

Transfer of Funds
Additional Appropriations
Amended Salary Ordinance/Area Plan Commission
Appointment to the Area Plan Commission
Governmental Consulting Services
Reuse Authority Audit
Settlement for Smith(Wake) APC

Vermillion County Council Meeting Agenda

Monday August 13, 2012

7:00 pm

Commissioners Courtroom, Courthouse, Newport, Indiana

Type of Meeting: Monthly Meeting

Invitees: Public Meeting

- I. Call to order. President Mike Carty called the meeting to order.
- II. Roll call. Present were Mike Carty, Brent Bush, Lavonna Mattick, Randy Dreher, Jim McLain, Mike Costello, Randy Padish, Attorney Don Darnell, Auditor Phyllis Orman, and Payroll Deputy Becky Julian.
- III. Approval of minutes from last meeting. Costello motion to allow, seconded by Padish. All were in favor.
- IV. Transfer of funds.

Health Department, PHPER Fund. 4 transfers for a total of \$3,850.00 Mary Crotty not present. Costello stated it was not tax dollars. Carty asked if anyone knew what the account were that she was transferring from and to. He said they need to put the names of the accounts on the paperwork. Costello said it's all staying in the PHPER fund, the money is there, she is just moving it around. He made a motion to allow all 4 transfers. Mattick seconded the motion. Orman said it is a grant. All were in favor except Carty. Motion passed 6-1. Carty asked that they at least take the time to write down what the accounts are and a little description especially if they are not going to be present.

Commissioners Court. \$7,100.00 from overtime to Official Records for payment of invoices for county handbook. Costello asked if the overtime account was the one they set up for use when someone retires and people take their days. He asked if there was another fund they could take it out of and asked how much money was in the account. Orman said \$91,150.00. Carty said this amount is over the original budgeted amount but stated that he thinks they will all be satisfied with the copy of the handbook. Dreher asked how much they originally spent on the handbook and he replied \$14,000.00. Julian said the remainder due to the company is for them to come and educate the elected officials and department heads on the new handbook. Dreher asked if it was complicated and Carty said he thought it was from the standpoint of that there is no point in doing it if you're not going to do what you're supposed to be doing. He said there are a lot of legal things that need explained and he feels it would be worthwhile for them and the elected officials to have the opportunity to have it explained to them. Carty said he is disappointed in the additional costs. Dreher said when they set up the original \$14,000 he thought that was the complete cost and was led to believe there would be no additional costs. Carty said that was the way it was presented to them. Costello asked where the additional \$7,100.00 is coming from. Julian said \$1,800 for the Sheriff and Highway handbooks, \$900.00 for the training of elected officials and \$1,260.00 for the consultant and 180.94 for travel. She said there is still an invoice unpaid in the amount of \$2914.69. The total being \$7055.63. Dreher so initially they never intended to come in and train us. Sheriff Spence said he worked on the handbook committee and it is a complicated situation and they wanted

to try and solve everything for all the elected officials and have a common goal. He said he knows it is costing a little bit more he feels it is very well worth it and the company has done an excellent job. Costello said he was sure that was the case but his thought was that they established that overtime money for a reason, that it is a unbudgeted liability and we can't keep taking money from this account. He asked if there was anywhere else they could take the money from. Carty said that was the easiest place to find it. He said they chip and sealed all the roads with money that wasn't spent from last year's budget and he is not sure what they will have this year but he is sure if someone took the time they could come up with \$7,100.00 that was not spent in an account but this happened to be the easiest place to look for the transfer. He said Costello's point was very well taken though, that the overtime account was set up for a specific purpose. He said he agreed with Spence that they will be satisfied with the end result. Carty said he is not satisfied that it is costing them 50% more. He said some things are their fault; there are things they did that could have been done differently. He said they spent several hours going line by line, they had at least 2 people working on it, we paid a lot in travel when we could of just as easily went over there. Things could have been done differently. Carty said when he recognized that the cost was over it was too late and he apologized for that. Costello said with this is there a guarantee that this is usable handbook and Carty said absolutely. He said if we have to go to court will it cover us. Carty said they will be going to court for not following it, that is what will happen. He said ultimately the handbook is going to very good but not if people try to get around the handbook and try to do it differently. He said it before, if they are not going to follow the handbook then why have on, they can just get sued on a whim. Costello said it is something we do need. Carty asked if there were any more questions or concerns. Orman said they can do some research before the end of the year and find money from other accounts to replace it if needed. McLain made a motion to allow, seconded by Bush. Costello and Dreher opposed. Motion passed 5-2.

General Fund Courthouse \$4,000.00 from Building and Structure to HVAC Maintenance. Costello asked why they don't use the capital projects money. Wilson said he would tell Craig to use it in the future. Dreher motion to allow, seconded by Padish. Costello asked when the units were put in and Wilson said he thought about 15 years ago.

V. Additional Appropriations

Highway. \$1,567.10 from selling scrap and 1,111.25 from insurance payments. Carty said it is money that has come in and just needs appropriated. Costello motion to allow, seconded by Mattick. All were in favor. Carty asked the Commissioners to use Cumulative Capital Development in the future for bigger projects.

Highway Capital Improvement \$32,445.96. (After the meeting it was noted that there was only \$21,055.10 to appropriate so the request sent to the state was for \$21,055.10). Paula Neild said this is cash they have accumulated that just needs appropriated. Carty asked where the money came from and Harry Crossley said Economic Development. Dreher motion to allow, seconded by Costello. All were in favor.

General Fund. \$5,000.00. Carty asked if Becky Holbert was present and she was not. He said he didn't understand, there were two \$2,500.00 requests and they looked exactly the same. Wilson said the Fair Board used to pay \$2,500.00 for the judges but they don't anymore. Costello asked if this was part of the money the council puts in the Commissioners budget and asked if it was coming out of the Extensions budget or general. Orman said it was being requested in the Commissioners Court general fund. Dreher made a motion to table until they could find out if the request was \$2,500.00 or \$5,000.00, seconded by McLain. All in favor.

Area Plan Commission \$5,025.00. Carty said the money they are requesting is not taxpayer's money; it is from the fee's they collect. Dreher asked how much cash the fund had and Orman said \$43,359.82. Carty said it was tabled from last month because he was wrong when he said it had been previously tabled, it was actually

denied therefore needed to be re-advertised for this meeting. Dreher made a motion to allow, seconded by Padish.

Cumulative Bridge. \$114,300.00 for the bridge on 1000 N. Costello motion to allow, seconded by Dreher. \$145,000.00 is needed for the Bridge #112 project. Orman said this amount will cover the remainder of 2012. Dreher motion to allow, seconded by Dreher.

Misdemeanant Fund \$3,000.00. Spence said this for the inmate that they had to move for safekeeping. He said the subject was sentenced and that this is the last of the money that will be owed for him. Costello made the motion to allow, seconded by Mattick. All were in favor.

VI. Open issues

- a) Area Plan/Amended Salary Ordinance. Carty said the APC met and were told that to be in compliance with the court order they had to put things back to the way they were before they made the changes in last year's budget. He said he thinks the amounts they put on the request are not necessarily the amounts the council has to approve. He said he thinks what they are trying to accomplish is to satisfy the judge's decision. The APC chose Penney Barton as the person who is going to run that office and they have agreed upon a salary for her and she is in agreement with that. He said they are going to have to pay her similar to what they did Jeff Davis. They will have to pay her out of the different funds of which the APC only has the authority to request a salary in fund 1000-0124. He said the APC needs to get that done in their meeting. Mattick said she thought they were only going to have one person in that office and Carty said they are she is just being paid out of different accounts like Davis was. He said Davis received pay out of the APC Executive Director line, which was called something else (zoning administrator) and they also paid him out of the commissioners Building Inspector account. Costello said there were 3 places where he was paid. Carty said that is basically what they are going to do, they are going to take the current salary and he recommends they go back and establish the line items that are in this salary ordinance, which are the line items they had prior to the changes. He said the amounts are the catch that they need to deal with. He said the salary has already been set, Barton expects to be paid and should be paid what she was told she was going to be paid for doing the job and the APC wants to do that. They indicated in their meeting minutes that she is the person doing the job so they need to allocate that salary that she is getting paid among these line items. Dreher asked if they were going to have a secretary in that office. Carty said his understanding is no so they don't need to appropriate anything for the secretary account. Costello asked if we had to go through all this or can the settlement just be...Carty said this has nothing to do with the settlement, we will get to that later. Carty said this is to satisfy the judge's order. We are satisfying the judge's order by accepting a new salary ordinance request by the APC. Carty said this is just like a budget hearing where they can change the amounts as needed. Costello asked what the total was of the request and Mattick said around \$36,000.00. Costello asked how much Barton was making right now. Barton said around \$31,660.00. Costello said they need to know exactly. Bush said the total on the Salary ordinance without the secretary position is \$32,666.00. Costello said so they need to disburse the \$32,666.00 between the 3 funds and to go heavy in general. Julian said Barton gets paid \$31,666.00 and the new salary ordinance adds up to \$32,666.00. Dreher asked if Barton was Secretary or the Executive director. Carty said she will be both. Carty said the APC has already, in their minutes, hired her as the Executive Director and secretary. The commissioners still have to hire her as the building inspector. Barton said they have done that for 2012 already. Costello asked if the new budget requests for 2013 have these positions as they should be. Barton said no. Costello said during hearings they can change that as needed. Carty said we need to reduce this new request by \$1,000. Costello made a motion to change #1 to \$14,633 and the secretary at 0. Carty said they couldn't do that they had to roll the secretary pay into the Executive Director. Costello said no, that would put that one line at \$26,333. Carty said he thought all the positions totaled \$32,666.00.

Costello said no they need to take out the secretary. Costello said for #2 they will leave alone at \$3,020.00 and the #3 they will leave the building inspector alone at \$14,013.00 and Secretary at 0. Carty said that will comply with the judge's order. Carty said they will have to do transfers or additional to move this money around at their next meeting. Costello said the current salary ordinance already has 0 for secretary so what are we changing. Carty said they just needed to put down what they were told to do. Nina Alexander said she thinks it is great what they are doing and she agrees with it but don't they need to advertise the salary ordinance. Carty said yes they will do that at their next meeting, they are just deciding what they need to do. Costello made a motion that they advertise the salary ordinance as discussed, and asked if they really needed action on that. Darnell said no, it just needs to be advertised for the next meeting.

- b) Appointment to the Area Plan Commission. Carty said they had advertised for this appointment and they received two applicants, Monte Kern and David Marietta. Carty said both are good people and would probably do a good job. Dreher made a motion to appoint Monte Kern. Carty said to keep in mind that this is another 3 year appointment. Carty said he would look the other way, with the problems they have had...Dreher said Kern didn't create those problems. Carty said he wasn't saying that he did. Dreher again said he makes the motion to appoint Monte Kern, seconded by McLain. All were in favor except Carty. Motion passed 6-1.
- c) other

VII. New business

- a) Governmental Consulting Services. Dan Eggerman was present to discuss the 2013 Budget Notes with the council. Costello said that using GCS is the best money they have ever spent. Carty said there will be an issue in the future with funding for the highway. Eggerman agreed and said the only place they will be able to get help from will be an increase in gas distributions or some changes in the law. Carty said or additional EDIT tax. Carty said all he wants to do is start the discussion of their options with the hope that they never start down that path. Orman said she did need Carty to sign the declaration of the county tax rate for fiscal year October 1, 2012 thru September 30, 2013. The current rate is .1% for CEDIT and will remain at .1%. Carty signed the form.
- b) Other. Carty said the Reuse Authority had a meeting to discuss their Audit. He said the only thing that concerned him that was not addressed was that they have received a lot of grants that the county is responsible for matching. He said the way they have been funding that match is with the EDIT dollars. He said his question is if the government accepted those matching dollars. He said they are doing well and believes the government will sign off on it but just wants to be sure. Costello asked how much they had in grants, \$1.5 million. Carty said more than that. He said their total assets are 37 million; federal matching grants were 3 million. Carty said he sent an email with his questions and is waiting for their reply. Dreher said since they use EDIT tax money shouldn't the Economic Development Board have some input on salaries and who they hire. Carty said they do with the Economic Development Council. Costello asked what the final cost of the sewer line was going to be, \$305,000.00 and not \$610,000.00? Carty said he doesn't know if they have a final number. He said it is his understanding they the county will pay half and that half will be included in their monthly payments. Dreher asked how they would figure the monthly sewer bill when water is running constantly at the jail. Dreher said if its tax dollars should it cost the county anything. Carty said he is not sure it is tax dollars. Dreher asked how much they take from the Economic Development for the Reuse Authority to match those grants. Carty said he doesn't have the budget with him. Dreher said its food for thought. He said they are dipping this county for money and we are funding it but we don't have any say. Carty said he is not qualified to respond. He said he doesn't see it as tax dollars, he said his understanding is they are going to fund it with the cost of the sewer usage. He asked Wilson or Spence how much it was costing to maintain the current sewer system. Wilson said every quarter they pay someone to pump it out. Spence said it gets expensive. Dreher asked Spence how much it was costing to run that water from the two faucets all the time. Spence said he understands what he is saying and they will have to make some

- kind of adjustment for that. Carty said maybe they have but that is something they need to find out. Carty again said he doesn't think it is tax dollars and it will be a transfer of what we are currently paying which is tax dollars. Dreher asked if Economic Development was not tax dollars. Carty said he is talking about the sewer. Dreher said he is talking in general, overall. Carty said Economic Development is spending what they have in their budget and applying it to the grants for a match. Carty said they are not spending any additional money. He said in the audit he does not see a confirmation that federal government accepted it. The auditor said they think that they did agree to it but it was not confirmed in writing. Carty said he does think there is an issue with the sewer as well. Dreher said he has been told they have nothing to do with it; it is a whole separate deal and they want us to provide security over there free of charge. He said if we are paying for sewers they should pay for the security. Wilson said they do not pay for the water right now. Dreher said but when it is all done they will pay for water and sewer. Carty said it would be good for the Reuse Authority to come and explain it at some point.
- c) APC Settlement. Carty asked Wilson if they were going to deal with the suggested settlement at all. Wilson said they are supposed to have something to look at tomorrow. Carty asked if Spurr had looked at it. Wilson asked if the council had sent it to them yet. Carty asked if they got the copy from Alexander and they said yes. Wilson said the council needs to say yes or no and send that decision to the commissioners, we meet in the morning and the deadline is Friday. Orman said she thinks they just want to know where to pay it out of. Wilson said yes and are they going to agree to it. Orman said it is not up to the council to agree to pay it; it is up to the commissioners. Dreher asked if Smith sent a letter stating she will not take any further action against the county. Barton said the judge ordered that the Council will decide the payment of Smith. Costello said no one has asked for an appropriation. Carty agreed, he said they dealt with part of it by dealing with the salary ordinance. He said Smith has agreed to x amount of dollars and this will all go away. He said the amount seems reasonable and said they can bicker and...it is possible that she could get more if a lawsuit was filed. Dreher said that the agreement states the county would be free at that point but it doesn't say individuals would be. Carty said the commissioners are going to sign it one way or another so are they satisfied with the agreement, have the attorneys reviewed it? He said the council will have to come up with the money at some point. He said it will not be voted on tonight because there is no request at this time but he feels that it is in their best interest to pay the amount requested. He said the settlement letter expires Friday so action has to be made by the Commissioners. Wilson said he needs the council to tell him where to pay it from. Costello said they need to present them with a request for the money. Costello thinks it needs to be paid from the Area Plan's Fund, where they paid Larry Thomas from. Dreher asked Darnell to attend the Commissioners meeting the morning and ask for a continuance. Carty said he can but the letter expires Friday so if there is going to be anything done...Orman asked that if they are willing to appropriate it if it is brought before them at their next meeting and the commissioners accept the agreement. Carty agrees but they can't do it until an additional appropriation is presented to them. Wilson asked who has to make the request and Costello said the APC because it is their fund. Carty said he would sign the contract. Orman asked if the agreement was clear enough that Smith won't pursue employment in the future and Darnell said yes and that it requires her to submit a letter of resignation.
- d) Adjournment. Mattick motion to adjourn, seconded by Bush.

Read in full and approved by the Vermillion County Council on the 10th day of September 2012.

Michael Carty

Randy Padish

Randy Dreher

Lavonna Mattick

Jim McLain

Michael Costello

William Brent Bush

VIII. Attest: _____
Phyllis Orman, Auditor