

**TIPPECANOE COUNTY COUNCIL MEETING
COUNTY OFFICE BUILDING – TIPPECANOE ROOM
TUESDAY, SEPTEMBER 27, 2022
8:30 A.M.**

Pledge of Allegiance

Approval of Meeting Minutes

Regular Meeting – September 13, 2022

Resolution 2022-35-CL ~ Support of Removal of the Fairfield Township Trustee

Unfinished/New Business

TIPPECANOE COUNTY COUNCIL

MEETING MINUTES

TUESDAY, September 13, 2022

8:30 a.m.

Tippecanoe Room, Tippecanoe County Office Building
20 N 3rd Street, Lafayette, Indiana

Councilmembers present: President Kevin Underwood, Vice President Kathy Vernon, Barry Richard, Ben Murray, John Basham, Lisa Dullum, and Jody Hamilton

Others present: Attorney Doug Masson, Auditor Robert A. Plantenga, and Recording Secretary Samantha Perez.

I. Call to Order and Pledge of Allegiance

President Underwood called the meeting to order and led the Pledge of Allegiance.

II. Auditor's Financial Report – Bob Plantenga

The 2022 financial statement shows a General Fund beginning cash balance of \$15,823,611. The projected miscellaneous revenue, property taxes and deductions for circuit breakers leaves the total funds available of \$68,694,807. When deducting encumbrances, the 2022 Budget and minimum balances established by Council the beginning net balance is \$3,990,029. For the month of September there is a total of \$67,913 in appropriations requested with the balance available for appropriations is \$3,900,269.

The Revenue Report shows very little activity for the month of August. The State/Local Public Safety (PD Commission) (fund 0291) is partly the Public Defender Commission and is made up of all state and local reimbursements from the state. The other revenues are coming in as anticipated for this time of year and 62% of the revenue for the year has been collected. The General Fund is at \$11.2 million for the month of August. The Misdemeanant (fund 1175) has a few appropriations for today and the \$96,000 has been received so that's where the appropriations for the Sheriff's Department and Community Corrections will come from. County Health Insurance (fund 4710) has received \$150,000 more in receipts than we paid out, so we are little under \$10 million in the Health Insurance fund balance.

III. Treasurer's Report – Jennifer Weston

The Account Balances and Interest Rates report was distributed and shows the total interest of \$339,318.95 for the month of August. The average interest rate is 2.58% which is the Fed Funds rate of 2.5% plus our 10 basis points at our primary bank. This is the highest the rates have been since 2018 and before that it had been 20 plus years. The projected interest total of \$945,000 is the new estimate and is very conservative. We are about 90% collected and is projected to come in higher.

IV. Public Comment on Agenda Items-

- None

V. Public Hearing Concerning Fairfield Township Trustee-

Doug Masson Tippecanoe County Attorney- summarized the Removal Statue and outlined the four-step process. The first step is the township passing a resolution, the second step is the County Commissioners passing a resolution, the third step is the County Council passing a resolution, and the final step is a court hearing. The first two steps have been completed. The Fairfield Township resolution alleged the Trustee refused or neglected to perform her official duties of the office and personal use of township funds. There will be no action taken today and the 10-day period will take place before a determination can be made. If a resolution moves forward, it will require the same basis as the Commissioners resolution and will require 5 votes from the Council out of the 7. Attorney

Masson continues with advising the people who are testifying to state their names and whether or not they are for or against the removal and to focus on the lack of duties performed and personal use of funds. He also adds that Council may ask questions.

President Underwood- asked Council if they understand the outline and procedures. Council agreed.

- **Monica Casanova 1007 N. 9th St. Lafayette IN 47905- Fairfield Township Board Member** - since being appointed to the board in February it has been a battle to receive documents and financial records. Credit card statements without itemized receipts are never accounted for. There have been no Executive Reports provided to the board and the budget has not been submitted to the State Board of Accounts since 2019 when Cole's took office. Routine questions about the township are dismissed by Cole's as she told the board these questions are out of their jurisdiction despite the board being the fiscal body of the township. Monica continues by stating any official request for documentation must be done through a public records request and the records can only be viewed at the township office while being monitored. The township credit card policy, which is also not being followed, states that it must be used for routine business only but due to Cole's personal spending, the high-cost charges, and late fees it shows the common disregard to the township. Attorney Masson asked about knowledge of filing or non-filing of the budget. Monica stated the budget can be seen on Gateway. Attorney Masson also asked about personal purchases and Monica replied all these transactions are shown on the credit card statements. Attorney Mason asked what she requested in her records request. Monica asked for cc statements, outgoing checks, bank statements, and itemized receipts and the only thing she has not seen to date is the itemized receipts. Monica also confirms she was not on the board at the time of the Rural King incident but has personally seen the receipts. Council member Basham asked if the townships bills are paid and up to date. Monica confirmed the charges are paid for as these are old charges but there are outstanding landscaping contracts.
- **Perry Schnarr 1305 Kensington Dr., Lafayette IN 47905- Current Fairfield Township Board President-** stated he joined the board in 2019 and noticed in July Cole's actions were questionable. Perry states Coles purchased a pickup truck for \$35,000 then purchased a trailer from Rural King and mentioned there was an attempted return of the trailer with credit to a personal credit card instead of the township credit card. The board is here to help and assist people and with Coles being in office helping the community is very difficult. Perry asked Coles for a list of lawyers with salaries and was told to fill out a public records request form, he followed Cole's request and never received his requested documents. Perry also states Coles went to Kankakee twice to purchase flowers totaling \$900. Attorney Masson asked Perry to elaborate on the budget not being filed. Perry stated the board submitted the 2019 budget and Cole's agreed to it. In 2020 the board did not agree with the budget Coles presented so she never filed the budget. Perry continues to explain that if a budget does not get filed then the previous year's budget would take effect. With the help of another county trustee the board submitted a revised budget which showed the zeroed out Rainy-Day fund and the lowered amount in the Cemetery fund to try and limit Cole's spending. Fairfield township also lost several thousand dollars in tax money due to not having the budget filled correctly the first time. Perry also states the township always gives the Lafayette fire department \$100,000 and Coles refused to continue this appropriation. Attorney Masson asked Perry to elaborate on Cole's personal spending. Perry stated all the credit card statements show the personal spending. He also mentions she spent \$150 on a bunny suit and purchased flowers from a friend who was having financial trouble. Attorney Masson asked about documents that have not been received. Perry stated he has not received unredacted receipts or the list of lawyers.

- **Trisha Fogelman 721 North St. Apt. 2 Lafayette IN 47901- Current Fairfield Township Resident and Former Fairfield Township Employee-** stated she was the previous office manager between October 2020- July 2021. There was never compensation for the Lafayette Fire department for their services over unincorporated areas. When a meeting took place with Chief Doyle, Coles stated she would provide the funds (\$100,000) in the fall and told Trisha at the end of the meeting that she “Wasn’t giving him a dime.” Trisha also states Coles only paid into Coles’ personal PERF retirement account and not the employees. Also, the purchases made with the township credit card for Coles’ reelection and for the Mosey booth were never used, and the booth sat empty. The tax-exempt card was also used for personal purchases and was offered to Trisha while shopping. In November Coles was in the office less and less and vacations went from a week to a month. Coles was only in the office on paydays to cut checks to employees and herself. By the end of May there were only two employees in the office and Coles was rarely there. Trisha also states Coles was lackadaisical with receipts by stuffing them in her wallet or in the truck’s center console. There was never a mileage or gas log kept and there was not inventory of supplies or décor purchased for the office. Trisha states she accompanied Coles on a shopping trip for the Shelter House but in the same transaction purchased a fox stole and a comforter for personal use. Gym equipment was also purchased but was stored at Coles house, the cemetery, and the bed of a truck. Trisha states the gym equipment totaled over \$5,000. As of July 2021, Trisha contacted the State Board of Accounts since the purchase did not follow the states purchasing procedures. The purchases are all stored haphazardly and in places they can not be inventoried like the cemetery buildings, the shelter house, and Coles’ office. As of January 2021, through July 2021 Coles had spent \$70,000 of the Rainy-Day fund. In July a check for \$5,627.97 was written to Mastercard and \$1,339.71 of it was from the Rainy-Day fund. Attorney Masson asks Trisha about money for personal meals. Trisha states Coles would purchase lunch for employees on social events. Attorney Masson also asked about lawn and garden supply purchases. Trisha witnessed lawn décor and seeds for personal use being purchased and on one specific Menard’s trip Coles left with four shopping carts. Trisha states Coles would tell store employees to grab every single item of what she was shopping for which showed her careless spending.

- **Ronald “Rocky” Hession 924 Holloway St. Lafayette IN 47905- Current Fairfield Township Board Secretary-** stated there was never a checks and balances for the office. For example, Coles had every employee’s username and password for their computers, and she could log in as any employee. Attorney Masson asked Rocky to elaborate on personal use of funds and neglect of duties. Rocky stated he received credit card statements from the Journal and Courier and bank statements from Monica but never received documentation from Coles herself. Rocky continues by explaining the Rural King incident. In February Coles purchased a trailer from Rural King using the township credit card. The location she was at did not have the trailer she wanted so she attempted to pick it up from the Monticello location but when she arrived, they were close to closing and could not confirm the transaction at the previous location. Eventually the trailer was purchased but then Coles arrived at Rural King again looking to return the trailer and wanted the refund back on a personal card not the township credit card that the purchase was originally made with. Rocky stated the township received an email from Rural King asking if this was a ligament purchase and how to handle the refund. Rocky stated a township lawyer went to Rural King personally and had the refund put back on the township credit card. Attorney Masson asked Rocky to speak about the filing of the budget. Rocky explained Coles wanted a salary increase, asking for about a 26% raise, and the township did not agree. The board agreed on a 1.9% increase. Since Coles did not file the following budget, her salary stayed the same. Rocky reported to the state board of accounts in July that the budget did not get filled. The board was allowed to do very little because Coles wanted to have control over all positions. Rocky shared that in Coles’ first year in office she spent \$96,000 from the Rainy-Day fund, the second year she spent a little over \$90,000 from the Rainy-Day fund, and the following year spent \$40,000 from the Rainy-Day fund. Rocky stated during this time these expenses totaled over a quarter of a million dollars that is gone from a fund that had 1.1 million to start with.

Rocky spoke with a rep from DLGF and asked what he could do about the budget and was denied information and asked if a resolution needed to be passed to be put on the list of people who could receive information. This resolution passed and the board received access. Due to the lack of filling the budget, the funds the township was unable to receive totaled \$117,000. Rocky continued with stating the board zeroed out the Rainy-Day fund to limit Coles' spending and left minimal funds available to Coles in the lawyer fund since Coles made it clear the lawyer was for her only and not for the board. Rocky also states Coles only attended 4 of the 14 required meetings. Coles could also not have "host" access to virtual meetings because she would terminate the meeting before it was over or if she was not hearing information she agreed with. Councilmember Basham asked where the check refund for the trailer was, and Rocky clarified it was refunded to the township credit card. Councilmember Dullum asked for a copy of the email Rocky submitted earlier in the week and Rocky provided her with a physical copy.

- **Brigid Hamilton 1419 S. 14th St. Lafayette IN 47905- Former Fairfield Township Employee-** started by stating she has three points to make, Coles' incompetence, absenteeism, and gaslighting. Due to the lack of training on software systems employees relied heavily on Coles to train them which she did not. Brigid would like Coles removed immediately due to a huge risk of misappropriation of funds. Brigid was the original person to hear about the Rural King incident. She explains she received the original call from Rural King's operations manager. Rural King called looking for the trustee who was not in the office so Rural King asked for the treasurer which the board does not have. The operations manager explained to Brigid, Coles came in on New Year's Eve to purchase the trailer and they did not have the one she wanted in stock, so she went to Monticello to purchase the trailer but by the time she arrived the store was closed. The operations manager states Coles came in and was demanding a refund from a trailer she never picked up and the transaction did not sound legitimate. Brigid asked the operations manager to email a copy of the receipt, when the receipt was received, she passed it along to the board to get involved which is how Perry, Rocky, and Monica continued the investigation. Brigid also explained the ad the trustees purchase to list finances and transactions publicly, the trustees swear and affirm these transactions are correct, the truck and one trailer were listed in the ad but the second trailer the township owned was not listed. Brigid reported the discrepancy and potential perjury to the State Board of Accounts, but an update is not currently available. Attorney Masson asked Brigid for her dates of employment and her title. Brigid responded with being employed from October 2019- March 2020 and she oversaw the social security program. Brigid ultimately left her position due to lack of training with handling funds. Since Brigid was leaving, she notified her clients in the social security program and all her clients opted to go with an Area four program and not continue to go through the township for their social security disbursement of funds. President Underwood asked if council had any questions. Council thanked Brigid and called for the next testimony.
- **Vicky Woeste- Former Fairfield Township Employee-** stated her and Brigid worked together in the township office. As a former employee Vicky helped residents apply for financial assistance through the township, another department Coles made very difficult to work in. Vicky shared a case of a women with two small children who had come in for rental assistance right before Christmas. Vicky did her investigation of the case, but the women was ultimately denied by Coles due to Coles stating she "knows there's a boyfriend in the picture". Vicky is currently a LUM volunteer and stated sending people to the trustee's office for assistance has been a waste of time for years. Attorney Masson asked if Vicky could speak on personal use of funds. Vicky replied with Coles bought every staff member a potted orchid for morale which was paid for by township funds. Vicky also did inventory of office supplies since Coles did not know what they had due to her lack of organization and leadership.
- **Marry Finnegan- Current Fairfield Township Resident-** stated she is not a member of the board or office but was here to speak as a resident and in support of removal of Coles. The overwhelming

need from the residents that are not receiving services is apparent. There are obligations that come with elected office that are not being done to bring the township into compliance with the state. At a hearing in July, Mary asked Coles' attorney if the receipts would be provided to the County Council for this meeting. It was not done. Mary stated that since Coles and her attorney are untrustworthy Coles should be removed. Mary added, there is also too much financially at risk, and the lack of duties not being carried out that removal should happen immediately instead of waiting for her term to end. Mary also mentioned during COVID when the most assistance was need Coles could not be found and was never in the office to assist.

President Underwood- asked Attorney Masson to outline the next steps

Attorney Masson- stated first the Council will need to decide if they want to pass a resolution.

Councilmember Dullum- asked if they decide to move forward with a resolution what the next steps would be

Attorney Masson- stated the next step after Council would be court. The Council's resolution would be filled with the court and the court would have to cite the official into court five days after that which would be held as a summary hearing within 20 days.

Councilmember Basham- asked if a vote would be taken today

Attorney Masson- stated a vote and resolution would have to wait 10 days and the council could hold a special meeting or wait till their October meeting

Councilmember Richard- stated he would like to hold a special meeting, so the process is not slowed down

Councilmember Murray- stated he agrees with holding a special meeting.

Councilmember Basham- stated he agrees with holding a special meeting.

Councilmember Dullum- asked if there is any guidance on how to weigh their decisions

Attorney Masson- said to follow what's in the statute and preponderance of the evidence or lack of regarding personal use of funds and lack of duties performed.

President Underwood- stated he heard preference of a special meeting and asked the commissioners assistant to help schedule a date after the 10-day time frame.

Attorney Masson- cautioned Council against holding the meeting on the 10th day since the courts may count the 10 days differently.

Vice President Vernon- offered the date of September 27th as an option.

President Underwood- stated Tuesday September 27th at 8:30 am is when Council will hold their special meeting.

Councilmember Murray- called for a 5-minute recess and the President agreed.

Meeting Resumed

VI. Resolution 2022-27-CL, Fixing 2023 County Surveyor Salary

- Councilmember Murray moved to approve Resolution 2022-27-CL, fixing the 2023 County Surveyor salary as presented, second by Councilmember Hamilton. Motion carried.

VII. Resolution 2022-28-CL, Fixing 2023 County Coroner Salary

- Councilmember Murray moved to approve Resolution 2022-28-CL, fixing the 2023 County Coroner salary as presented, second by Councilmember Hamilton. Motion carried.

VIII. Resolution 2022-29-CL, Establishing Salary Schedule for County Assessor with and without Level 3 Certification

- Councilmember Murray moved to approve Resolution 2022-29-CL, Establishing Salary Schedule for County Assessor with and without Level 3 Certification as presented, second by Councilmember Hamilton. Motion carried.

IX. Resolution 2022-30-CL, Confirming 2023 Funding of Community Intellectual Disability Center

- Councilmember Murray moved to approve Resolution 2022-30-CL, confirming 2023 Funding of Community Intellectual Disability Center as presented, second by Councilmember Hamilton. Motion carried.

X. Resolution 2022-31-CL, Confirming 2023 Funding of Community Mental Health Centers

- Councilmember Murray moved to approve Resolution 2022-31-CL, Funding of Community Mental Health Centers as presented, second by Councilmember Hamilton. Motion carried.

XI. Ordinance 2022-14-CL, Fixing the 2023 Salaries and Grids (2nd Reading)

- Councilmember Murray moved to approve Ordinance 2022-14-CL, fixing the 2023 Salaries and Grids on Second Reading as presented, second by Councilmember Hamilton. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Underwood	Ayes
Vernon	Ayes
Basham	Ayes
Dullum	Ayes
Hamilton	Ayes
Murray	Ayes
Richard	Ayes

Ordinance 2022-14-CL, as presented, passed unanimously on second reading.

XII. Ordinance 2022-15-CL, Approval of 2023 Tippecanoe County Appropriations and Tax Rates (2nd Reading)

- Councilmember Murray moved to approve Ordinance 2022-15-CL, Approval of 2023 Tippecanoe County Appropriations and Tax Rates on Second Reading as presented, second by Councilmember Hamilton. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Vernon	Ayes
Basham	Ayes
Dullum	Ayes
Hamilton	Ayes
Murray	Ayes
Richard	Ayes
Underwood	Ayes

Ordinance 2022-15-CL, as presented, passed unanimously on second reading.

XIII. Ordinance 2022-16-CL, Approval of 2023 TCSWMD Appropriations and Tax Rates (2nd Reading)

- Councilmember Murray moved to approve Ordinance 2022-16-CL, Approval of 2023 TCSWMD Appropriations and Tax Rates on Second Reading as presented, second by Councilmember Hamilton. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Basham	Ayes
Dullum	Ayes
Hamilton	Ayes
Murray	Ayes
Richard	Ayes
Underwood	Ayes
Vernon	Ayes

Ordinance 2022-16-CL, as presented, passed unanimously on second reading.

XIV. Ordinance 2022-17-CL, Approval 2023 Little Wea Conservancy District Appropriations and Tax Rates (2nd Reading)

- Councilmember Murray moved to approve Ordinance 2022-17-CL, Approval 2023 Little Wea Conservancy District Appropriations and Tax Rates on Second Reading as presented, second by Councilmember Hamilton. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Dullum	Ayes
Hamilton	Ayes
Murray	Ayes
Richard	Ayes
Underwood	Ayes
Vernon	Ayes
Basham	Ayes

Ordinance 2022-17-CL, as presented, passed unanimously on second reading.

XV. Ordinance 2022-18-CL, Approving Records Perpetuation (1189) 2023 Fund Use (2nd Reading)

- Councilmember Murray moved to approve Ordinance 2022-18-CL, Approving Records Perpetuation (1189) 2023 Fund Use on Second Reading as presented, second by Councilmember Hamilton. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Hamilton	Ayes
Murray	Ayes

Richard	Ayes
Underwood	Ayes
Vernon	Ayes
Basham	Ayes
Dullum	Ayes

Ordinance 2022-18-CL, as presented, passed unanimously on second reading.

XVI. Consent Agenda

A. Approval of Meeting Minutes from August 9, 2022

- Councilmember Murray moved to approve the consent agenda as presented, second by Councilmember Basham. Motion carried.

B. Public Defender – General Fund 1000

Transfer	\$ 40,000	Full Time Salaries
	\$ 4,400	Social Security
	\$ 4,400	PERF Retirement
	\$ 10,000	Benefit Eligible Part Time Salaries
	\$ 10,000	Part Time Salaries <i>to Other Professional Services</i>

C. Prosecutor – Law Enforcement Warrant Fund 4266

Transfer	\$ 25,000	Full Time Salaries <i>to Other Professional Services</i>
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D. Health – Health Donation Fund 4118

Transfer	\$ 1,825	Professional Services <i>to Operation Supplies</i>
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E. Health – STD Prevention Fund 8463 / FY22

Transfer	\$ 1,476	Part Time Salaries <i>to Medical Supplies</i>
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F. Health – HIV Prevention Fund 8482 / CF22

Transfer	\$ 1,500	Part Time Salaries <i>to Professional Services</i>
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G. WIC – WIC NSA Fund 8880 / FF22

Transfer	\$ 1,915	Utilities
	\$ 900	Rentals and Leases / Buildings & Property <i>from Health Insurance</i>

H. WIC – WIC PC Fund 8882 / FF22

Transfer	\$ 83	Part Time Salaries
	\$ 7	Social Security <i>to Utilities</i>

I. WIC – WIC NSA Fund 8880 / FF22

Transfer	\$ 1,500	Educational Materials
	\$ 809	Other Supplies <i>from Full Time Salaries</i>
	\$ 191	Other Supplies

		<i>from Social Security</i>
\$	5,000	Office Supplies
\$	2,600	Other Professional Services
\$	1,000	Communications
		<i>from Health Insurance</i>

J. WIC – WIC PC Fund 8882 / FF22

Transfer	\$	111	Part Time Salaries
	\$	9	Social Security <i>to Utilities</i>

K. Superior Court 3

Superior 3 NCJFCJ Grant Fund 8637 / FY22

Appropriation	\$	2,550	Travel and Training
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L. Prosecutor

APS Fund 9252 / SF23

Grant Appropriation

\$	240,832	Full Time Salaries
\$	17,500	Part Time Salaries
\$	19,954	Social Security
\$	26,974	PERF Retirement
\$	500	Office Supplies
\$	2,500	Gasoline and Oil
\$	1,500	Travel and Training
\$	6,600	Utilities
\$	1,500	Repairs & Maintenance / Vehicle & Equipment
\$	764	Office Supplies / Minor Equipment
\$	13,340	Institutional Care
\$	7,700	Rentals & Leases / Buildings & Property
\$	450	Life Insurance
\$	50,000	Health Insurance
\$	900	LTD Insurance
\$	391,014	<i>Total Requested</i>

M. Health

WCI/FIMR Fund 9168 / DH23

Grant Appropriation

\$	41,448	Full Time Salaries
\$	3,171	Social Security
\$	4,642	PERF Retirement
\$	12,040	Health Insurance
\$	155	LTD Insurance
\$	100	Life Insurance
\$	444	<u>Workers Compensation</u>
\$	62,000	<i>Total Requested</i>

XVII. Additional Appropriations:**A. Superior Court 6-**

Appropriation for Jury Trial Expenses-

1. General Fund 1000

Appropriation

\$	1,000	Jury Expense
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- Councilmember Dullum moved to approve the appropriation as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

B. Prosecutor – Patrick Harrington

Victims of Domestic Crime Grant- The Grant pays personnel and employee benefits- Victim Advocate Specialists and Consultant expenses.

1. Prosecutor ICJI VOCA Fund 8272 / FF23 & FF24		
Grant Appropriation	\$ 246,960	Full Time Salaries
	\$ 18,893	Social Security
	\$ 27,660	PERF Retirement
	\$ 71,590	Health Insurance
	\$ 171,630	<u>Counseling Consultations</u>
	\$ 536,733	<i>Total Requested</i>

- Councilmember Dullum moved to approve the grant appropriations as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

2. Salary Statement- 8272FF23	\$ 49,549	Victim Specialist- COMOT IV
	\$ 48,074	Victim Specialist- COMOT IV
	\$ 48,074	Victim Specialist- COMOT IV-50/50 split w/ GF
3. Salary Statement- 9252SF23	\$ 64,835	APS Program Director- PAT IV
	\$ 61,906	Investigator- Prosecutor- POLE IV
	\$ 58,757	APS Investigator- PAT III
	\$ 55,334	APS Investigator- PAT III

- Councilmember Dullum moved to approve the salary statements as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

C. Sheriff – Terry Ruley

1. Misdemeanant Fund 1175

Request to transfer half of the Misdemeanant payment for DOC-
Appropriation \$ 47,991 Other Supplies

- Councilmember Vernon moved to approve the appropriation as presented, second by Councilmember Murray.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

D. Community Corrections – Kelly Morehouse

1. Misdemeanant Fund 1175

FY2023 County Misdemeanant payment 50%-
Appropriation \$ 47,992 Other Professional Services

- Councilmember Murray moved to approve the appropriation as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.
- Auditor Bob Plantenga advised the two appropriations are .15 cents more then the revenue and it should be taken into consideration of being over. President Underwood advised to amend the amount to be within budget.
- Councilmember Murray moved to amend the appropriation amount to \$47,991, second by Councilmember Hamilton.
- Councilmember Hamilton moved to approve the appropriation as amended, second by Councilmember Murray.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

2. Gateway to Hope Fund 9178

Drug-Free Coalition award-

Appropriation	\$ 5,850	Health and Medical Professionals
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- Councilmember Murray moved to approve the appropriation as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments. Kelly stated there are normally two peer recovery coaches. After hearing Kelly, he called for the vote. Motion carried.

E. Coroner – Carrie Costello

For payments to Deputies for cases, calls and after hour services-

1. General Fund

Appropriation	\$ 25,000	Salaries / Other Wages
	\$ 1,913	Social Security
	\$ 40,000	<u>Autopsies</u>
	\$ 66.913	<i>Total Requested</i>

- Councilmember Vernon moved to approve the appropriation as presented, second by Councilmember Murray.
President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

F. Surveyor – Zachariah Beasley

1. IN American Water Grant Fund 9146 / CF22

American Water Charitable Foundation funding to continue the floating classroom on the Wabash River that allows our next generation to be equip with proper environmental education-

Grant Appropriation	\$ 10,000	Other Professional Services
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- Councilmember Basham moved to approve the appropriation as presented, second by Councilmember Richard.

President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

G. Health – Amy Erwin

1. Donation Fund 4118

One day Workshop on Food Insecurity for IDOH in partnership with the Purdue Extension-

Appropriation	\$	200	Institutional or Medical
	\$	2,775	Other Professional Services
	\$	<u>1,200</u>	<u>Office Supplies</u>
	\$	4,175	<i>Total Requested</i>

2. Gateway to Hope Fund 9178

Recovery Coach for Gateway to Hope

Grant Appropriation \$ 7,313 Health and Medical professionals

- Councilmember Murray moved to approve the appropriation as presented, second by Councilmember Hamilton.

President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

H. Auditor – Robert Plantenga

1. Rainy Day Fund 1186

BOT Lease payment, excess funds from payoff of the Jail were placed in this account. Additional amount also needed as DLGF reduced 2022 Tax Levy from Council request-

Appropriation \$ 461,454 Interfund Transfer / Transfer Out

- Councilmember Basham moved to approve the appropriation as presented, second by Councilmember Richard.

President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

XVIII. Resolution 2022-32-CL – Creating County Offender Transportation and State Share Interstate Compact Application Fee Funds

- Councilmember Murray moved to approve Resolution 2022-32-CL, creating County Offender Transportation and State Share Interstate Compact Application Fee Fund as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments.
- Auditor Plantenga stated the state is requiring this fund be created.
After hearing the auditor, he called for the vote. Motion carried.

XIX. Resolution 2022-34-CL- Approving Sheriff Commissary Fund Expenditures

- Councilmember Murray moved to approve Resolution 2022-34-CL, Approving Sheriff Commissary Fund Expenditures as presented, second by Councilmember Hamilton.
President Underwood asked if there were any additional questions or comments.
- Attorney Masson stated this is to add number 21 to the current resolution. Number 21 states commissary funds can be used for job related mental health services to employees of the sheriff's department.
- Councilmember Basham asked where the money comes from for this fund

- Terry Ruley stated this commissary revenue is generated by inmates purchasing food, snacks, and toiletries.
- Councilmember Dullum asked the difference between mental health services and job-related mental health services.
- Terry responded with the sheriff wanted confidentiality to be key during the payment process for mental health services regarding identifying who people are for payment, so commissary funds are being used to cover these charges due to the payment process being more discreet than the original claims process.
- After hearing everyone he called for the vote. Motion carried.

XX. Ordinance 2022-19-CL- Amending Sheriff’s Department Fee Schedule

- Councilmember Murray moved to approve Ordinance 2022-19-CL, Amending Sheriff’s Department Fee Schedule on as presented, second by Councilmember Hamilton. President Underwood asked if there were any additional questions or comments.
- Attorney Masson stated this ordinance is amending the admin fee which raises it to \$300 and SRI is raising its fees. Handgun permits are also being removed because we no longer have handgun permits
- Terry stated people still come in for handgun permits due to moving from state to state and he no longer collects these funds
- Attorney Masson advised this could be done in two readings today if the Council wishes.
- Hearing everyone he called for the vote. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Hamilton	Ayes
Murray	Ayes
Richard	Ayes
Underwood	Ayes
Vernon	Ayes
Basham	Ayes
Dullum	Ayes

Ordinance 2022-19-CL, as presented, passed unanimously on first reading.

- Councilmember Murray moved to suspend the rules and continue with second reading today, second by Councilmember Hamilton. President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.
- Councilmember Murray moved to approve the ordinance on second reading, second by Councilmember Hamilton. President Underwood asked if there were any additional questions or comments. Hearing none he called for the vote. Motion carried.

Auditor Bob Plantenga recorded the followed roll call vote:

Murray	Ayes
Richard	Ayes
Underwood	Ayes
Vernon	Ayes
Basham	Ayes
Dullum	Ayes
Hamilton	Ayes

Ordinance 2022-19-CL, as presented, passed unanimously on second and final reading.

XXI. Committee Reports-

- None

XXII. Other Business

- November 2022 Council Meeting will be held 11/15/2022

XXIII. Unfinished/New Business-

- None

XXIV. Commissioner FYI-

- None

XXV. Public Comment –

- President Underwood reminded everyone of the Council's Special Meeting on September 27th, 2022, at 8:30 am
- Council thanked Auditor Bob Plantenga for his work on the Budget Hearings due to this year being his last one.

XXVI. ADJOURNMENT

- Councilmember Hamilton moved to adjourn, second by Councilmember Murray and the President adjourned the meeting.

TIPPECANOE COUNTY COUNCIL

Kevin L. Underwood, President

Kathy Vernon, Vice President

Barry Richard

Ben Murray

Jody Hamilton

John R. Basham II

Lisa Dullum

ATTEST:

Robert A. Plantenga, Auditor

10/11/2022

Minutes prepared by Samantha Perez, Recording Secretary

RESOLUTION NO. 2022-35-CL
TIPPECANOE COUNTY COUNCIL
RESOLUTION IN SUPPORT OF REMOVAL
OF THE FAIRFIELD TOWNSHIP TRUSTEE

WHEREAS, on July 27, 2022, the Township Board of Fairfield Township in Tippecanoe County, Indiana adopted its Resolution 2022-04 (“Fairfield Resolution”) calling for the removal of Taletha Coles as the Fairfield Township Trustee under IC 5-8-1-35; and

WHEREAS, the Fairfield Resolution was filed with the Board of Commissioners of Tippecanoe County on July 29, 2022; and

WHEREAS, the Board of Commissioners of Tippecanoe County held a public hearing on the removal of the Fairfield Township Trustee on August 15, 2022; and

WHEREAS, on August 31, 2022, the Board of Commissioners adopted its Resolution 2022-33-CM in support of the Removal of the Fairfield Township Trustee.

WHEREAS, the County Council of Tippecanoe County, Indiana, held a public hearing on the removal of the Fairfield Township Trustee on September 13, 2022; and

WHEREAS, the County Council received testimony from the public, considered emails from concerned citizens, and reviewed the resolutions provided by the Fairfield Township Board and by the Tippecanoe County Board of Commissioners;

NOW THEREFORE BE IT RESOLVED pursuant to IC 36-6-4.5-5 that the County Council of Tippecanoe County hereby determines that Taletha Coles has committed violations within the meaning of IC 36-6-4.5-1 and should be removed as the Fairfield Trustee by operation of IC 5-8-1-35 for refusing or neglecting to perform the official duties pertaining to the office of trustee and for violating IC 36-6-4-17(b) prohibiting personal use of township funds without prior approval by the legislative body of the township; and in support of this determination the County Council hereby sets forth a summary of the underlying facts supporting its finding:

1. IC 5-8-1-35 (“the Removal Statute”) was initially adopted by the Indiana General Assembly as Section 35 of the “Impeachment Act of 1897.” In that form, it sanctioned removal of an official for charging or collecting illegal fees or refusing or neglecting to perform official duties.
2. The Removal Statute was codified as part of the Indiana Code as IC 5-8-1-35 and, in 1992, was amended to add as an additional ground for removal that of violating IC 36-6-4-17(b) which prohibits “personal use of township funds without prior approval by the legislative body of the township” subject to limited exceptions.
3. Taletha Coles took the office of Fairfield Township Trustee on January 1, 2019.

4. The Removal Statute, the prohibition on personal use of township funds, and the duties imposed on township trustees in the state of Indiana that Ms. Coles refused or neglected to perform were all in effect prior to January 1, 2019.
5. Effective July 1, 2022, the General Assembly adopted SEA 304-2022 (signed into law as P.L. 24-2022) which added a new method for initiating proceedings under the Removal Statute. Such proceedings may be initiated by a resolution of the Township Board followed by resolutions of the County Board of Commissioners and the County Council. The finding and statement of underlying basic facts supporting the finding must be identical in both the Commissioner and the Council resolutions.
6. On July 29, 2022, the Fairfield Township Board adopted the Fairfield Resolution, calling for the removal of Coles as Township Trustee citing her failure to manage township property interests, keep township records open for public inspection, receive and pay out township funds, and examine and settle all accounts and demands chargeable against the township. The findings in the Fairfield Resolution are hereby adopted by reference.
7. On August 31, 2022, the Board of Commissioners of Tippecanoe County adopted the Commissioner's Resolution, calling for the removal of Coles as Township Trustee citing evidence of personal use of township funds by the trustee and of refusing or neglecting to perform the duties of office. The Commissioner's findings and statement of underlying basic facts are hereby adopted by reference and as set forth below.
8. Credible testimony indicates that Ms. Coles has made personal use of township funds contrary to the requirements of IC 36-6-4-17(b), with such personal use alleged to include:
 - a. Purchase of a fox stole;
 - b. Purchase of a comforter for a family member;
 - c. Purchase of lawn and garden supplies for personal use;
 - d. Purchase of personal meals (unrelated to seminars or conferences under IC 36-6-4-17(b)(2)(B)), and
 - e. Purchase of spa treatment.This list is likely incomplete due to Ms. Coles' refusal or inability to provide detailed financial records to the Township Board and others. The credit card statements that were provided to the Township Board include charges to companies such as Gaia, Inc., Mindvalley LC, Clickbank, and Ultimate Mastery San Diego, the relationship of which to Township business is not readily apparent.
9. Credible testimony indicates that in early 2020, Rural King contacted a Township Board member about an attempt by Ms. Coles to have a purchase on the Township credit card refunded to a card that did not belong to the Township. Due to the inquiries made by Rural King and the store's policies, the attempt was ultimately unsuccessful.

10. Credible testimony indicates that Ms. Coles has refused or neglected to perform duties of the office, including:
- a. Failure to file the budget adopted by the township board with the Department of Local Government Finance as required under IC 6-1.1-17-5(d). Fairfield Township's budgets for 2021 and 2022 were not filed with the Department.
 - b. Failure to keep township records open for public inspection as required by IC 36-6-4-3(3). Numerous requests for financial records of the township were ignored, delayed, or provided in an incomplete fashion. The Fairfield Resolution describes a request from the Lafayette Journal and Courier that was not honored and led to litigation. It also describes a request from Board Member Rocky Hession for thirty-six months of credit card and checking and savings account statements from January 2019 to December 2021 of which only three months of credit card statements and one month of checking and savings accounts statements have been provided.
 - c. Failure to maintain the financial and appropriation record of the township with an itemized and accurate account of the township's financial affairs as required by IC 36-6-4-5. IC 36-6-4-6 specifies that, for each sum of money paid by the executive, the financial and appropriation record must show the date the sum was paid, to whom it was paid, from what account it was paid, and why it was paid. The trustee has failed or refused to provide the Township Board or those making public records request with proper accounts of the Township's finances which would allow the Board and the public to determine how the Township's money is being spent.
 - d. Failure to manage township property interests as required by IC 36-6-4-3(2). The Trustee has either withheld, destroyed, lost, or allowed Township financial records to be destroyed, any of which constitutes a failure to manage such property.

BE IT FURTHER RESOLVED by the Tippecanoe County Council that this resolution shall, pursuant to IC 36-6-4.5-8, be certified to the Tippecanoe County Board of Commissioners, the Fairfield Township Board, the Fairfield Township Trustee, and the Clerk of the Circuit Court of Tippecanoe County within ten (10) days of adoption.

Duly adopted this 27th day of September, 2022.

TIPPECANOE COUNTY COUNCIL

Kevin Underwood, President

Kathy Vernon, Vice-President

John R. Basham, II

Lisa Dullum

Jody Hamilton

Ben Murray

Barry Richard

ATTEST:

Robert Plantenga, Auditor of Tippecanoe County