

**TIPPECANOE COUNTY COUNCIL  
REGULAR MEETING  
FEBRUARY 10, 2004**

The Tippecanoe County Council held its Regular Meeting on Tuesday, February 10, 2004 at 2:05 P.M. in the Tippecanoe Room in the County Office Building. Council members present were: President Kathy Vernon, Vice President Ronald L. Fruitt, Connie Basham, David S. Byers Jeffrey A. Kemper, Jeffrey Kessler, and Betty J. Michael. Others present were: Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr.

President Vernon called the meeting to order and led the Pledge of Allegiance. She then called upon Councilmember Basham who read a prayer by George Washington.

**APPROVAL OF MINUTES**

- Councilmember Byers moved to approve the minutes of the December 16, 2003 Regular Meeting, seconded by Councilmember Michael; motion carried.
- Councilmember Fruitt moved to approve the minutes of the January 13, 2004 Special Meeting with the Mayors, seconded by Councilmember Basham; motion carried.
- Councilmember Basham moved to approve the minutes of the January 13, 2004 Regular Meeting, seconded by Councilmember Kemper; motion carried.

**FINANCIAL STATEMENT: Auditor Robert Plantenga**

Auditor Plantenga reported the 2004 uncommitted County General Funds through January 31, 2004 are \$1,796,238.59. He pointed out that revenue collections in January are usually lower because some departments, such as the Recorder, deposit their collections by December 31<sup>st</sup> of the prior year. He also noted the receipt of \$325,584 in Fund 329 for voting equipment reimbursement.

**INTEREST STATEMENT: Treasurer Oneta Tolle**

Mrs. Tolle distributed the Interest Report showing the average interest rate for December 2003 was 1.13%. The year to date total was 1.245%.

**SIA: Statement of Benefits (SB-1): Tom Easterday, General Counsel**

Mr. Easterday reported that 2004 is a transition year for SIA with the end of Isuzu production scheduled for July 23, 2004 and the resulting layoff of associates. They expect to recall approximately 150 associations when production of the new models of Legacy and Outback begin on February 27<sup>th</sup>. The investment of \$165 million listed on the SB-1 Form over the next two years for new machinery will be used for additional model changes to the Legacy and Outback, for producing a 4 cycle turbo engine in May 2004, and a plan to produce a seven (7) passenger vehicle in 2005. By 2007, they expect to produce 160,000 vehicles which should result in the recall of more associates.

Councilmember Kessler expressed his appreciation for the salaries (lowest wage is \$22.48/hr) and benefits paid by SIA and thinks they are doing what they can to retain jobs with the departure of Isuzu.

- Councilmember Kessler moved to approve the Statement of Benefits for SIA, seconded by Councilmember Michael; motion carried.

**ANCILLARY**

**ADDITIONAL APPROPRIATION: \$26,148.00**

15,000.00	Part-time
10,000.00	Translator/Contract Services
1,148.00	Social Security

Councilmember Kemper noted the 2004 Budget Hearing Minutes show the Overtime and Part-time line items were cut to \$0. Councilmember Michael supported the Translator/Contract Services request because the number of Spanish speaking cases is increasing.

- Councilmember Kemper moved to approve \$15,000 for Part-time, \$10,000 for Translator/Contract Services, and \$1,148 for Social Security, seconded by Councilmember Michael; motion carried with Councilmember Basham abstaining.

***PROSECUTOR: Jerry Bean***

**ADDITIONAL APPROPRIATION: \$93,743.00**

49,284.00	Deputy Prosecutor
3,771.00	Social Security
2,711.00	Retirement
6,484.00	Insurance
22,102.00	File Clerk
1,691.00	Social Security
1,216.00	Retirement
6,484.00	Insurance

Mr. Bean requested the reinstatement of the Deputy Prosecutor and File Clerk positions that were cut during the 2003 Budget Hearings. He said the average caseload of A, B, & C Felonies for Deputy Prosecutors is 140. Superior Court VI, with 320 pending jury trials, has 2 Deputy Prosecutors, Superior IV, with 300 pending jury trials, has 1 Deputy Prosecutor, and Superior V, with 2,700 misdemeanors and 600 felonies, has 2 Deputy Prosecutors. An additional Deputy Prosecutor floats among those courts as needed. Deputy Prosecutors are not paid Overtime but he said none work less than 40 hours per week for an average hourly rate of \$23.50. He compared that wage to the hourly rate of \$22.48 for SIA associates noted earlier by Councilmember Kessler. He currently has 18 Deputy Prosecutors on staff.

Mr. Bean pointed out that the Public Defender gets approximately 60% of the cases filed compared to 100% for the Prosecutor. In addition, local police agencies have added approximately 30 officers over the last 5 years compared to 2 Deputy Prosecutors over the same time period. The Deputy Prosecutors must process and evaluate the paperwork the police generate but the Public Defender attorneys do not.

Councilmember Michael asked if the Deputy Prosecutor could be paid from one of the Prosecutor's discretionary funds. Mr. Bean responded that the Diversion Fund is just now operating in the black and he estimated he will need approximately \$50,000 from that Fund for expert witnesses for upcoming trials. He said he anticipates no increase in the amount of money his department can generate because the fees were recently adjusted.

- Councilmember Fruitt moved to table the Prosecutor's request until the next meeting and asked the Commissioners and Auditor to review and compare the number of Deputy Prosecutors with similar sized counties, seconded by Councilmember Kessler; motion carried.

***BOARD OF ELECTION & REGISTRATION: Board President Bob Reiling***

**ADDITIONAL APPROPRIATION: \$3,050.00**

3,050.00	Travel & Training
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Mr. Reiling requested funding to pay expenses for the Co-Directors to attend training on the Diebold Voter Equipment in Dallas, Texas. One of the Co-Directors is new and has received no training on the system. The other Co-Director can benefit from training on changes made to the system since its installation. The appropriation will also pay expenses for attendance at their conferences held in June and December.

- Councilmember Michael moved to approve the appropriation, seconded by Councilmember Fruitt.

Councilmember Kessler inquired about the \$300 cost for car rental. Mr. Reiling responded that the training site is located north of Dallas and there is no other way to get there.

- The motion carried.

***PUBLIC DEFENDER: Part-time Public Defender Tom O'Brien*****ADDITIONAL APPROPRIATION: \$40,000.00**

40,000.00 Professional Services

Mr. O'Brien requested the \$40,000 appropriation for Professional Services because they have outstanding bills totaling \$26,000 and will need funds to pay experts for two large scheduled murder trials, and other trials that are pending. Auditor Plantenga reported that \$3,600 of the \$20,000 budgeted for 2004 has been spent. He also reported that \$20,000 was appropriated in the Public Defender User Fee Fund that has a current cash balance of \$7,000.

- Councilmember Michael's motion to appropriate \$40,000 died for lack of a second.
- Councilmember Byers moved to appropriate \$30,000 for Professional Services, seconded by Councilmember Kessler; motion carried.

**TRANSFER: \$193,448.00**

From:	001-6310-413-43-10	Contractual Services	193,448.00
To:	001-6310-411-12-10	Reg. Part-time	193,448.00

On January 13, 2004, the Council approved giving the contractual attorneys Regular Part-time status. This transfer will move the Contractual Services funds to Regular Part-time.

- Councilmember Fruitt moved to approve the transfer, seconded by Councilmember Kemper; motion carried.

***SUPERIOR COURT III & CIRCUIT COURT: Superior Court III Fiscal Officer Kathy Timberlake*****ADDITIONAL APPROPRIATION: \$45,000.00**

15,000.00	Contracts/Consultant (Cir. Ct.)
27,000.00	Contracts/Consultant (Sup. 3)
3,000.00	Contracts/Computer Programming (Quest)

Ms Timberlake requested appropriation of the grant funds from the Indiana Supreme Court for the Family Court Project announced by Judge Daniel at the January meeting. This is the first year of the two year grant that is divided between Superior Court III and Circuit Court.

- Councilmember Basham moved to approve the appropriation, seconded by Councilmember Michael; motion carried.

***AUDITOR: Robert Plantenga*****ADDITIONAL APPROPRIATION: \$5,383.00**

5,000.00	Part-time
383.00	Social Security

Auditor Plantenga requested the appropriation to pay a Part-time employee who is a CPA to work 10 to 20 hours per week. She will work on GASB34, Settlement, and other financial reports.

- Councilmember Michael moved to approve the appropriation, seconded by Councilmember Basham; motion carried.

***COMMISSIONERS: Parking Garage Fund 322: Commissioners' Assistant Jennifer Weston*****ADDITIONAL APPROPRIATION: \$7,200.00**

7,200.00	Contracts/Management
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Mrs. Weston requested the appropriation to fund a three (3) year contract extension with Denison Parking. After examination of the costs from both sides, she said the Commissioners feel that gradual increases of \$600 per month for 2004, \$700 per month for 2005, and \$800 per month for 2006 is most beneficial to the County and allow the continued building of funds for maintenance.

Councilmember Kessler questioned Denison's tactics of asking for an increase when they're in a down year and raising the amount for the two following years. Mrs. Weston responded that Denison asked for a one year increase of \$800 for the remainder of the contract. The Commissioners countered this request with the three year extension proposal.

- Councilmember Kessler moved to approve the appropriation, seconded by Councilmember Michael; motion carried.

***CLERK: Linda Phillips***

<b>SALARY ORDINANCE</b>	<b>Position</b>	<b>Rate</b>	<b>Salary</b>
Part-time	Deputy Clerk	7-11.50/hr	

Mrs. Phillips said this request will expand the high end of her Part-time salary so she can hire the two Part-time Deputies in the Board of Election and Registration during their down time. She said these people need to earn closer to full time salaries and, because the County has so much invested in their training, she thinks this is a win win situation for all concerned. They will be paid from Clerks Record Perpetuation Fund 160 because they will help collect child support fees.

- Councilmember Fruitt moved to approve the salary ordinance, seconded by Councilmember Michael; motion carried.

***RESOLUTION 2004-10-CL: Wabash National: Don Hurtt, Director of Taxes***

Resolution 2004-10-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. Hurtt said the County Council granted a 10 year tax abatement in 1994 to Wabash National for their facility located on CR 350S which was the former General Foods Plant. The Statement of Benefits (SB-1) indicated Wabash National planned to spend \$4.5 million on new machinery but he said they actually spent \$7.5 million. The Department of Local Government Finance (DLGF) notified Wabash National that abatements will be denied for 2001, 2002, and 2003 because their investment exceeded the stated amount on the Statement of Benefits. In Mr. Hurtt's opinion, it wasn't the Council's intent to limit the amount of investment.

Attorney Luhman reported he reviewed Resolution 94-10-CL and found no restriction on the amount of investment. He said Resolution 2004-10-CL confirms the 1994 County Council did not place a dollar limit on the amount of the assessed value of new manufacturing equipment eligible for abatement.

- Councilmember Kessler moved to approve Resolution 2004-10-CL, seconded by Councilmember Kemper; motion carried.

***RESOLUTION 2004-08-CL: Endorses Resolution 2004-06-CM, Cum Cap Capital Improvement Plan***

Resolution 2004-08-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Since the Commissioners have not yet approved Resolution 2004-06-CM, Attorney Luhman advised the Council of their option to wait until next month to take action.

- Councilmember Kessler moved to approve Resolution 2004-08-CL subject to the Commissioners' approval of Resolution 2004-06-CM, seconded by Councilmember Byers; motion carried.

***RESOLUTION 2004-09-CL: Endorses Resolution 2004-07-CM, EDIT Capital Improvement Plan***

Resolution 2004-09-CL will appear in its entirety in the Ordinance and Resolution Book in the county Auditor's Office.

Since the Commissioners have not yet approved Resolution 2004-07-CM, Attorney Luhman advised the Council of their option to wait until next month to take action. However, it was pointed out that the Water Quality Educator's salary is included in the Resolution.

- Councilmember Byers moved to approve Resolution 2004-07-CM subject to the Commissioners' approval of Resolution 2004-07-CM, seconded by Councilmember Michael; motion carried.

***PUBLIC HEARING: Tippecanoe County Public Library 2005 Capital Projects Fund Plan: Member Prella McBride and Director Jos Holman***

Mrs. McBride requested approval of the 2005 Capital Projects Fund Plan in the amount of \$186,000. They plan to spend \$132,000 to replace old furnaces with 6 HVAC Furnaces/Condensers and \$54,000 to start renovations to the basement to add shelving, office space and storage for the Friends of the Library.

***RESOLUTION 2004-12-CL: Approval of Library Capital Projects Plan***

Resolution 2004-12-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

- Councilmember Basham moved to approve Resolution 2004-12-CL, seconded by Councilmember Michael; motion carried.

***HEALTH***

**TRANSFER: \$300.00**

From:	001-9010-451-12-50	Board Members	300.00
To:	001-9010-452-25-05	Supplies - Food	300.00

Auditor Plantenga explained the Health Board President requested to have her salary transferred to purchase food and drink for seminars hosted by the Health Department.

- Councilmember Basham moved to approve the transfer, seconded by Councilmember Fruit; motion carried.

***OTHER BUSINESS***

**ORDINANCE 2004-06-CL: Establishing Rainy Day Fund**

Ordinance 2004-06-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman explained the Auditor was notified the County will receive supplemental distributions of COIT and EDIT Funds that, by Statute, must be deposited into a Rainy Day Fund. Since the County has no such fund, Ordinance 2004-06-CL will establish a Rainy Day Fund stating the fund's purpose, the sources of monies deposited in it, and the conditions under which the funds can be spent. He summarized the Ordinance:

- The Rainy Day Fund may receive transfers of unused and unencumbered funds in respect to funds raised by general or special tax levies, supplemental distributions of EDIT and COIT, and other sources.
- The Rainy Day Fund can be used if the County Council determines that sufficient funds are not otherwise available from EDIT, COIT, or the General Fund to provide funding for the proposed uses and purposes for which such additional appropriation is requested.
- Distributions to the Rainy Day Fund from COIT and EDIT shall be appropriated and used only in the same manner and for such uses and purposes as certified distributions from such sources may otherwise be expended.

Attorney Luhman suggested segregating the funds into Rainy Day COIT, Rainy Day EDIT, and Rainy Day General Fund. In future years, he said the Statute allows the Council to transfer to the Rainy Day Fund up to 10% of a particular year's fiscal budget by March 1 to meet a need if the Council determines other funds are not available from the General Fund.

- Councilmember Byers moved to approve Ordinance 2004-06-CL on first reading, seconded by Councilmember Basham.

Auditor Plantenga recorded the vote:

Kathy Vernon	Yes
Ron Fruitt	Yes
Connie Basham	Yes
Dave Byers	Yes
Jeff Kessler	Yes
Jeff Kemper	Yes
Betty Michael	Yes

- The motion to approve Ordinance 2004-06-CL passed 7 – 0 on first reading.
- Councilmember Byers moved to suspend the rules and allow a vote on second reading the same day presented, seconded by Councilmember Michael; motion carried.
- Councilmember Byers moved to approve Ordinance 2004-06-CL on second reading, seconded by Councilmember Basham; motion carried.

Auditor Plantenga recorded the vote:

Betty Michael	Yes
Jeff Kemper	Yes
Jeff Kessler	Yes
Dave Byers	Yes
Ron Fruitt	Yes
Connie Basham	Yes
Kathy Vernon	Yes

- The motion to approve Ordinance 2004-06-CL passed 7 – 0 on second reading.

#### COUNTY COUNCIL WORKING SESSION

President Vernon proposed reinstating the Working Session at 8:00 A.M. on Friday prior to the monthly Council meeting. She would like to hold the first one on March 5<sup>th</sup>.

Councilmember Byers said he will be unable to attend the Working Sessions due to his work schedule and thinks the it is a waste of time. President Vernon responded she hopes the Working Session will increase communication between the Council and department heads. President Kemper said he may not be able to attend due to his work schedule. Councilmember Fruitt announced he will be out-of-town on March 5<sup>th</sup>.

Following a show of hands, it was determined there would not be a quorum on March 5<sup>th</sup>. President Vernon tentatively scheduled a Working Session for Friday, April 9 at 8:00 A.M in the **Grand Prairie Room**.

#### ***FYI: Commissioner Ruth Shedd***

- The MITS staff worked diligently with the Courtview 2000 vendor after the system crashed to backup the files and get the system working. Staffs in the courts and Clerk's Office are working overtime to catch up on inputting data that accumulated during the down time.
- Noon Wednesday, February 11<sup>th</sup> is the kick-off of the sewer project for the Town of Stockwell.
- The Juvenile Justice Commission will meet February 17<sup>th</sup> to discuss paperwork received from Bobbie Huskey who is conducting the Feasibility Study.
- The luncheon for department heads will be held at Noon, Wednesday, February 18<sup>th</sup>.

#### ***PUBLIC COMMENT***

None.

#### ***ADJOURNMENT***

There being no further business, the meeting was adjourned.

TIPPECANOE COUNTY COUNCIL

Kathy Vernon  
Kathy Vernon, President

Ronald L. Fruitt  
Ronald L. Fruitt, Vice President

Connie Basham  
Connie Basham

Attest: Robert A. Plantenga  
Robert A. Plantenga, Auditor

David S. Byers  
David S. Byers

Jeffrey A. Kemper  
Jeffrey A. Kemper

Jeffrey Kessler  
Jeffrey Kessler

Betty J. Michael  
Betty J. Michael