

**March 19, 2012**

Pursuant to adjournment comes now the Starke County Council and meet in regular session at 6:00pm in the Annex meeting room, Knox Indiana and the following proceedings were held to wit:

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

Absent from the meeting was Councilman Mark Smith.

Councilman Semans made a motion to approve the February 16<sup>th</sup> meeting minutes. Councilwoman Benninghoff seconded the motion, and it was approved with all ayes.

#### **ESTABLISHMENT OF CASH DRAWER IN THE PLANNING COMMISSION OFFICE**

Starke County Building Inspector, Bruce Williams, appeared before the Council to request permission to establish a cash drawer in the Planning Commission office with one hundred dollars cash. Mr. Williams states at the present time he does not have the ability to make change. He also included the statutory requirements to establish a cash drawer. He advised they will be making deposits daily and also Mr. Williams advised he personally will be responsible in the event of any shortage in the cash drawer. Councilman Semans made a motion to approve the establishment of the cash drawer in the Planning Commission Office, seconded by Councilwoman Benninghoff. The motion passed with all ayes.

#### **TOURISM BOARD UPDATE**

Julie Dessauer, President of the Tourism Board, gave an update to the Council of the recent action of the Tourism Board. The written statement is on file in the Auditor's Office. Mrs. Dessauer requested the Council restore the issuing of the innkeeper's tax to the CVC board. The Treasurer of the CVC Board, Pat Mitchell, spoke to the Council. He advised the CVC board hasn't held any recent meetings because of three vacancies to their Board due to the resignations of Rich Wieszorek, Julie Dessauer, and Jennie Carter. Commissioner Norem noted the CVC Board should have been the one asking for the release of the funds and not the Tourism Board. Commissioner Davis stated they need to advertise the openings on the Board and hopefully could have the appointments ready for the next meeting. Mr. Mitchell, stated he has a couple of outstanding invoices from the Tourism Board in the total amount of \$4167.77. He also gave the Council a copy of the financial report for the fiscal year 2011. Commissioner Norem stated she would like to see the new, complete, CVC board get in order with their established procedures. They also stressed that there was only one freezing of funds and that was at the County Auditor's Office in regard to the innkeeper's tax, but the funds going from the CVC board to the Tourism Board are not frozen. County attorney, Marty Lucas, stated that 6 out of the 9 board members, is a quorum and they could conduct a meeting. Councilman McLaughlin made a motion to release \$3000.00 of the CVC funds and hold the rest. The motion died for lack of a second. Commissioner Norem stated that she would like to see the CVC Board conduct a meeting, get their affairs in order, and then come to the Board with a request for funding.

#### **FINANCIAL REPORTING ORDINANCE**

Auditor Chaffins explained the Financial Reporting Ordinance that was passed by the County Commissioners at their last meeting. She advised which departments, as of that date, had not submitted their monthly reports, but, it was still a learning process.

#### **SHERIFF'S COMMISSARY FUND**

Sheriff, Oscar Cowen and Jail Office Manager, Chris Smith, appeared before the Council to give a report of the 2010 and 2011 Sheriff's Commissary Fund. The Sheriff advised, per State statute, he is to report semiannually to the Council, the funds of the Commissary and that the next report is due at the end of June, 2012. He advised these were the same records the State Board of Accounts audit.

Chris Smith advised the Council of her concern with the 911 Fund and the amount that was cut from the overtime line of the 2012 budget. President Pearman advised they should take the overtime pay out of the regular salary for now until the issue can be resolved. Auditor Chaffins advised she will check with of the DLGF, and the SBOA in regard to following the proper procedure for additional appropriations to the 911 Fund, since it wasn't a state approved budget.

#### **PUBLIC COMMENT**

Ken Arnett stated the Sheriff has misused the commissary funds by paying for his attorney's retainer fee and paying for the attorney to file the lawsuit that had been filed against the Merit Board. Attorney Lucas noted as per Indiana code 36-8-10-11, (3) allows the Sheriff to expend commissary funds for special training of law enforcement, and also, (9) states any other expense of the commissary fund, which would need to be pre-approved by the County Council. President Pearman, inquired what Mr. Arnett was asking of the Council and Mr. Arnett replied he would like to see the Council address the misuse of funds, by the Sheriff

#### **SALE OF THE HOSPITAL**

President Pearman suggested hiring a consultant for their expertise to see if the hospital's offer is a valid offer. He doesn't feel the County is qualified to make that decision on its own. He also inquired if money from the Save the Hospital Fund could be used to hire the consultant. Attorney Lucas stated there was a standard procedure established

in order to use proceeds from that fund; noting a supermajority is required in order to spend the funds. Commissioner Norem stated she tends to agree the issue is too complex and the scope is too large, not to have an expert consultation in making that decision. Sandy Hansen, of the hospital board, inquired as to why the hospital committee has never had a meeting and she agreed that it was an excellent idea, but was unsure of the use of the Save the Hospital Fund. Dorothy Bau inquired as to who had put together the hospital committee and who the chairman was on that committee. Councilwoman Benninghoff suggested the committee have a special meeting to see if there is a supermajority between the Council & the Commissioners and also see if the Save the Hospital Fund could be used to pay for the consultant before taking action. President Pearman is concerned about the April 1st deadline, but he suggested the hospital committee meet and establish the requirement for an RFP. Commissioner Bridegroom advised, since it was difficult to get the committee together, they have not had a meeting yet, and also advised Councilman Smith and himself were co-chairmen of the committee. Sandy Hansen advised if nothing is done, the hospital's offer will be off the table by April 1. President Pearman asked the committee to get established and requested that they set the requirements for the RFP.

#### **MERIT BOARD/SHERIFF MEDIATION**

Councilman McLaughlin stated last Friday, March 16<sup>th</sup>, all parties showed up for the mediation and the lawsuit against the Merit Board was settled. He advised the settlement was filed with the Court on March 19th. The following is the result of the mediation: 1. It was agreed the Starke County Sheriff's Merit Board was duly established in 1971 and had operated since that date. 2. To clarify any discrepancy in the terms of members of the Board, the present terms shall be: Donald Binkley—a one year term; Edward Troike-- a two-year term; Ken Arnett-- a one year term; Mark Allen—a two year term; and a fifth member, to be appointed, will have a three-year term. All terms will begin on January 1 of 2012, and thereafter should start and end on January 1, of any particular year. 3. As soon as a new member is appointed to the Board, the Merit Board shall hold an organizational meeting and shall officially pass a set of operating rules for the Board. The original copy will remain with the Board and the Sheriff shall be given a copy for his files and use. 4. The Merit Board shall hold regular meetings per statute, and upon call of the Sheriff. After the minutes of a meeting are approved, the Sheriff shall be given a copy for his file and use. 5. During the Board meetings all parties shall exercise their judgment and may legitimately disagree with each other; however there is to be no prolonged arguments during a meeting and any dispute will be reduced to writing and submitted to Marvin McLaughlin for ruling, which ruling shall be final between the parties. 6. During said Board meetings no party, nor Howard Williams, shall disrespectfully criticize any other member or Howard Williams. Any such criticism shall be submitted to Marvin McLaughlin for ruling and penalty. Ken Arnett thanked Councilman McLaughlin in getting the issue resolved.

With there being no further business, Councilman Semans made a motion to adjourn the meeting, seconded by Councilwoman Benninghoff. The motion passed with all ayes and the meeting was adjourned at 7:20 PM.

**March 19, 2012**

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Dave Pearman, President

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Mitch Semans, Vice President

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Judy Benninghoff

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Marvin McLaughlin

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Mark Smith

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Tony Radkiewicz

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Robert Sims

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Katherine Chaffins, Starke Co. Auditor &  
Council Secretary