

Vermillion County Council Meeting Agenda/Minutes

Monday, January 12, 2015

6:30 p.m.

Commissioners Courtroom, Courthouse, Newport, Indiana

- I. **CALL TO ORDER:** The Vermillion County Council convened in a meeting at 6:30 p.m. on Monday January 12, 2015.
- II. **ROLL CALL:** Members present were President Michael Carty, Vice-President Jill Wesch, Michael Costello, Randy Dreher, James McLain, Milisa Carty, William Brent Bush, Auditor Phyllis Orman, First Deputy Amy Tolbert and Attorney Don Darnell.
- III. **COUNCIL BOARD APPOINTMENTS.** Costello made a motion to appoint Michael Carty as president, seconded by Bush. Dreher made a motion to appoint Costello as president, seconded by McLain. Costello refused the presidential appointment and closed the nominations. A vote was taken to appoint Michael Carty as president, all were in favor, motion carried. Dreher made a motion to appoint Costello as vice-president, seconded by Bush. Dreher moved to close nominations. A vote was taken to appoint Costello as vice-president, all were in favor, motion carried.
- IV. **MINUTES:** The meeting minutes from December 8, 2014 were approved on a motion made by Costello and seconded by Dreher. The motion carried unanimously.
- V. **COMP TIME:** Michael Carty acknowledged receipt of the comp time report. He said it has went down but another issue has come up and he would like to have a handbook committee meeting scheduled to go over some of the comp time issues. He thinks there is a misunderstanding of what overtime is. He said it is anything over 40 hours not 35. Dreher asked about the previous Commissioner, Russell Hall, who is now returned to the Highway Supervisor position. He asked if he was able to keep all his seniority and comp time. Orman said she believes he was paid all of his comp time when he left the Highway and became Commissioner. Wesch confirmed this by stating that the current comp time report shows his comp hours at zero.
- VI. **TRANSFER OF FUNDS:** None
- VII. **ADDITIONAL APPROPRIATION REQUESTS:** The Council considered additional appropriation requests as published. President Michael Carty reviewed the appropriations from the written requests submitted by Auditor Phyllis Orman. Thus, the following ordinance was adopted: WHEREAS: it has been determined it is now necessary to appropriate more money than was appropriated in the annual budget for 2015, BE IT ORDAINED, by the County Council of Vermillion County Indiana, for the expenses of said county government, the following additional sums of money are hereby appropriated and ordered set out of the funds herein specified, subject to the law governing the same:

Costello made a motion to allow, seconded by McLain. Motion carried. Milisa Carty abstained.

FUND/DEPT	AMOUNT REQUESTED	AMOUNT APPROVED
Clerk's Perpetuation Fund	\$4,315.00	\$4,315.00
1119-39999-000-274 Clerk's Perpetuation/Misc. Expenses		
Permission to spend the money for the 2015 Court Management System.		

Dreher made a motion to allow, seconded by Costello. Motion carried. Milisa Carty abstained.

FUND/DEPT	AMOUNT REQUESTED	AMOUNT APPROVED
HHS Grant	\$19,810.65	\$19,810.65
8118-33501-000-0000 HHS Grant/Repairs & Maintenance		
HAVA grant awarded by the State of Indiana. Monies must be used for updating the Clinton City 2 and Fairview 1 & 2 polling locations.		

- VIII. **OPEN ISSUES:**

- Newport Chemical Depot Reuse Authority. No one present.
- County Engineer. Milisa Carty said the meeting will be scheduled for some time near the end of March 2015.
- Highway 3 year plan/WCIEDD. Tabled until February's meeting.
- Public Defender Office & Secretary. The public defender board submitted the job description for an administrative assistant. Michael Carty said he is not opposed to the concept but he still has some questions and concerns about who will be the supervisor for this position. Board members Larry English and Ruth Hollingsworth stated that the board will be the supervisor. They will stop in periodically and make phone calls. If this person is not doing their job then they will know about it. Someone asked if any other counties of the same size had a secretary for their public defenders. English said yes but he did not have the names of those counties. Hollingsworth said Amber Harden has the information and she was out sick today. Michael Carty asked who Harden was and Hollingsworth explained that she works in the Judge's office and she is the one who works with the board and files the reports with the state. Hollingsworth said she does have the list of counties that have support staff for their public defenders. A copy of the list was given to each council member. Public defender Attorney Michael Stites stated that representing public defender clients is different than other clients, there are different challenges in setting up meetings and communicating with these clients. He said the Prosecutor and Judge's office receive a lot of calls and that creates a problem as there is a conflict of interest. He said most of the clients they see are citizens of Vermillion County. He said they need a place to meet with these clients and a place to store their files. He said he plans on having regular hours in this new office at least once a week. He said another challenge is communicating with the incarcerated. He said having a centralized office will help with that. Dreher said one issue is with the office space proposed, the small office on the 2nd floor. It was stated that when a public defender meets with his client the secretary will have to step out. There was some discussion and it was stated that that would not be the case. The secretary would have to practice confidentiality in each case. Newly appointed public defender Scott Skillman said he also supports the issue. He said having a secretary would help ease his transition into this position. He said the public defenders each have 20+ years of service and will know if the secretary is doing her job or not. He said the public defenders can be considered a supervisor as well. There will not be lack of supervision. Skillman said he too plans on committing at least one day a week to that office to take care of business. Costello asked if any other counties near Vermillion have plans to do something similar, such as Parke County. Stites said it is on Parke County's radar but nothing has been done yet. Costello asked if they had the number of calls the Prosecutor and Judge receive for the public defenders on a daily basis. Stites said he personally received 35 calls today. Costello said they wanted to know how many calls the Prosecutor's office receives in regards to public defendants. Prosecutor Bruce Aukerman invited them to come sit in his office and see how many calls come in. Costello asked why this is an issue that has just come about over the last two months. Aukerman said it has been an issue for at least the last 4 years. Michael Carty said the council is being asked to increase the budget but he is not sure that hiring a secretary will resolve the issues. He said this person would be in between the client and public defender. He said what happens if the issues don't get resolved. English said then the public defender board would step in. He said the secretary would be the contact person not the Prosecutor's office, the Judge's office or the attorney. Skillman said this person would be vital to the public defenders, not just a phone operator. He said it is a centralized resource that will streamline operations. Aukerman asked why the council needed a secretarial staff, stating they get help at their meetings. He said Economic Development has a secretary. He asked if they had to run the same gauntlet. Michael Carty said the Economic Development received staff to achieve a goal. He said the problem is public defenders were hired to do a job and now we are saying we need a secretary to do the job. He also stated that he is coming to grips with it but wants to make sure they are doing everything the right way. Someone stated that a \$63,000.00 salary is way out of line. English said they need to consider the 40% reimbursement they will get back from the state. Someone asked if the position could be part-time instead of full-time and Hollingsworth said no. They need a full-time person in that office. English said it is necessary, it is needed. Aukerman said in regards to the office space that having 15-20 defendants in the hallway on the 3rd floor is unacceptable. He said the attorneys are unable to confidential conversations with their clients. He said they should have a place to meet with their clients and the calls should not be coming into the Prosecutor or

Judge’s office. He said answering these calls takes away from his staff and he only has one. He added that Vermillion County leads the state on per Prosecutor child support cases. He said he has one person in his office and her time is full. He said the problem that they are discussing is being done but not by the right people. He said he has tried to articulate the need and if the council can’t see it then they need to move on. Dreher said he understand their point but that the issue they need to resolve before moving on is the space. English said the small office the commissioner’s gave them last year will do for now. Dreher asked what the “for now” means and said it would be better to find a more permanent location instead of moving around several times. He suggested speaking with the Extension office about possibly moving their offices to the Auditorium. Michael Carty said they need to start someplace and that someone needs to do the leg work to get the questions answered. He asked if the person would be exempt or non-exempt. Will be they be salaried or would there be the opportunity for overtime. Will they have direct supervision or not. He also asked if this person could be used to help alleviate the short fall in the Prosecutor’s office. Aukerman said no because it would be a conflict of interest. Hollingsworth stated that if they could just get started everything else would fall into place. Milisa Carty said her issue is having the office on the 2nd floor. She is afraid it will cause too much commotion for the other office on this floor. There was some discussion as to placing the office outside of the courthouse. Milisa Carty asked about relocating the child support office to the 2nd floor to free up that space of the public defenders. Michael Carty advised the public defenders board that they need to submit an official request for the money for the 2015 budget. The request they submitted last month was for 2014 monies. He then suggested a joint meeting with the Commissioners to discuss all the issues that have come up. After some discussion it was agreed to have a joint Council and Commissioners meeting on Tuesday January 27, 2015 at 9:00 a.m. Aukerman asked why they needed a meeting with the commissioners as they have already approved the office space. Michael Carty said he wanted to make sure they were aware of all the costs involved and to make sure they were still on board to move forward. Aukerman suggested having a space audit and Michael Carty said that would be a good idea.

IX. NEW BUSINESS:

- 2015 Amended Salary Ordinance. Changes to the wording only from Investigator to Chief Deputy at the Sheriff’s Department. Wesch made a motion to allow, seconded by Costello.
- 2015 Appointments.
 - 1) PTABOA Board-Patricia Richey (Costello motion, McLain second, all in favor)
 - 2) Council Attorney-Don Darnell (Costello motion, Dreher second, all in favor)
 - 3) Economic Development Council-Tom Frantz and Buddy White. (Costello motion, McLain second, all in favor)
 - 4) Alcohol Beverage Board-Cynthia Myers (Costello motion, Bush second, all were in favor)
 - 5) E911 Board-Milisa Carty (Bush motion, Dreher second, all were in favor)
 - 6) Solid Waste Management Board-Randy Dreher (McLain motion, Bush second, all were in favor)
 - 7) WCIEDD-Randy Dreher (Costello motion, Bush second, all were in favor)

AYE

NAY

Michael Carty, President

Michael Costello, Vice-President

Randy Dreher

James McLain

William Brent Bush

Jill Wesch

Milisa Carty

ADJOURNMENT: Having no further business to come before the Council, the motion to adjourn was made by Dreher, seconded Costello.

Michael Carty, President

ATTEST:

Phyllis Orman, Auditor