate these lower than what you're asking or we're doing today? Are you willing to accept that, or are you going to mandate that through the state?

**Judge Wendy Davis:** [laughs] I will say out loud that that is a last-- No judge wants to utilize our mandate power. I'm in lockstep with Superior Court on all of this, and I said this at personnel. I will say that the Supreme Court thinks differently, or the Office of Court Services and the directive that I have received, but I am more committed to collaborating with the processes and procedures with my county council here in Allen County so that we can all collaborate together. To answer your question, that if that happens, yes, Mr. Harris, I am prepared for that. I know that's on the table right now. Eric, I don't know if you have anything to add?

**Eric:** Councilman, I think that's a really fair question. I've got a lot of history in this county as far as these studies, and if that should happen, I think we should respect the outcome of the study, and I think our employees would understand that **[unintelligible 00:15:58]**.

**Councilman Harris:** Thank you.

**Councilman Lagemann:** Mr. Chairman, point of clarification, the state auditor does not audit, only the Department of Local Government Finance and the State Board of Accounts does that.

**Councilman Harris:** Thank you, Councilman.

**President Kerley:** **[unintelligible 00:16:09]** what's your question?

**Councilman Armstrong:** My question is, there was comment made that Eric's going to be receiving **[unintelligible 00:16:16]** more on his plate from Community Corrections. Should we be preparing ourselves for a job review and more money at that one?

**Judge Wendy Davis:** That's a pretty loaded question because I'm very sensitive to asking for new monies from council. Eric has done really well, even with this reorg. Again, I have to give kudos to Eric for reworking our budget so that we can get done what we need to get done within the allocated budget. To answer your question, I'm more worried about my chief probation officer resigning with the amount of work he's got on his plate right now, so if I can keep him longer and not let him retire-- He's been throwing around retirement for the last, I don't know-- Okay. [chuckles] I can't say no to you, but I'm going to watch very closely.

I know how hard and diligent Eric is working to transfer all of these problem-solving courts without a hitch so our programs don't fall outside the certifications that we have from the Supreme Court. That's a really long-winded way of saying, I don't know. I would hope not, and I would hope that if I do want to bump him, I can somehow figure out how to do it within the budget that County Council allocates to me.

**Councilman Lagemann:** All right. Thanks, Mr. Chairman. First of all, Eric, I hope you stick around for a long, long time, and I call the question.

**Councilwoman Curry-Campbell:** Can I make a remark?

**Councilman Lagemann:** The question's been called **[unintelligible 00:17:41]**.

**President Kerley:** Is there a second?

**Councilman Armstrong:** I'll second--

**Councilwoman Curry-Campbell:** I thought I was waiting after Bob Armstrong, but that's okay.

**President Kerley:** Okay. The question has been called for the three re-classifications, number two, three, and four. All those in favor say aye.

**Councilmembers:** Aye.

**President Kerley:** All those opposed?

**Member:** Aye.

**President Kerley:** Motion passes, 6-1(Bob).

**Councilman Fries:** Let me go ahead and read the last one. Number five is consideration of salary ordinance establishing the pay for the court reporter PAT 3/2, \$46,350, 37.5 hours non-exempt.

**Councilman Lagemann:** Second.

**President Kerley:** Motion and a second. Any further discussion? Hearing none. All those in favor say aye.

**Councilmembers:** Aye.

**President Kerley:** All those opposed?

**Councilman Armstrong:** Aye.

**President Kerley:** Is your question still relevant? Motion passes 6-1(Bob)

**Councilwoman Curry-Campbell:** No, I'm good. Thank you so much. Thank you, Judge. Thank you, Mr. Zimmerman, for being [crosstalk]--

**Councilman Fries:** We still have one more item--

**Judge Wendy Davis:** We got one more.

**President Kerley:** Yes, we still got one more item.

**Judge Wendy Davis:** It's just the salary ordinances so we can bring the grant money into the county. I'll let Eric address it.

**Eric:** As articulated in the agenda and as been previously stated, we're going to be taking over the responsibility of administrative oversight for the problem-solving court, restoration court, and Veteran's Court for Circuit Court. That transition has already began from an organizational standpoint. What we're requesting in this is that we've submitted our 2023 Department of Correction grant to incorporate that administrative oversight. The Department of Corrections didn't give us our full ask, surprisingly enough--

**Councilman Harris:** How much did they?

**Eric:** They gave us an equivalent to what they were giving Community Corrections in 2022, which is basically about a 47% funding from what our request was.

**Councilman Harris:** How much is it approximately?

**Eric:** I want to say it's about \$88,000, give or take.

**Councilman Harris:** So we can anticipate that to be reduced out of Community Corrections?

**Eric:** Yes, because they did not receive that grant.

**Councilman Harris:** Okay.

**Eric:** Going forward into 2023, there's really not enough money there, so we're adding additional duties and responsibilities to management staff. To councilman Armstrong's statement, there is compensation that can be achieved by paying our staff a little more through grant dollars rather than county tax dollars, and since that transition has occurred now we're--

Our primary goal is to make it seamless to the offenders participating in those problem-solving courts. To them, they still report and there's very little work. We've always been engaged in those courts, now we just have administrative oversight and responsibility to report numbers and be accountable for the budget.

We're requesting that these salary ordinances be made effective as of September 1. We're going to use probation user fees to pay the remaining-- Basically, the fourth quarter and a couple months for compensation. That would be the request. I'm happy to entertain any questions.

**Councilman Lagemann:** This is number one, right?

**President Kerley:** Yes, this is number one.

**Councilman Lagemann:** Mr. Chairman, I would move the consideration of salary ordinance amendment for probation officers working in the Restoration and Veteran's Court shall receive an additional amount between \$5,000 and \$10,000 to their base salary each year specific to the amount within this range that is at the discretion of the judge overseeing the court.

**Councilwoman Curry-Campbell:** Second.

**President Kerley:** We have a motion and a second. Any further discussion? I'm going to ask a question. Do you feel that this will cause jealousy or whatever within your current probation officers that some are getting \$5,000 to \$10,000 a year more than others?

**Judge Wendy Davis:** That's a fair question.

**Eric:** Yes, I think that is a fair question. We have that precedent now because we have field officers that get paid more, we have probation officers with graduate degrees that get paid more. These are going to be extra responsibilities that these officers undertake, so that is--

There is a precedent set for that, and they can certainly work their way into those jobs if they show merit or interest.

**Councilman Harris:** Are you working with HR to determine-- Between \$5,000 and \$10,000, that's a great big jump. What's your discretion based on to give a \$7,000 versus a \$5,000 versus a \$10,000.

**Eric:** Generally, we have those numbers figured out as far as what-- Based on the grant request, because we put those numbers specifically in our grant. There are specific allocations for top administration, middle administration, and coordinators.

**Councilman Harris:** I see. Okay, thank you.

**Judge Wendy Davis:** May I just respond to President Kerley's question-- Yes and no. I mean, it might look like these are coveted spots because it's more money, these are really hard jobs. They work with-- These participants in these problem-solving courts, more specifically, the restoration court, which is my Mental Health Court, some probation officers don't want to work with those. They are really tough to deal with, and because these courts are certified through the Supreme Court, they have to meet with them often, we have to do home visits on them.

These are really, really hard jobs in the criminal justice system, and so Eric and I have had conversations that some of the probation officers don't want to. It's too much work, and I find many of these probation officers, we have to tell them to go home at night because they're still doing the paperwork for the Supreme Court and the certification, they're still following up with their participants, and we're like, "We're done, you got to go home." Some probation officers aren't interested in it and they like what they're doing right now, but I think it is a fair question.

**Eric:** I will just add one-- The 9% recidivism rate Judge Davis articulated and the 12%, it's because of the personnel we have, because of the expertise [unintelligible 00:23:35] to be able to retain those employees where the average rate of retention in our department is-- We're at 25% to 30%. That's just because they're moving on to leadership positions, but I will also state that the average tenure in our department is around 18 years.

**Councilman Lagemann:** Mr. Chairman, first of all, Your Honor and Eric, I think you've done an admirable job in leading the state in some of the problem-solving courts. I want to thank you personally for that. I would say that you've also done an excellent job of, while you're operating under an antiquated bond order, which I hope we reconsider at some point in time. Judge Trevino, I hope you heard that in the room as well, so that we can make it easier to keep folks out of jail. I just want to commend you for operating under difficult conditions and doing a great job of it.

**Judge Wendy Davis:** Thank you, Councilman.

**Eric:** Thank you.

**Councilman Harris:** Judge, just your thoughts on establishing, if we were to try to-- I mean, you can see it, and we can too, how each of the different entities are competing for talent back and forth. What's your thoughts on creating some kind of a career path through the judicial system?

**Judge Wendy Davis:** I heard you say that earlier to Judge Trevino, and I think it's a great hook if we would create something like that to get really young talent. A great example is my current law clerk that I'm asking to reorganize, she's going to be the assistant to the three judges now, and I think I shared this with personnel-- I can't compete with the outside world, so she does so much for me, and a lot of my orders are drafted and researched by her.

She was top of her class at IU Law School, and was an English major, so to your point, she looks at this-- By me coming in and giving her more duties and stepping her up, she looks at this as a career path, so I can keep her and I can retain her within my budget, within the budget y'all have already allocated.

To be honest, she's still sorely underpaid, but I think she looks at it also as an opportunity in the criminal justice system, to your point, to maybe continue on and become a judicial officer one day and that kind of thing. I've been thinking about that since you mentioned it to Judge Trevino, and I think it's not a bad idea. It's something that I would love to dig into a little more, because I think you can attract talent, better talent.

I think sometimes in the government, we are oftentimes looked at as, "If you work for the government, you're not as smart. If you work for the government, you couldn't make it in the private industry." I disagree with that. I mean, I look at the talent in my own department, in my own court, I look at Eric, I'm blown away with the talent that I'm working with, but I think to retain that and to ensure that that's a career that they want to stay in is going to be difficult.

**Councilman Harris:** One of the other ways that large business does this is put a cap on how fast people can move. I'm not willing to go there yet, but the idea of maybe starting in one department, and you can't move to another department until you put in one year of time, and then you're eligible to move to that other department, that sometimes within large business, we do that to slow that down. Otherwise, the departments are just picking off each other, and it does not help the business, and in this case, it's not helping county government. We're just paying more and more and more, competing against ourselves. It does not make sense.

**Eric:** Good point, Councilman [unintelligible 00:27:20]. I would just say, from my experience, government is a little different than private business because we do have the three separate branches where things-- We've always tried to maintain this level of buoyancy, but once we get equal [crosstalk]--

**Councilman Harris:** Yes, but within one branch. [chuckles]

**Eric:** I think this is what's interesting about it, I've been in personnel committee-- ACJC and the jail, they're competing for similar jobs, and it's been my take for years that once the money-- Money is an important thing, but as you know, it's number six or seven on the list. There's those other things that leaders can do to retain employees beyond just how much you're making--

**Councilman Harris:** Turnover is not all about money.

**Eric:** Exactly, so we strive hard in Circuit Court, Adult Probation, to make it an environment where people can feel empowered, have the opportunity for professional growth, and whether they move on to Community Corrections-- My goal is to create leaders, and if they move on to a different department because they've taken on more responsibility and money comes

with it, I think that's great. That's not a loss for me, that's a win for Adult Probation Circuit Courts.

I think I understand what you're saying, and I would be interested in learning how we could put this together in the unique circumstances that government entails, but certainly-- I know I've taken my share of employees from Community Corrections, and it's not because of money. It's just because I think we're a better place to work. That's no offense to Community Corrections, but I should think that, or otherwise, I wouldn't be doing my job.

**Councilman Harris:** Right. That's fair. Thanks.

**Judge Wendy Davis:** We've taken up enough of your time. I will say this-- Oh, and then him-- is that I think, too, one of the things that-- I know the Circuit Court community with this whole jail thing, I want to just reiterate, all of these people working in my court, all of these people working in Adult Probation are getting taxed. Meaning, mentally. I mean, they're taking on so much more than they signed up for as we try to-- Safety to the community first, as we try to safely try to supervise these people in the community in lieu of being in jail. I'm sorry, Councilwoman.

**Councilwoman Curry-Campbell:** No problem. We're talking about career paths, and we know that we need to be intentional, and so we're talking about doing some type of program, or pilot program, or things with Judge Trevino. I think we need to be intentional and equitable, and so I've had conversations with you in reference to, how do we create that path so that we don't go what we went through with Judge Morgan? We had a gap of 30 years and not having a judge of color. We're the second largest city. We have a judicial system that we're trying to reform and so as we're talking about these pathways and let's try to make sure that we're equitable and we're being intentional and looking for people of color. Thank you.

**Councilman Lagemann:** Mr. Chairman, I call a question.

**Chairman Kerley:** Is there second?

**Councilman Spurr:** Second. Okay.

**Chairman Kerley:** The question is for the consideration of a salary ordinance establishing the pay of court reporter [unintelligible 00:30:41] 46, 350, 37 and a half hours.

**Councilman Fries:** Wait a minute. I thought we were on one.

**Chairman Kerley:** Are we on one?

**Councilman Spurr:** We're on one.

**Councilman Harris:** Yes, we're on number one.

**Chairman Kerley:** Sorry. Number one, consideration of the salary ordinance amending the probation officers working in the restoration and veterans courts to receive an additional amount between \$5,000 and \$10,000 of their base salary each year. All those in favor say aye. [crosstalk]

**Councilmembers:** Aye.

**Chairman Kerley:** All those opposed. 6-0-1(Ken)

**Judge Wendy Davis:** Thank you Council for your time.

**Eric:** Thank you.

**Councilwoman Curry-Campbell:** Thank you.

**Chairman Kerley:** We have, for new business, Ozzie Mitson has resigned from the Alcohol and Beverage Commission. There are three meetings remaining this year. It would be my recommendation that for those three meetings we appoint somebody from this council to fill them and then in our November meeting we will take full nominations from the community just because we need to have somebody at those meetings.

**Councilwoman Curry-Campbell:** Did you need me at those meetings? Did someone want to nominate me? I mean, I'm just asking.

**Chairman Kerley:** Is there anybody who all is interested?

**Councilman Armstrong:** I wouldn't mind.

**Councilman Harris:** You doing it?

**Councilman Armstrong:** Yes. I mean, it's only just to finish it out-

**Chairman Kerley:** Yes. It's just to finish this year.

**Councilman Armstrong:** -and then we'll do our appointment in December.

**Chairman Kerley:** Yes, we will.

**Councilman Fries:** I nominate Councilman Armstrong.

**Councilman Harris:** Second.

**Councilman Spurr:** Second.

**Chairman Kerley:** We have a motion in the second for Councilman Armstrong. All those in favor say aye.

**Councilmembers:** Aye.

**Councilwoman Curry-Campbell:** Aye.

**Chairman Kerley:** Opposed. Motion passes 5-0-2(Ken & Bob)

**Councilwoman Curry-Campbell:** Thought you guys were going to nominate me. I really did.

**Councilman Spurr:** You got close. [laughs]

**Councilwoman Curry-Campbell:** I got so close.

**Chairman Kerley:** Bob jumped in there.

**Councilwoman Curry-Campbell:** Mr. President, I was looking for you to save the day. Thank you.

**Chairman Kerley:** Okay. Auditor's report.

**Nick Jordan:** Morning council.

**Councilman Harris:** Good morning. Is it still morning?

**Nick:** Yes, it still is.

**Councilwoman Curry-Campbell:** 10:35.

**Councilman Harris:** Nick?

**Chairman Kerley:** It went off.

**Councilman Spurr:** No, it's back. [crosstalk]

**Councilman Fries:** Now, it's back.

**Councilman Lagemann:** You're going to go through the report now and then anything for next Thursday or just the financial.

**Nick:** Yes. Next Thursday I'm just giving a quick overview based on Councilman Kerley's request. If you guys have questions, I'm sure I can answer them but I'm not going in-depth.

**Councilman Harris:** Okay, because I just have one question, but I'll let you go ahead and do this.

**Chairman Kerley:** I just wanted him to give us a quick overview of what we're going to be looking at next Thursday. If any of us have questions for any of those departments we can get those done in the next seven days.

**Nick:** Council in your notebook, just to do the auditor's financial report. You see the financials through the end of August. The general fund looks as healthy as it did last month. Things out of the ordinary will be positives, potentially more miscellaneous revenue than anticipated. Interest revenue is starting to come in much better than it has for years because of the fed's increasing rates.

We know the prisoner revenue will be down because we don't have federal inmates, but we'll still end up, I'm guessing a million, or excuse me, probably \$2 to \$3 million more in miscellaneous revenue than anticipated, property taxes will come in as estimated. I encourage you we'll talk about it next week, but in your notebook, we also have other funds.

If you're not looking at these, please make sure that you're looking at them and I'll touch on it here in a second, but while the general fund is our main operating fund, 50% of the budget you're going to approve is all the other funds. We don't include everything here. We include the major fund financial, so to speak, but make sure you are looking at them. I can take any questions on any of this right now as we do with the auditor's financial report is normal.

**Chairman Kerley:** Do you have an estimate on what you think our rollover balance will be at the end of the year?

**Nick:** To clarify, so if unexpended I've estimated \$3 million in there and it would've been closer to \$5 million for sure, but we did the 2% inflationary bonus. I've already baked \$3 million into that, into our '23 budget estimate. I definitely think we'll get the \$3 million potentially be even surprised if it's more but I know we have some requests coming in the next couple of months to the tune of hundreds of thousands that will lead into that rollover.

**Chairman Lagemann:** Mr. Chairman, Nick and including the ARPA funds that we have yet to expend, what are we sitting on in terms of a cash balance? Like if we took ARPA, we took rainy day, added them all up, how much cash do we have on the end?

**Nick:** It's important to put an asterisk next to that, just to clarify. When somebody says cash that's what we present on the financial. I know it's extremely hard to see on the screen, but you guys have them in your notebook. They're online for everybody to see. You will have one side that just shows your actual cash balance year to date that looks at what we received minus the expenses year to date. It doesn't take into what is budgeted. Then the other side you'll see the estimate that'll actually show the budgeted figures.

One problem, and I'll call out, it is a problem, I believe, we budget every single year we don't spend everything. When you look at whether it be the general fund or its lead economic development, and here's an example, I'll just stick on the general fund. The black line is the cash balance, because we don't spend everything we budget that cash keeps growing and so some people like to say, "We don't have any cash, we budget it all. We don't have anything." True. You can budget whatever you want. It doesn't mean you're going to expend it.

To your point, if you look at actual cash, \$70 million ARPA, \$40 million general fund, LED economic development \$20 million, [unintelligible 00:36:44] cap, another \$10 million, \$150 million easily in five funds.

**Councilman Lagemann:** We could be pushing potentially \$165 million if you take into consideration the dollars that have not been expended from [unintelligible 00:36:58], right?

**Nick:** Easily, yes. That's a good point. You look and say, "Hey, if we look back through the historical expenses of [unintelligible 00:37:04] and the budget, and it says \$2, \$3 million for infrastructure improvements or whatever it may be," and it's not spent, the commissioners have budgeted, so that's the conversation of, "Hey, you guys always budget this, you don't spend it."

**Councilman Lagemann:** As we follow that up, as we go through our budgetary process and we are delineating exactly how these funds are to be expended if we do lumpsum appropriations those budgets will continue to grow and they can spend it on whatever they want, right? Departments could, or the commissioners could spend it on whatever they want.

If we take a look at the individual line items within those budgets then council can set aside those dollars that are actually really budgeted, the stuff we're going to actually spend on and then retain that excess, those excess dollars so they don't just get thrown into, say, professional services or some other broad sweeping category. Is that correct?

**Nick:** Yes. It's important to note, I touched on this with Councilman Kerley earlier this week, and I've had the discussion with many councilman over the years that if I suggest, "Hey, you could use [unintelligible 00:38:21] cap for this and it's got the statutory allowable uses." Then a different fund doesn't have those statutory uses.

You can move, for example, on LED economic development, we pay a portion of it to highway various expenses. Well, the highway fund has its own fund and if we see how it has a balance, can you shift stuff over there? Legally you may not be able to pay for it out of this fund, but if we change where the expense is coming from where it's budgeted, it may free up money in a fund that can be used for any allowable purpose. LED economic development can be used for any allowable purpose, any lawful purpose.

Do I think you're late in the game with this year's budget cycle? As I've said countless times and prior years to the council, if council wants to do these things, the conversation needs to happen with the commissioners, with the departments in advance. Because if they're-- whether it's speculative or it's something they really have in mind, or it's, "Hey, a project hasn't come to fruition on the timeline we thought because employees can't be found anywhere, supply can't be found," to find those things out in the next week you may, you may not.

You could look at it in the October timeframe too, and then you're going to adopt the budget, but the money is there. We have the money. I get tired of hearing, we don't have money, we have a ton of money. What you want to use it for compared to what it may be budgeted for from the department level, those conversations need to happen well in advance so that it can be hashed out or we'll have a 12-hour council meeting.

**Councilwoman Curry-Campbell:** May I speak?

**Councilman Lagemann:** Mr. Chairman, real quick just to finish this up. I was rushing time earlier because Councilman Free had to go into an emergency surgery I just wanted to make sure that he could participate in these last votes. There is no rush.

Frankly, I don't mind 12-hour or 24-hour or 72-hour council meetings to do the job correctly. I hope that as we go into this budget cycle, I know I've worked with Vice President Armstrong on this issue that we do need to line item these budgets, and I will allot the amount of time necessary to go through and spend hours and hours and hours making sure that we're not just throwing pots of money at problems and then they get spent on things we have no intention of having them spent on.

**Nick:** Just to touch on that real quick because we get asked the questions and where this 80-page notebook is what we're going to send to you. We've already sent. I've already sent you six attachments prior to one of them was a 300-page document. Within that, this one that we're going to send today after we're done, didn't want to cause confusion, but it'll have pages like these, the budget for those departments that are appealing.

It's only the ones that are appealing, the budget print for all the other departments, all the other funds, the whole list that you see. The budget print for all these funds was sent previously. I'll send it again. It's a 300-page document. Councilman Lagemann's point, it has-- I don't know if we have five, six years history in there. You can see it across here.

You've got '19 through '22 year-to-date. We can provide much more. If you want to look at the line item level, it's here. We're willing to go through whatever you'd like to do. I'm glad Councilman Lagemann made the point. We're here full-time. We'll take however much time you needed to go through it so you can make educated decision on the budget. Don't hesitate with the questions.

To Councilman Kerley's request just to touch, and I'll definitely answer all the other questions that you guys have today. I'm not going to go through the top section of this, we'll discuss that next week unless you guys have questions on it today. The document as we've broken down, you'll see here up in this top part. I'll blow it up some more. These are departmental appeals.

Those that are coming to ask for more information, or excuse me, more money next week for the 2023 budget. Over here where my cursor is and these little notes, these are what Jackie and I have compiled as what we perceive as what they're appealing. In reality, you've given them a bucket of money. They've chosen to say, "We need more money." It could be for CCP operations.

You could say, "Hey, why do you need five people? Why do you need this contract?" The appeal could be whatever council in the department points it out. This is what we've picked out based on what they've told us. This list is just alphabetical. That's how I've sorted it here. Those are the ones on top that need money. The ones below we highlight every year, the ones that are giving back.

Some of this is due to your guys' requests. Some of it's just due to the annually give something back. The other thing that's going to be on the next page, page three, just so you can take note because a couple of years ago we had an issue with a salary change that wasn't potentially addressed at the budget hearing. It was just thrown into the mix and the person got a raise.

This next page, says all the salary changes that are being requested for 2023. These are baked into the budget figures, but council will take action on them just like you took on the action today of each person. These you will have to address as well. You have the departmental appeals and then you have this. Then everything hereafter is the supporting documentation for these items.

Again, as I mentioned earlier, I'll blow this up just so to put it in. The general fund is \$131 million, general and LED, public safety. All the other funds are \$116 million that you will approve. This is the budget that you adopt. While the focus is always on the general fund, you're also approving another \$116 million of expenditures. I'm happy to take any questions today. We're prepared. I just didn't want to send this in advance to confuse anybody today.

**Councilwoman Curry-Campbell:** May I speak?

**Nick:** Yes.

**Councilwoman Curry-Campbell:** Thank you so much. I know we took the ARPA off of the agenda for today. I guess, my concern is with this surplus. I mean, will we be using these dollars prior to the ARPA? Because some of the things that were in the email from Chris Cloud, I thought that there was already funding such as broadband. Why are we taking ARPA

funds for broadband? I know that was not on the agenda, but is that something that you can answer far as us using the funds versus using the ARPA funds?

**Nick:** All I can say is, yes. In my opinion, we definitely have funds that we could use that are lawfully could use to pay for broadband. The commissioners are going to say-- they may say, "No, we budgeted our LED economic development or [unintelligible 00:45:10] cap for these purposes." I have no authority from there on. I can just tell you that you can definitely spend certain funds that we already have in the coffers on broadband.

**Councilwoman Curry-Campbell:** Right. I mean, I'm not even sure where we are having a conversation with the commissioners about that. Didn't we hire Baker Tilly to do this? Is there an invoice in there?

**Nick:** Oh, yes, we've paid Baker Tilly, but I've not been involved in any of that. I have no clue. Baker Tilly's guidance was just to fall in line with what the ARPA regulations are from the fed or if they provided insight onto what you should spend your money on.

**Councilwoman Curry-Campbell:** Right. I mean, these funds are coming in. I don't know if anyone here is at the table with this conversation. Like I say, I know it's not on the agenda today.

**Nick:** I was just saying you'll get your chance when the commissioners come for that appropriation, they'll have to answer all those questions. I mean, they don't have to, but you'll get the vote accordingly, I guess in that regard.

**Councilwoman Curry-Campbell:** All right. I don't know if you were done with this or not.

**Nick:** I can take any questions you want. I would just--

**Councilwoman Curry-Campbell:** My question is about Lebrato, whether or not if he paid any money, how much he paid? How much he owe us? [crosstalk] I mean, that's my question.

**Nick:** Held back four chunks from his check to a tune of \$1,040.80.

**Councilwoman Curry-Campbell:** He owes us how much more?

**Nick:** It would be probably \$5,100 around there, I think, or \$5,200. We're doing it in 26 installments. That's what the garnishment or the repay back period was agreed to.

**Councilwoman Curry-Campbell:** Thank you.

**Councilman Lagemann:** Nick, one more question. I know that you and I have talked about this, but I would hope that I would ask respectfully that, or respectfully that we get a report maybe monthly on how much the county's being charged to sue nonprofits as they're being reclassified as for-profit entities by the assessor. If you can give us a regular report of how much those lawsuits are costing us monthly, that would be really helpful.

**Nick:** I can definitely pull the information, the delineation on what's related to suits versus what's just normal Property Tax Assessment Board of Appeals. We may have--

**Councilman Lagemann:** They're suing my Cub Scout troop or [crosstalk] soon my church. I just like to know about.

**Nick:** There's always entities that appeal their exemptions that we have an attorney, a law firm that helps us. The delineation of what's just part of the Property Tax Assessment Board of Appeals process compared to pushing further, say IBTR, any board of tax review, or anything down the road, we may have to get the assessors to put on there.

**Councilman Lagemann:** I guess I'm especially curious about the nonprofit 501C3 entities that our assessor is unilaterally reclassified as for-profit businesses. I just want to say that Promise Lutheran Church does not charge for the coffee. She doesn't come after us. I'd just like to know how much it's costing our county to sue our churches in this community.

**Councilman Harris:** We gave probably about 90 to 100 people an increase today. It would be interesting to see what that cost. Is that figured into your numbers already?

**Nick:** Yes.

**Councilman Harris:** You've already got all these increases today.

**Nick:** As an example, user services is on here. I know it's hard to see, but any additional needs they would have are in this figure. ACJC you won't see on here because they're working within the allocation they were given. Anything that's asked for today or next week, a 922 is in here.

**Councilman Harris:** Already.

**Nick:** Yes. When you go down to this next section and you see the auditors asking for an increase, the sheriff to the extent-- I'll blow this up so you guys can see it. One thing I was talked about today, Councilman Kerley mentioned it with the confinement officers hasn't been discussed, that personnel, due to the timing. We're asking departments to come next month with their '23 budgets. The next personnel committee meeting is 12/1.

It wouldn't make sense for them to wait until 12/1 to talk about something if they need it in their '23 budget. They have two things under here that need a new CRO or community resource officer from Monroeville. They're also looking to address the retention at the jail with a \$1,500 annual bonus. These are all things that are baked into the numbers. You guys will adopt or not adopt next month. They're in there, absent us forgetting something or leaving out.

**Councilman Harris:** Where are you going to run through the general numbers or No? All right. You're not.

**Nick:** Not. If you guys want me to, I definitely can today, do a very, very quick one. I don't care. I have as much time as you guys need.

**?Councilwoman Spurr:** Councilman Harris, I can break that up for you. I did all those calculations regarding-

**Councilman Harris:** For today.

**Councilwoman Curry-Campbell:** -exactly what you just said.

**Councilman Harris:** All right. I appreciate that.

**Nick:** I thought-- [crosstalk]

**Councilman Harris:** I did. I wanted to make sure they were in here, but we also want to understand what those numbers were that's there.

**?Councilman Spurr:** I can get that to you.

**Councilman Harris:** Okay, good. That's a surplus or it's not a surplus?

**Nick:** No, in general, next month, if you just looked at the annual operating revenue and expense, potentially 1,561, there will be a couple things I will continue to bump up. This was closer to 2,000, before. Because they're not as satisfied, you're going to be higher, gave us more revenue. Today, new sworn officer that'll add another 50,000 in revenue as an example. You have that 1,561 potential deficit. Then at the bottom here, I have estimated \$50 million cash balance that will be in the general fund that you could also use to help fund.

**Councilman Harris:** We need to cut or come up with another 1.5 million?

**Nick:** No, if you choose to use cash.

**Councilman Harris:** That's what I'm saying. It's automatic.

**Councilwoman Curry-Campbell:** It's a rainy day, we should be using--

**Nick:** That's not even using your rainy day fund. [crosstalk]

**Councilwoman Curry-Campbell:** No, I'm saying it is a rainy day. It is raining. We should be using this cash. That's all I'm saying. We keep acting as if we don't have it to use. Yes, I see a red number, but at this point, we need to take care of our employees. We need to take care of the county. When I say it's raining, I mean, literally, we have money. We need to be moving the money to do the things that we need to be successful. Thank you.

**Nick:** The only thing I would caution is, I agree we need to use the cash balance or give it back to taxpayers. It's just if it's always a rainy day and the cash balance is gone, you don't have anything for the umbrella. To fund operations from a cash balance, you need to be careful. We have \$50 million. I'm not trying to say, "Hey, I'm nervous. We have \$50 million."

**Councilman Harris:** We can't give it to-- [crosstalk]

**Councilwoman Curry-Campbell:** I'm not asking for all of the \$50 million.

**Nick:** I know.

**Councilwoman Curry-Campbell:** I'm asking you to move what you need, because we knew when we left here last month that that number was going to be read. We knew that. I think you as the great person that you are, can fix this. You have a week to do this.

**Chairman Kerley:** Actually it's us.

**Nick:** I wish I could.

[laughter]

**Chairman Kerley:** I just want to point out and I had trouble reading the number, but it looks like we asked departments that were consistently giving rollover back to give money back and it looks like that number was about \$2 million.

**Nick:** No. That they've given back?

**Chairman Kerley:** Or that they came in under.

**Nick:** No, the departments came in the 478,328. Then the overage, the ones that are appealing are 3,171,782. The net appeal, is this 2,693,454.

**Chairman Kerley:** Okay, got you. They gave up 400,000?

**Nick:** Yes.

**Councilman Harris:** Just make sure I'm clear that three for the appeal did not include what the sheriff or it does include the sheriff?

**Nick:** It does include it. The sheriff's \$1,500 bonus times-- we even used 145 confinement officers, the max which we know they never fill that. That's 217,000, that's in there. Yes, it's up, you'll see.

**Councilman Harris:** Okay, fine.

**Nick:** Sheriff is 1,156, but it includes no new this, the only thing it will include would be the community resource officer. It doesn't include any new confinement officers. It's just a bonus.

**Councilman Harris:** Thank you.

**Councilman Armstrong:** Can you give me some clarification? I was looking at the budget book last night and I know God love Roy Busker. When I come on to no wait with him, every single budget, he wanted to get rid of a stipend that goes to the judges for \$5,000. Explain that. [laughs]

**Nick:** I'll try. It was actually revisited by Councilman Tippmann when he was on here as well. There is a law that says you can't change the compensation of a judge, whether or not you interpreted the law to be during their term, meaning election cycle, or the fact that if they are in office for eight, 12 years. That's why action was never taken on it in fear of running afoul of that law by reducing their compensation.

What was potentially thought of is that when a judge transition happens, you could reduce the compensation of that judge transition. Then the domino effect of that would be, we give it to the judges, we give it to magistrate. We give \$4,000 to magistrates, \$5,000 to judges, an 80/20 relationship there. Then the prosecutor and the sheriff also receive a stipend that's in line with those.

It would be a domino effect when it would all be flushed out that 5,000 times, however many judges. 4,000 times however many magistrates. The prosecutor and the sheriff would all be without \$4,000 or \$5,000. That's why action was never taken for running afoul and nobody ever pushed it to put something into place that when a judge does-- and you can't commit a future counsel. You could adopt and the future counsel could change it. If it were legal, the action would have to be that it would be when a judge leaves office, the new judge coming in would not get that \$5,000 or \$4,000 county stipend.

**Councilwoman Curry-Campbell:** That would only happen in retirement?

**Nick:** I think, and that's what I'd have to verify. It's been Councilman-- I don't know one, Councilman Tim was like, council. I don't feel like six, seven years ago. [crosstalk]

**Chairman Kerley:** Can you refresh us on why this stipend exists in the first place?

**Nick:** No, I don't know. It's just been here since I've been here. I have to go back. [crosstalk]

**Councilman Armstrong:** Can you look into that or?

**Nick:** I can look as well. I'll make a note of it here.

**Councilman Harris:** Figure that out, but I think Roy's and rest his soul, I think his concern was that we see things sometimes in the judicial system that just is very frustrating and there's no way to stop it. That was one way to say, "Hey, listen, enough already." Another decade, we're here today, still paying.

**Councilman Lagemann:** Mr. Chairman, as we as we do those kinds of things, I want to really take a hard look at professional services contracts as we move into '23. I think we need to be clear about how we line item those out. We need to be very specific about those.

**Councilman Armstrong:** Like you said, and we've talked, what I don't like, you can go to the commissioners webpage, go to contracts and they used to report all the contracts. Now they don't report the contracts. They go to the DLGF. When you go to the DLGF, if we're looking at professional service contracts, me personally, I like to know what I'm getting for, for my money. It tells you nothing. It gives you the name of the contract with who you've set it with, and when it starts, when it ends, and what the bottom line dollar is. For what?

Is it for a vacation for the commissioner's office to Cancun, or is it legitimate contracts and what is it for? You get a hold of the DLGF and they don't even have it. Somewhere out there in the cloud, I guess they call it today, those contracts have to be somewhere. Paul and I have had this conversation. They need to be looked at.

**Nick:** As your secretary, I'm happy to request them if you don't want to do on your own, I'm more than happy to. I also want to make a quick comment, and I'm not advocating one way in contracts or judge's stipends or whatever maybe. Councils before you did make hard decisions that were not popular. As an example, would be the 3% perf that was pushed onto employees that used to be contributed by the county.

When the county transitioned off of the perf to a 401 (a) aspect in '14, it wasn't popular by those councils at the time or the commissioners. I will say as a financial person, we've reaped the rewards. Just the decision in '14 to move to perf, we probably say \$5 to \$6 million in a nine-year period now. The 3% perf, obviously a ton. It wasn't popular at the time, but we're

here now and it does benefit us in the operations today. I won't run for council. I don't want to be in your seat, but there is a positive side to some-

**Councilman Harris:** Making tough decisions.

**Councilman Armstrong:** -tough decisions.

**Nick:** At least history has shown that.

**Councilman Harris:** Amen.

**Councilwoman Curry-Campbell:** Thank you for the history lesson. Thank you.

**Councilman Armstrong:** Mr. Harris?

**Councilman Harris:** Kyle.

**Councilman 8:** Would you like to?

**Chairman Kerley:** I would like to. Yes. As a matter of fact, I'll move for the approval and to waive the second reading of any manner approved today for which it may be deemed necessary for the County Council meeting on September 15th, 2022.

**Councilman Harris:** Second.

**Chairman Kerley:** All those in favor.

**Councilmembers:** Aye.

**Chairman Kerley:** That is approved. The 2023 budget hearings will be held 8:30 AM, September 22nd, 2022. That is next week in the Council Discussion Room that is next door and Citizens Square. The next County Council regular meeting will be held at 8:30 AM, Thursday, October 20th, 2022, right here in the chambers room of Citizens Square. With that I will entertain a motion-

**Councilman Harris:** I'll make a motion we adjourn

**Chairman Kerley:** -to adjourn. We are adjourned.