

## JANUARY 7, 2013

Pursuant to adjournment comes now the Starke County Council and meet in a reorganization session at 5:30PM in the Annex Building Meeting Room, Knox, Indiana, with Dave Pearman, Tony Radkiewicz, Mitch Semans, Marvin McLaughlin, Robert Sims, Bryan Cavender, and Freddie Baker present, and the following proceedings were held to wit:

The meeting was called to order by Council President, Dave Pearman.

### **IN RE: MINUTES**

Councilman Semans made a motion to approve the December 27th, 2012 council minutes, seconded by Councilman Radkiewicz. The motion passed with all ayes.

### **IN RE: REORGANIZATION OF COUNCIL**

In the reorganization of the Board: President: Councilman Semans made a motion to reappoint Dave Pearman as the Council President. Councilman Radkiewicz seconded the motion, and it passed with all ayes.

Vice President: Councilman Radkiewicz made a motion to reappoint Councilman Semans as the Council Vice President. Councilman Cavender seconded the motion, and it passed with all ayes.

County Attorney: Councilman Semans made a motion to reappoint Marty Lucas as the Council's Attorney, seconded by Councilman Radkiewicz. The motion passed with all ayes.

### **IN RE: BOARD APPOINTMENTS**

Councilman Sims made a motion to reappoint Councilman Semans to be the council representative on the Starke County Economic Development Board. Councilman Radkiewicz seconded the motion, and it passed with all ayes.

Councilman Semans made a motion to appoint Councilman McLaughlin as the council representative on the KIRPC Board, seconded by Councilman Sims. The motion passed with all ayes.

Councilman Semans made a motion to appoint Councilman Baker as the council representative on the Starke County Planning Commission. Councilman McLaughlin seconded the motion and it passed with all ayes.

Councilman Semans made a motion to reappoint EJ Rogers to the BZA Board, seconded by Councilman McLaughlin. The motion passed with all ayes.

Councilman Semans made a motion to reappoint Nancy Edwards to the Starke County Library Board. The motion was seconded by Councilman Radkiewicz and passed with all ayes.

Councilman Radkiewicz made a motion to reappoint Kenneth Wallace to the Starke County Alcoholic Beverage Board, seconded by Councilman Baker. The motion passed with all ayes.

Councilman Semans made a motion to reappoint Councilman Radkiewicz to the Starke County Solid Waste Board, seconded by Councilman Baker. The motion passed with all ayes.

Councilman Semans made a motion to reappoint Jody Czerniak to the Starke County PTABOA Board and seconded by Councilman Radkiewicz. The motion passed with all ayes.

Councilman Baker made a motion to reappoint Councilman Sims to the Starke County Community Corrections Board, seconded by Councilman Semans. The motion passed with all ayes.

It was decided to retain the same meeting schedule as in 2012; meeting on the 3<sup>rd</sup> Monday of the month, at 5:30PM, in the Annex Building Meeting Room. Council Cavender suggested meeting twice in the month of December, once at the regular day and time, and then a meeting on December 30<sup>th</sup> to review the budgets to see what could be transferred to the Rainy Day Fund.

Sheriff Oscar Cowen, and Office Manager, Chris Smith, appeared before the Board to address questions in regard to the Sheriff's Commissary Fund. Councilman McLaughlin advised the Sheriff, he is allowed by state statute to pay for advertising using the Commissary Fund, but it is illegal to pay for any political advertising. He stated the Sheriff is crossing into a grey area when he has his name specifically stated in the advertising using the Commissary Fund. He felt the advertising draws attention to the Sheriff personally and suggested leaving the personal names out of any future advertising.

County Attorney Marty Lucas noted Indiana Code 36.8.10-21 states what expenses can be paid out of the Commissary Fund. The Sheriff submitted the actual ad request sent to the newspaper and it did not specially ask for the Sheriff's name to be included in the advertisement. Councilman Sims suggested the SBOA be contacted for their input on this matter. Auditor Chaffins advised she will contact the SBOA, and will forward their response to the Board. Attorney Lucas stated he felt since the advertisement doesn't specifically state to re-elect the Sheriff, he saw nothing wrong with stating the name of the Sheriff. Sheriff Cowen advised he felt it was also public relations in informing the public of the police department's personnel. Councilman McLaughlin made a motion not to allow the Sheriff to pay for advertising out of the Commissary Fund if the advertisement draws attention to a particular name. The motion was seconded by Councilman Sims. The motion did not pass, with a vote of two ayes and four nays. (Radkiewicz, Cavender, Baker and Semans)

There was a discussion in regard to the Sheriff's commission in the collection of tax warrants and reducing the salary of the future Sheriff. Sheriff Cowen advised he receives a 10% commission on the tax warrants he collects. He noted in the last year he had collected approximately \$3,000.00, and stated the software that was purchased in 2012 as assisted in increasing the amount of tax warrants collected. He stated ½ of the cost of the software was paid by the

Commissary Fund and ½ by the approval of the County Commissioners, and the Council, from the Cumulative Capital Fund.

With there being no further business to come before the Board, Councilman Semans made a motion to adjourn the meeting, seconded by Councilman Cavender. The motion passed with all ayes and the meeting adjourned at 6:05PM.

**January 7th, 2013**

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Dave Pearman, President

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Mitch Semans, Vice President

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Bryan Cavender

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Marvin McLaughlin

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Tony Radkiewicz

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Robert Sims

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Freddie Baker

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Katherine Chaffins, Starke County Auditor and  
Secretary to the County Council