

**TIPPECANOE COUNTY COUNCIL  
REGULAR MEETING  
DECEMBER 16, 2003**

The Tippecanoe County Council held its Regular Meeting at 2:00 P.M. on Tuesday, December 16, 2003 in the Tippecanoe Room in the County Office Building. Council members present were: President Connie Basham, Vice President Ronald L. Fruitt, 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. (Councilmember Kathy Vernon was absent.)

President Basham called the meeting to order and led the Pledge of Allegiance. She then called upon Jonathan McKinley, a senior at 1<sup>st</sup> Assembly Christian Academy, to offer a prayer.

**APPROVAL OF MINUTES**

- Councilmember Byers moved to approve the minutes of the November 13, 2003 Special Joint Meeting with the Commissioners as distributed, seconded by Councilmember Michael; motion carried.
- Councilmember Kemper moved to approve the minutes of the November 13, 2003 Regular Meeting as distributed, seconded by Councilmember Fruitt; motion carried.

**FINANCIAL STATEMENT: Auditor Robert Plantenga**

Auditor Plantenga reported the 2003 uncommitted County General Funds through November 30, 2003 are \$3,732.76.

He highlighted items of interest in the General Fund Revenue Report:

- Line 32-90, Reimbursements-State, incorrectly showed revenue of \$288,833.30 in last month's General Fund Report. That amount has been moved to line 32-40, IV-D Reimbursements.
- Line 33-40, Animal Warden Reimbursement, reflects the payment from the City of Lafayette for two Animal Wardens.
- Line 60-10 shows \$327,047.57 in actual reimbursements for Superior Court III. The estimate for 2003 was \$250,000.

In the Statement of Cash Receipts & Disbursements Report, EDIT Fund 301 shows our semi-annual payment of \$2.1 million received in.

Auditor Plantenga expects to see the credit for our withheld COIT Funds on our DOC Juvenile Detention statement we will receive in early 2004. He hopes our COIT and EDIT actual numbers from the State are higher than our estimates.

**INTEREST STATEMENT: Treasurer Oneta Tolle**

Mrs. Tolle distributed the Interest Report showing the average interest rate for October 2003 increased to 1.14%. Also attached was a report of daily deposits for November showing the types of tax payments as well as amounts.

**RESOLUTION 2003-38-CL: Acknowledges Interlocal Agreement with Lafayette and West Lafayette for Traffic Counters: Area Plan Executive Director Jim Hawley**

Resolution 2003-38-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Mr. Hawley explained we acquire traffic counters every 5 years. Area Plan purchase them for the County and Lafayette and West Lafayette using 80% Federal funds. The County's share will be \$1,630.53 or 1/15<sup>th</sup> of the total.

- Councilmember Fruitt moved to approve Resolution 2003-38-CL, seconded by Councilmember Michael; motion carried.

**CLERK: Linda Phillips**

**Clerk's Record Perpetuation Fund 160**

**ADDITIONAL APPROPRIATION: \$6,732.00**

2,600.00	Equipment
4,132.00	Software

Mrs. Phillips requested the appropriation to pay for additional copies of the document software and miscellaneous equipment.

- Councilmember Michael moved to approve the appropriation of \$6,732.00 in Fund 160, seconded by Councilmember Kessler; motion carried.

General Fund 001

**TRANSFER: \$1,500.00**

From:	001-5810-412-20-10	Office Supplies	1,500.00
To:	001-5810-414-62-90	Capital Equip	1,500.00

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

***PUBLIC DEFENDER***

**TRANSFERS: \$11,000.00**

From:	001-6310-413-43-10	Contractual Services	5,000.00
	001-6310-413-42-10	Professional Services	6,000.00
To:	001-6310-411-12-10	Part-time Reg.	10,000.00
	001-6310-411-12-20	Part-time Other	1,000.00

- Councilmember Michael moved to approve the transfers, seconded by Councilmember Kemper; motion carried.

***SUPERIOR COURT III***

**TRANSFERS: \$6,188.00**

From:	001-7203-411-17-10	Health Insurance	6,188.00
To:	001-7203-413-46-25	Translator	100.00
	001-7203-413-32-10	Travel & Training	750.00
	001-7203-413-42-30	Institutional Care	5,338.00

- Councilmember Kemper moved to approve the transfers, seconded by Councilmember Byers; motion carried.

***TREASURER***

**TRANSFERS: \$1,200.00**

From:	001-0210-413-43-55	Contracts/Hdw Maint	1,200.00
To:	001-0210-411-12-20	Part-time	1,105.00
	001-0210-411-15-10	Social Security	95.00

- Councilmember Kessler moved to approve the transfers, seconded by Councilmember Fruitt; motion carried.

***ANCILLARY***

**TRANSFERS: \$2,550.00**

From:	001-6010-411-12-20	Part-time	2,000.00
	001-6010-411-17-10	Health Insurance	400.00
	001-6010-411-17-20	Long Term Disability	150.00
To:	001-6010-413-46-50	Pauper Transcripts	2,550.00

- Councilmember Byers moved to approve the transfers, seconded by Councilmember Michael; motion carried.

***SHERIFF: 2004 Commissary Fund Expenditures: Sheriff William "Smokey" Anderson***

Sheriff Anderson requested approval of the list of 2004 expenditures from the Commissary Fund according to IC 36-8-10-21(8).

- Councilmember Kessler moved to approve 2004 Commissary Fund Expenditures as requested, seconded by Councilmember Fruitt; motion carried.

**TRANSFERS: \$29,500.00**

From:	001-5410-421-11-10	Full Time Employee	20,000.00
	001-5410-421-17-20	Long Term Disability	1,000.00

	001-5410-421-17-30	Life Insurance	400.00
	001-5410-421-15-10	Social Security	5,000.00
	001-5410-421-17-60	Flex	3,100.00
To:	001-5410-422-25-25	Medical	20,000.00
	001-5410-422-25-05	Food	4,500.00
	001-5410-422-25-80	Garage/Vehicles	5,000.00

- Councilmember Byers moved to approve the transfers, seconded by Councilmember Fruitt; motion carried.

***SUPERIOR COURT: Bailiff Kelly Davis***

<b><u>TRANSFER: \$9,000.00</u></b>			
From:	001-7101-413-46-20	Pauper Attorney	9,000.00
To:	001-7101-411-13-10	Overtime	6,000.00
	001-7101-411-12-20	Part-time	3,000.00

Councilmember Michael noted the Council approved an appropriation of \$17,000 for Pauper Attorney in November but now Ms Davis is requesting approval to transfer \$9,000 of those funds to Overtime and Part-time. She asked if the \$17,000 was really needed for Pauper Attorney. Ms Davis said it was but the Judge spoke to the attorneys and told them they will have to wait for their payment until 2004 so the court can meet its payroll. The transfer of \$6,000 will cover overtime cost until the end of the year.

Councilmember Byers asked Attorney Luhman if it is illegal to run line items into negative balances. Attorney Luhman said the department should request an additional appropriation if the balance is in danger of going into the negative because the Auditor is only supposed to pay claims that have monies appropriated for them. Councilmember Byers said, since the Council did not approve appropriations for the Overtime and Part-time line items in November, there should not have been any expenditures in those lines. He said he is opposed to approving the transfer requests today.

Councilmember Kemper asked Ms Davis if the comp time issue has been resolved between Judge Johnson and Human Resources Director Frank Cederquist. She indicated it has. Councilmember Byers said Mr. Cederquist just told him he has not talked to Judge Johnson regarding this issue.

President Basham explained to Ms Davis that the Council expected the Pauper Attorney bills to be paid since that was the explanation for the additional appropriation request in November.

Mr. Cederquist entered the meeting and reported he has had no discussion with Judge Johnson on the comp time issue in Superior Court. He said overtime can be paid by cash payment or compensatory time but there needs to be an agreement with the employee before the work is done regarding how the time will be compensated. He said accrued comp time over 480 hours must be compensated in cash.

- Councilmember Michael moved to take no action until further study can be made.

President Basham said she thinks the most appropriate action is for the court to pay the Pauper Attorney bills since that was the reason for requesting the appropriation in November.

Auditor Plantenga said the Payroll Clerk was told funds were in the process of being transferred so \$2,314 for Overtime and \$804 for Part-time were paid with no appropriation.

If this transfer is not approved, Attorney Luhman asked if any employees in Superior Court have worked overtime or part-time who will not be paid. Ms Davis answered there are. Attorney Luhman explained the Department of Labor doesn't distinguish between regular and overtime pay. The State law provision requires pay within 2 weeks of the regular pay period or risk exposure to liability and penalties. He said there is more exposure for not paying employees than not paying Pauper Attorneys who work under contract.

Ms Davis was unsure how many overtime and part-time hours were turned in on the court's payroll today. Attorney Luhman said the County is obligated to pay for the hours turned in today because they were worked.

Councilmember Byers said he thinks the department head is at fault and should be accountable to the Department of Labor.

Councilmember Kemper proposed that he and Councilmember Fruitt meet with Judge Johnson before the January meeting to ask the Judge to discuss his procedures as well as what the Council expects for 2004.

- Councilmember Michael's motion to take no action until further study is made died for lack of a second.
- Councilmember Kemper's motion to approve the transfers died for lack of a second.

President Basham asked Councilmembers Kemper and Fruitt, Mr. Cederquist, Auditor Plantenga, and Attorney Luhman to meet with Judge Johnson before the January Council meeting.

Councilmember Kessler said he received calls from jurors who said they were told by the Bailiff they wouldn't be paid for their service due to the lack of funds. Ms Davis said recent jurors were told they would not be paid until January 2004.

Councilmember Fruitt asked the procedure for a mandate. Attorney Luhman said the judge has to request an additional appropriation and, if not approved, he can issue a mandate order. If that is not followed, he can certify that fact to the Supreme Court. He said the Council has the obligation to provide the courts the funds they need to operate. The courts have the obligation to follow the procedures and make sure they have the appropriations before they spend the money.

Councilmember Byers asked how the exact same amount of overtime is being earned each pay period by a certain employee. Ms Davis responded because at that time the person can chose to start banking that back into the comp account instead of turning it all in because the money is limited.

Auditor Plantenga said he has to pay or the account will be in the negative. Attorney Luhman advised the Auditor not to pay without an appropriation.

President Basham said the Council is not picking on Superior court, but there are common practices the Council has to follow.

**VILLA**

<b><u>TRANSFER: \$400.00</u></b>			
From:	001-3510-413-43-50	Contracts	400.00
To:	001-3510-412-20-60	Operating	400.00

- Councilmember Byers moved to approve the transfer, seconded by Councilmember Michael; motion carried.

***EMERGENCY MANAGEMENT: Director Steve Wettschurack***

<b><u>TRANSFER: \$1,130.00</u></b>			
From:	001-5210-423-37-20	Telephone	450.00
	001-5210-423-37-90	Utilities	530.00
	001-5210-413-30-70	R & M Radio	150.00
To:	001-5210-422-22-10	Garage	1,130.00

Mr. Wettschurack announced the County received the annual reimbursement of \$67,015.49 for TEMA full time employees from State Emergency Management Agency. The County also received a Homeland Security Grant in the amount of \$377,779 for equipment for all emergency services in the County.

**AREA PLAN**

<b><u>TRANSFER: \$1,058.00</u></b>			
From:	001-2510-412-20-45	Computer Supplies	225.00
	001-2510-412-43-50	Maintenance Contracts	702.00
	001-2510-412-25-40	Signage	131.00
To:	001-2510-413-30-05	Dues & Subscriptions	1,058.00

Auditor Plantenga announced Area Plan requested a reduction to \$70.00 in the transfer amount from Computer Supplies.

- Councilmember Kessler moved to transfer \$70.00 from Computer Supplies, \$702.00 from Maintenance Contracts, and \$131.00 from Signage for a total of \$903.00 to Dues & Subscriptions, seconded by Councilmember Michael; motion carried.

**HEALTH****TRANSFER: \$2,500.00**

From:	001-9010-451-11-10	Full Time Employee	2,500.00
To:	001-9010-453-32-10	Travel & Training	2,500.00

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

**CIRCUIT COURT****TRANSFER: \$1,182.00**

From:	001-7010-411-12-20	Part-time - Other	1,182.00
To:	001-7010-413-46-20	Pauper Attorney	650.00
	001-7010-413-46-25	Translator	100.00
	001-7010-413-46-55	Law Books	432.00

- Councilmember Kemper moved to approve the transfers, seconded by Councilmember Kessler; motion carried.

**COURT SERVICES****Substance Abuse/Mental Health Fund 575**

<b>SALARY ORDINANCE</b>	<b>Position</b>	<b>Rate</b>	<b>Salary</b>
Fulltime (2004)	Drug Court Coordinator	1,415.29	33,967.00
	Evaluator	13@ 1,415.29	
		11@ 1,494.00	16,434.00

**Violence in the Community Fund 576**

<b>SALARY ORDINANCE</b>	<b>Position</b>	<b>Rate</b>	<b>Salary</b>
Fulltime (2004)	Intake Specialist	10@ 1,023.00	
		14@ 1,083.07	25,393.00

Additional appropriations for 2004 will be considered for these positions at the January 2004 Council Meeting.

- Councilmember Kemper moved to approve the salary ordinances for the Drug Court Coordinator and Evaluator in Fund 575, seconded by Councilmember Michael; motion carried with Councilmember Kessler abstaining.
- Councilmember Michael moved to approve the salary ordinance for the Intake Specialist in Fund 576, seconded by Councilmember Kemper; motion carried with Councilmember Kessler abstaining.

**AUDITOR****TRANSFER: \$100.00**

From:	001-0110-411-17-10	Health Insurance	100.00
To:	001-0110-412-20-20	Printed Forms	100.00

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

**CARY HOME: Director Rebecca Humphrey****TRANSFER: \$6,000.00**

From:	001-3610-411-11-10	Full Time Employee	6,000.00
To:	001-3610-413-36-10	Mach & Eqp/Rep & Maint	6,000.00

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

Ms Humphrey reported revenue totaling \$702,000 as of the end of November and anticipates that amount to increase to \$800,000 by the end of the year. Her projected 2004 revenue amount of \$500,000 was increased to \$600,000 at Budget time. She believes intensified marketing and increased collaboration in the community are two reasons for the jump in revenue.

Ms Humphrey credited the 1 to 4 ratio of staff to residents for the lack of need to physically restrain residents since June 2002. They have also seen a 50% annual decrease in runaways.

Ms Humphrey reported she worked with Kathy Timberlake, Superior Court III, and Pam Biggs-Reed, CFRC, on an application for a grant on behalf of the Coalition for a Safe and Drug Free Tippecanoe County. They were notified that Tippecanoe County is one of four in the State to receive a \$100,000 grant.

#### Fiscal Responsibility Award

President Basham announced to Ms Humphrey that she is the newest recipient of the County Council's Fiscal Responsibility Award, and the Council applauds her for her hard work at Cary Home. Ms Humphrey's name will be added to the plaque that hangs in the hallway in TCOB outside the Commissioners' Office.

#### *APPOINTMENT: Tippecanoe County Public Library Board*

President Basham announced Jerome L. Withered agreed to serve as the County Council's appointment to the County Library Board of Trustees for a 4 year term from January 1, 2004 through December 31, 2007. Mr. Withered will replace Dan Taylor who resigned as the Council's appointee on September 30, 2003.

#### *CASA: Director Coleen Hamrick*

##### TRANSFER: \$11,894.00

From:	001-7310-413-46-20	Pauper Counsel	11,894.00
To:	001-7310-414-62-25	Capital - DP Equip	11,894.00

Mrs. Hamrick requested the transfer to purchase a copier/printer to replace equipment that can no longer be repaired.

- No action was taken on this request when it was noted this is a capital item that can be paid from the Commissioners' Cum Cap Fund Budget after the first of the year.

<u>SALARY ORDINANCE</u>	<u>Position</u>	<u>Rate</u>	<u>Salary</u>
Reg. Part-time	Office Manager	10.71/hr	

Mrs. Hamrick requested approval of this salary ordinance to reclassify the Office Manager from Part-time - Other to Part-time Regular with Health Insurance.

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

#### *OTHER BUSINESS*

##### Next Meeting

On Tuesday, January 13, 2004, the County Council will hold a Special Meeting with Mayors Roswarski and Mills at 12:30 P.M. followed by the Regular meeting at 2:00 P.M.

##### Public Defender Committee Report

As a member of the committee, Councilmember Kemper reported he met with Pat Harrington, Kent Moore, and Judge Johnson to discuss requirements to qualify for State Public Defender Reimbursement Program funds. The committee met the December 11, 2003 deadline for presenting a Comprehensive Plan to the Public Defender Commission to be eligible for reimbursement. If five Public Defender positions are added in January 2004 and funded by March 31, 2004, he thinks the County could expect to receive some reimbursement of funds by at least the 3<sup>rd</sup> quarter of 2004. Councilmember Kemper said Public Defender Amy Hutchison thinks the County will need to pay the attorneys a minimum annual salary of \$32,000 plus Health Insurance. He said Mr. Harrington reported that Howard County pays their attorneys \$37,500.

President Basham asked Councilmember Kemper to provide a report of the impact these additional positions will have on the 2004 Budget by the January meeting.

**RESOLUTION 2003-40-CL: Authorizing Employer Participation in Pick-up of Additional Employee PERF Contributions**

Resolution 2003-40-CL will appear in its entirety in the Ordinance and Resolution Book in the County Auditor's Office.

Attorney Luhman explained the Resolution authorizes the employee to make additional voluntary payroll deductions to PERF and authorizes the County to pay those deductions to PERF.

- Councilmember Byers moved to approve Resolution 2003-40-CL, seconded by Councilmember Kessler; motion carried.

**2004 COUNCIL MEETING DAY AND TIME**

By consensus, the County Council will meet at 2:00 P.M. on the second Tuesday of each month in 2004..

**FYI: Commissioner KD Benson**

- The Department Heads viewed the Fish video during their monthly luncheon last week.
- Building Permits is bringing in more revenue than their annual budget.
- Approximately 200 students attended GIS Day to learn about geography and what GIS can do for them.
- A Roast for retiring Area Plan Executive Director Jim Hawley was held last week.
- The Health Department will hold a Bioterrorism Drill on January 14, 2003 at the Fairgrounds.

Commissioner Benson thanked the Council for giving the Commissioners time each month on their agenda.


**PUBLIC COMMENT**

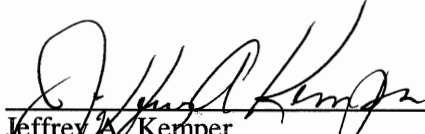
None.

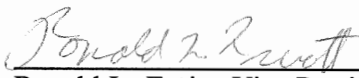
**ADJOURNMENT**

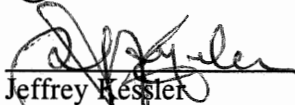
There being no further business, President Basham adjourned the meeting.

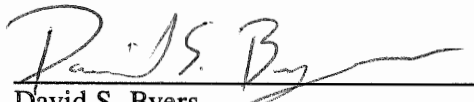
**TIPPECANOE COUNTY COUNCIL**

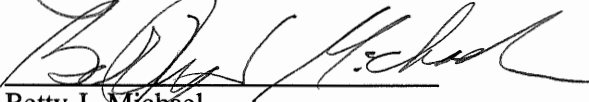
  
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Connie Basham, President

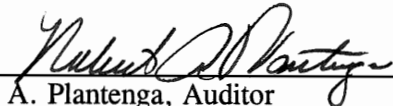
  
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Jeffrey A. Kemper

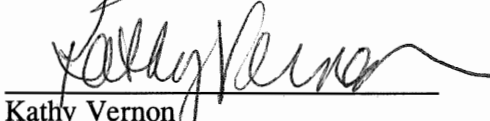
  
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Ronald L. Fruitt, Vice President

  
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Jeffrey Kessler

  
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David S. Byers

  
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Betty J. Michael

Attest:   
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Robert A. Plantenga, Auditor

  
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Kathy Vernon