

**TIPPECANOE COUNTY COUNCIL  
AGENDA REVIEW  
REGULAR MEETING  
MARCH 11, 2003**

The Tippecanoe County Council held its Agenda Review on Tuesday, March 11, 2003 at 1:10 P.M. and its Regular Meeting at 2:05 P.M. 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 Kessler, Betty J. Michael, and Kathy Vernon; Auditor Robert A. Plantenga, Attorney David W. Luhman, and Secretary Pauline E. Rohr.

**AGENDA REVIEW**

Compliance with Statement of Benefits: Elmsteel

There was general confusion regarding the numbers provided on the CF-1 Form. President Basham expressed concern regarding the number of estimated additional employees (16) compared to actual (8) and the associated salaries.

Auditor's Financial Statement

Auditor Plantenga announced he received a tentative approval of the 2003 Budget from the Department of Local Government Finance.

Superior Court III

Auditor Plantenga explained the request for \$1,111,149 is to pay DOC bills for Institutional Care incurred prior to July 1, 2002. The \$235,000 of COIT withheld by the State does not appear as paid toward the debt. He said it will take \$1.45 million to bring Institutional Care to current status.

Councilmember Kessler asked what will happen if the Judge spends beyond her budget. Attorney Luhman responded the County is obligated to pay the bills.

Auditor Plantenga said the County paid \$490,000 toward 2001 charges of \$470,000 but has not been able to pay \$100,000 annually toward the debt as planned because it was eaten up by increased per diem rates.

Courts' Overtime Requests

Councilmember Byers asked if the courts are following correct procedures for paying overtime. Human Resources Director Frank Cederquist responded that overtime has to approved by the department head. If the judge has approved working outside normal hours for an employee, he has to compensate the employee by paying overtime or giving comp time.

Area Plan

In Councilmember Kessler's opinion, the Council cannot approve Area Plan's request to increase salaries for the Assistant Directors due to the County's current debt load.

Prosecutor

Councilmember Kessler stated this is not the time to add employees in the Prosecutor's Office.

With time remaining in Agenda Review, the Council considered the Transfer requests.

**CLERK: Linda Phillips**

<b><u>TRANSFER: \$5,800.00</u></b>			
From:	001-5810-412-20-20	Printed Forms	5,800.00
To:	001-5810-413-42-50	Banking Services	5,800.00

Mrs. Phillips explained that Banking Services are fees the County pays to Lafayette Bank & Trust for providing a checking account for Child Support. The County can get partial reimbursement for the Federal Child Support Program if the fees, approximately \$8,000

annually, are paid from the General Fund. The fees were previously paid from a non-General Fund account.

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

***COMMISSIONERS/Cum Cap Fund: Commissioners' Assistant Jennifer Weston***

<b><u>TRANSFER: \$216,889.00</u></b>			
From:	010-1410-414-62-45	Equip/Office	28,000.00
To:	010-1410-413-30-60	Operating/Software	10,000.00
	010-1410-413-36070	Tele Equip Maint	18,000.00
From:	010-1410-414-62-90	Equip/Misc	188,889.00
To:	010-1110-413-44-70	Cap Funding/Election	188,889.00
		Equip Loan	

Mrs. Weston withdrew the transfer request of \$18,000 for Telephone Equipment Maintenance. After checking the account balance, Auditor Plantenga thought a transfer of only \$188,470 was possible from Equipment/Misc to Election Equipment Loan.

- Councilmember Kessler moved to approve the transfer of \$10,000 to Operating/Software and \$188,470 to Election Equipment Loan, seconded by Councilmember Fruitt; motion carried.

***COMMISSIONERS/EDIT Fund: Commissioners' Assistant Jennifer Weston***

<b><u>TRANSFER: \$420,000.00</u></b>			
From:	301-1110-414-62-27	Equip/Hardware	20,000.00
To:	301-1110-413-42-10	Admin/Other Prof	20,000.00
From:	301-1110-414-74-80	Land/Econ Dev	150,000.00
To:	301-1110-413-58-99	Agency Support/Econ Dev	150,000.00
From:	301-1110-414-61-70	Bldgs/Det Fac	250,000.00
To:	301-1110-413-42-10	Admin/Other Prof	250,000.00

Mrs. Weston withdrew the transfer request of \$20,000 from Equipment/Hardware to Admin/Other Prof and reduced the transfer amount from Land/Econ Dev to Agency Support/Econ Dev to \$142,500.

- Councilmember Kessler moved to approve the transfer of \$142,500 from Land/Econ Dev to Agency Support/Econ Dev and \$250,000 from Bldgs/Det Fac to Admin/Other Prof, seconded by Councilmember Michael; motion carried.

**Humane Society Agreement**

President Basham noted that the word "thousand" should be inserted after forty two make the amount of the agreement read Forty two thousand three hundred ninety two dollars and 88 cents.

**Vision 2020 Annual Report**

Councilmember Vernon distributed the 2002 Annual Report for the Intergovernmental Commission of Vision 2020. As a member of the Intergovernmental Commission, Councilmember Vernon said their focus was on the Police Departments, the Parks Departments, and the Human Relations Commission.

***RECESSED/RECONVENED:***

The Agenda Review recessed at 1:55 P.M. and the Regular Meeting convened at 2:05 P.M.

***REGULAR MEETING***

President Basham called the meeting to order and led the Pledge of Allegiance. She then called upon Chuck Grant, Pastor of Calvary Baptist Church, to offer a prayer.

***APPROVAL OF MINUTES***

- Councilmember Kessler moved to approve the minutes of the February 11, 2003 Regular Meeting, seconded by Councilmember Byers; motion carried.

***FINANCIAL STATEMENT: Auditor Robert Plantenga***

Auditor Plantenga reported the 2003 uncommitted County General Funds through February 28, 2003 are \$790,092.05.

Councilmember Byers questioned the large cash balance of \$753,164.78 in Industrial Development Grant Fund 325 that was to be used for infrastructure and water for the SIA TIF District established in 1989. Attorney Luhman said he would investigate the status of the grant and report at the April meeting.

***INTEREST STATEMENT: Oneta Tolle***

The Interest Report showed the average interest rate for January 2003 was 1.38%. Mrs. Tolle cited Merrill Lynch as one source that predicted another drop in interest over the next six months due to less corporate capital spending.

Mrs. Tolle reported Judgment collections totaling \$10,030 due to the efforts of Atlas Collections.

The Treasurer's staff is promoting tax payments by magnetic tape from entities with the capability. She said this will save time and prevent errors. They are also assigning mailing codes to taxpayers who receive more than three (3) tax bills at the same address. There are currently 1,006 such taxpayers.

***ELMSTEEL LTD d/b/a Elmsteel, Inc.: Compliance with Statement of Benefits (CF-1)***

Since no representative was present and the Council has questions about the CF-1, Councilmember Kessler asked if this could be tabled until April.

Attorney Luhman:

- Within 45 days of receipt of CF-1 Form by the Auditor, the Council may find Elmsteel is in substantial compliance.
- If Elmsteel is found to not be in substantial compliance, the Council will schedule a public hearing on April 8th for them to show they have made efforts for compliance.
- If the Council tables the request until April 8th, Elmsteel will not lose the deduction if the Council finds they are in substantial compliance on that date.
- If the Council finds they are not in substantial compliance on April 8<sup>th</sup>, Elmsteel can appeal to the Circuit Court because the Council did not act within 45 days. This may jeopardize the Council's ability to find they are not in compliance because it may not be upheld.

Auditor Plantenga:

- The Council has 45 days to act, but action does not have to be taken within 45 days because there is no requirement to determine if Elmsteel is in substantial compliance.
- If the Council determines Elmsteel is not in substantial compliance, that has to be determined within 45 days.

Councilmember Kessler moved to table this request until April 8, seconded by Councilmember Michael; motion carried.

➔ Councilmember Jeffrey A. Kemper entered the meeting.

***PRECISE TECHNOLOGY, INC.: Compliance with Statement of Benefits (CF-1)***

Plant Manager Bernard Smith said they are only eight (8) months into a three year project but they are not where they want to be because the plastics industry has been devastated because of external pressures. He thinks the tax abatement has helped keep the local plant solid. The corporation is very strong and almost doubled in size due to the recent acquisition of a major corporation. Mr. Smith said they are on pace with the purchase of capital equipment but two items were not purchased. It was not necessary to purchase one of the items because of the transfer of that asset from another facility and the other, a new dock, was repaired. He projected the planned building expansion may not occur until next year.

Precise retained 66 of the estimated 68 employees and salaries increased from \$1,822,080 to \$1,964,407. Mr. Smith said they have a large project that should be running by January 2004 and he estimated ten (10) additional employees will be needed at that time.

Councilmember Kessler commented that we use tax abatements to retain jobs as well as create new jobs and increased salaries allow spending in the community and increase the tax base.

- Councilmember Kessler moved to find Precise Technology, Inc. in substantial compliance, seconded by Councilmember Fruitt; motion carried.

***ROWE FARMS, INC.: Compliance with Statement of Benefits (CF-1)***

John Rowe, President of Rowe Farms, Inc. was present to answer questions. The CF-1 Form showed 35 additional employees were estimated when the abatement was granted but 37 have been hired.

- Councilmember Byers moved to find Rowe Farms, Inc. in substantial compliance, seconded by Councilmember Vernon; motion carried.

***CIRCUIT COURT: Judge Don Daniel***

County General Fund 001

**ADDITIONAL APPROPRIATION: \$1,077.00**

1,000.00 Part-time  
77.00 Social Security

***Jury Pay Fund 550***

**ADDITIONAL APPROPRIATION: \$10,000.00**

10,000.00 Jury Expense

Judge Daniel said his remarks regarding overtime and part-time issues will be relevant for Superior, Superior II, and Circuit Courts. In 1983, 93 criminal cases were filed in the three courts compared to 405 in 2001. Civil cases filed in 1983 totaled 851 compared to 1,611 in 2001. Although the number of filings increased, no increase in full time staff has occurred in those courts. Since the early 90's, multiple trials may be going on at the same time in a court and part-time and overtime are necessary to keep up with the schedule and paperwork. Judge Daniel said overtime will save money if the trial can be concluded in one day rather than paying jurors for a second day at \$40 per juror. Part-time help is needed to cover vacations because three (3) of his employees get five (5) weeks each. Judge Daniel thinks these courts need one to two additional full time staff members because of increased caseloads.

Councilmember Kessler expressed his appreciation to the judges for their attendance today. He said they need to plan how to make the courts run better and to fund them appropriately.

Councilmember Kemper encouraged the judges to increase user fees if possible. Judge Daniel said he imposes fines when appropriate.

Responding to a request from Councilmember Byers, President Basham said they would hear from all the judges before voting on their requests.

***SUPERIOR COURT: Judge Don Johnson***

**ADDITIONAL APPROPRIATION: \$5,012.00**

3,500.00 Overtime  
1,000.00 Part-time  
345.00 Social Security  
167.00 Retirement

Judge Johnson said 24 of the 33 criminal trials scheduled for February in his court were continued and 35 criminal trials are scheduled for March. He said the doubling of his part-time and overtime last year was due to 32 jury trials in his court, but he hopes the jury trials will level out among the courts. Judge Johnson said today's request will pay overtime and part-time through March and the first pay period of April.

***SUPERIOR COURT II: Tabled 1/14/03***

**ADDITIONAL APPROPRIATION: \$8,802.00**

4,000.00 Overtime  
4,000.00 Part-time  
612.00 Social Security  
190.00 Retirement

Auditor Plantenga announced he received an E-mail from Bailiff Brenda Rody explaining they cannot attend today because they have two jury trials. Mrs. Rody asked the Council to take action today or table the request until April. She said they need the help because they frequently double and triple book trials.

***SUPERIOR COURT III: Judge Loretta Rush***

**ADDITIONAL APPROPRIATION: \$1,111,149.00**

1,111,149.00 Institutional Care

Judge Rush said her request before the Council today is for the \$1.1 million debt to the Department of Corrections (DOC) she inherited when she took office. She paid \$421,000 of her \$750,000 appropriation for 2003 to the DOC for the last six months of 2002 but the balance of \$329,000 will not be enough to pay the estimated \$400,000 Institutional Care bills she expects to receive at the end of June for the first six months of 2003. If unpaid, Judge Rush said this will increase our total debt to the DOC to \$1.5. She noted she needs sufficient funds to stay current with private facilities such as the Muncie Diagnostic Center or they won't take our juveniles. Judge Rush said she is not asking the Council to drain the County's uncommitted funds to pay the \$1.1 million debt she inherited but asked the Council to take it over and let her pay current bills.

If the State releases the \$235,000 of COIT Funds withheld because of the County's debt to the DOC, Auditor Plantenga said he needs direction from the Council if he should get the money back to the County or apply the money to the debt. If we get the money back, he said it will not increase our uncommitted for 2003 but it will help us next year. President Basham said there is a principle involved, and she thinks we need to get the money back. Councilmember Kemper agreed.

***SUPERIOR COURT VI: Judge Mike Morrissey***

**ADDITIONAL APPROPRIATION: \$11,240.00**

10,000.00 Overtime  
765.00 Social Security  
475.00 Retirement

Judge Morrissey said his caseload has expanded to approximately 21,000 cases per year. Overtime is imperative in his court because he cannot switch the Bailiff or Court Reporter in the middle of a one-day trial and the caseload is too heavy for employees to take comp time.

Councilmember Kessler said he would like a chart showing the needs of all the courts. He suggested forming a committee of Councilmembers to meet with the judges as a group.

***SUPERIOR COURT IV***

**ADDITIONAL APPROPRIATION: \$881.00**

400.00 Overtime  
400.00 Part-time  
62.00 Social Security  
19.00 Retirement

In Judge Donat's absence, Judge Morrissey explained that Superior Court IV had between 5,000 and 7,000 cases in 2002 and anticipates that number will increase to approximately 7,500 in 2003.

Noting that part-time is paid at a lower hourly rate than overtime, Councilmember Byers asked the judges if part-time would work better for them than overtime. Superior Court V Judge Les Meade answered there is a need for both in the courts. He said they know overtime will happen but there is no way to schedule when it will happen. Having an extra employee on a stand-by basis to prevent overtime is not practical. Part-time help is needed mainly to cover sick days and vacations of regular employees.

President Basham asked Councilmembers to submit their questions to the committee prior to the meeting with the judges that will be held on April 1, 2003.

***CIRCUIT COURT***

- Councilmember Byers moved to approve \$1,000 for Part-time and \$77.00 for Social Security in the General Fund, seconded by Councilmember Vernon; motion carried.
- Councilmember Byers moved to approve \$10,000 for Jury Expense in Jury Pay Fund 550, seconded by Councilmember Kemper; motion carried.

***SUPERIOR COURT***

- Councilmember Kemper moved to approve \$3,500 for Overtime, \$1,000 for Part-time, \$345 for Social Security, and \$167 for Retirement, seconded by Councilmember Fruitt; motion carried.

***SUPERIOR COURT II: Tabled 1/14/03***

- Councilmember Byers moved to take the request from the table, seconded by Councilmember Kemper; motion carried.
- Councilmember Byers moved to approve \$3,000 for Overtime, \$3,000 for Part-time, \$459 for Social Security, and \$143 for Retirement, seconded by Councilmember Michael; motion carried.

***SUPERIOR COURT III***

Councilmember Fruitt asked Attorney Luhman's opinion on Judge Rush's request to move the \$1.1 million debt to the Council's Budget. Attorney Luhman answered that the Council cannot transfer the debt from her budget to the Council's budget in this budget year since the 2003 Budget has already been approved. The Council can request application of any additional appropriation for Institutional Care to be applied to the past due debt. Attorney Luhman recommended waiting until the end of this legislative session before taking any action regarding Juvenile Institutional Care.

- No action was taken on the request.

***SUPERIOR COURT IV***

- Councilmember Kemper moved to approve \$400 for Overtime, \$400 for Part-time, \$62 for Social Security, and \$19 for Retirement, seconded by Councilmember Byers; motion carried.

***SUPERIOR COURT VI***

- Councilmember Byers moved to approve \$5,000 for Overtime, \$383 for Social Security, and \$238 for Retirement, seconded by Councilmember Kemper; motion carried.

***AREA PLAN: Executive Director Jim Hawley*****ADDITIONAL APPROPRIATION: \$5,630.00**

5,008.00	Assistant Director
384.00	Social Security
238.00	Retirement

Because the Assistant Directors are able to speak with authority for the department, Mr. Hawley thinks they should receive appropriate compensation. In addition, he said they need a salary increase to separate them from employees whose salaries are catching up due to longevity.

Councilmember Michael said she didn't see how the Council can approve a salary increase when no other County employees received a raise. Councilmember Vernon thought this problem should be addressed at budget time.

- No action was taken.

***PROSECUTOR: Deputy Prosecutor Tim Kern*****ADDITIONAL APPROPRIATION: \$91,754.00**

48,317.00	Deputy Prosecutor
21,668.00	Secretary
5,355.00	Social Security
3,326.00	Retirement
13,088.00	Insurance

Mr. Kern appeared for the Prosecutor, Jerry Bean, who is in court to request the reinstatement of these two positions that were cut at Budget time. Mr. Kern said they need the Deputy Prosecutor position because, with increased caseloads, they are working more trials with fewer Prosecutors. He noted that the Prosecutor is in court when the courts are in session. He added that the Prosecutor generates income through diversion costs.

Councilmember Michael didn't think the Council should reinstate these positions and Councilmember Kemper agreed.

- No action was taken.

***AGREEMENT FOR ANIMAL SHELTERING AND DISPOSAL: Tippecanoe County Humane Society, Inc.***

- Councilmember Kessler moved to approve the 2003 Animal Sheltering and Disposal Agreement with the Humane Society as corrected with the word thousand inserted after forty two, seconded by Councilmember Michael; motion carried.

***ANNOUNCEMENT***

President Basham announced the Council's next site visit will be at 8:00 A.M., Thursday, April 3, 2003 at the County Highway Garage.

***FYI: Commissioner KD Benson***

- The Commissioners are working with Tippecanoe School Corporation Administrators regarding the student parking problem in surrounding subdivisions. Mr. Albers is researching policies in other counties regarding this situation.
- The County had five (5) teams in the recent Spelling Bowl.
- The Cary Home Advisory Committee decided to fill the beds to bring in additional revenue even if it means putting out-of-county youth ahead of in-county.
- At the March meeting, department heads were encouraged to carefully examine the department's organization when there is a vacancy to determine if filling the position is the best option. (i.e. part-time option)
- State Local Road & Street funding may be less in 2003 than the \$859,000 received in 2002.
- The Commissioners received a proposal from Maximus to examine cost allocation in the County. The initial response of the Commissioners and Revenue Committee is that the services and fees need to be negotiated. She asked Councilmembers to E-mail their comments to her after reviewing the proposal.
- Recent numbers in the Health Insurance Fund are less negative.
- The State will start mandating Probation salaries.

***PUBLIC COMMENT***

Bryan Coulter, a former SIA employee who spoke to the Council last month regarding recall procedures for laid-off employees, appeared again today. Mr. Coulter advocates lengthening SIA's current recall policy from one (1) year to five (5) years. After examining abatement documents in the Auditor's Office, he said SIA's abatement has saved them three times more than all other businesses in the County. He thinks the County's generosity and SIA's current non-compliance with several agreements give the Council reason to repeal certain abatements completely or amend them. Before approving the abatement of any more tax dollars, Mr. Coulter asked the Council to require SIA to agree to giving laid-off workers five (5) years of recall rights. There is planned expansion at SIA and he thinks laid-off workers, upon whose employment the abatements are based, deserve the right to be rehired.

Councilmember Kemper asked Mr. Coulter if there is an industry standard for the recall period. According to the UAW (United Auto Workers), Mr. Coulter said the industry standard is generally five years. He said some shops have the same number of years for recall as years of seniority. In his opinion, it will cost SIA nothing to keep laid-off employees' records on file.

**ADJOURNMENT**

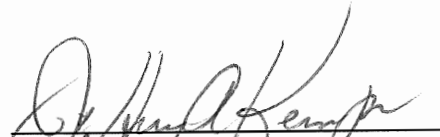
- Councilmember Michael moved to adjourn, seconded by Councilmember Fruitt; motion carried.

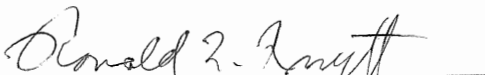
The site visit at the County Highway Garage will be at 8:00 A.M., Thursday, April 3, 2003.


The Council will meet in joint session with the Commissioners and Financial Consultant Greg Guerrettaz at 10:30 A.M., Tuesday, May 13, 2003. This meeting will be followed by the Agenda Review at 1:00 P.M. and the Regular Meeting at 2:00 P.M. All three meetings will be held in the Tippecanoe Room in the County Office Building.

**TIPPECANOE COUNTY COUNCIL**

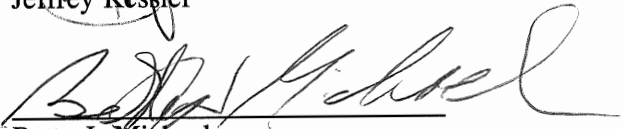
  
 Connie Basham, President


  
 Jeffrey A. Kemper

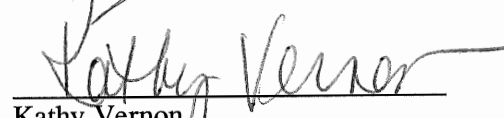
  
 Ronald L. Fruitt, Vice President

  
 Jeffrey Kessler

  
 David S. Byers

  
 Betty J. Michael

Attest:   
 Robert A. Plantenga, Auditor

  
 Kathy Vernon