

MAY 21, 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 Councilmen Marvin McLaughlin and Mark Smith.

MINUTES

Councilwoman Benninghoff made a motion to approve the minutes of the April 16th meeting, seconded by Councilman Radkiewicz. The motion passed with all ayes.

Councilwoman Benninghoff made a motion to approve the minutes of the May 14th public hearing/meeting, seconded by Councilman Sims. The motion passed with all ayes.

The final minutes of the March 19th, 2012 meeting were then signed.

TRANSFERS/APPROPRIATIONS REQUESTED

Starke County Economic Development Foundation Director, Charles Weaver, appeared before the Board to request the appropriation of the additional CEDIT money that had recently been received from the State. He advised the total amount of 2011 CEDIT money received was \$100,755.07; and the total extra amount to be received in 2012 is \$76,997.92. He requested these CEDIT proceeds would be allocated in the same percentage as the regular CEDIT monies: 50% to the County Bridges; 12.5% to the County Commissioners; and 37.5% to the SCEDF. Councilwoman Benninghoff made a motion to approve the appropriation requests, seconded by Councilman Radkiewicz. The motion passed with all ayes. A copy of the appropriation request, and breakdown, is on file in the County Auditor's office.

County Health Nurse, Frank Lynch, appeared before the Board to request a transfer, within the Health Department Fund (0801), of \$4,000.00 from line item, unemployment (0801-1000.09) to medical supplies (0801-2000.02), in order to purchase vaccinations. Councilman Radkiewicz made a motion to approve the transfer request, seconded by Councilwoman Benninghoff. The motion passed with all ayes.

Chris Smith, Office Manager of the Starke County Police Department, and Dawn Bau, 911 Chief Dispatcher, appeared before the Board to request an additional appropriation of \$11,000.00, in the overtime/holiday pay line item, 1156-000-1000.04. President Pearman advised the line item was cut drastically in the 2012 budget and the \$3,000.00 that was first appropriated has now been expended. Ms. Smith stated they are now using the salary line item to pay holiday and overtime pay. Auditor Chaffins advised the appropriation request has been advertised, and the DLGF regulations have been followed. She stated since the 911 fund is not a budget that is state approved, and not funded by tax revenue, the State does not have to approve this appropriation, but they do need to be notified if the Council increases that budget. Councilwoman Benninghoff inquired if there was another line item of their budget that the additional appropriation could be transferred from. The only line item would be the telephone line item. Councilman Semans made a motion to table this request for now until more research could be done in regard to transferring money out of the telephone line item. The motion was seconded by Councilman Radkiewicz and passed with all ayes.

Starke County Prosecutor, Nick Bourff, appeared before the Board to request a transfer of \$750.00 from the Pre-Trial Diversion Fund, # 0511, into the TNT Fund, # 0124. Councilman Sims made a motion to approve the transfer, seconded by Councilman Semans. The motion passed with all ayes.

CITY COURT/PRE-TRIAL DIVERSION FUND

City of Knox Attorney, Dave Matsey, along with County Prosecutor, Nick Bourff, appeared before the Council to discuss the recent agreement regarding the Knox City Court and the Pre-Trial Diversion monies. Attorney Matsey stated the Clerk of the City Court collects the fee from the defendants and once a month sends the pre-trial diversion funds to the City of Knox to be deposited in their User Fee Fund. The money is accumulated in that fund until a claim is submitted by the County Prosecutor requesting money be transferred from the City to the County Auditor. The Auditor would then receipt the money into the County's Pre-Trial Diversion Fund and is accessible to be spent by the Prosecutor. He advised the new agreement, entered into in December, 2011 changed the process—allowing the City Court to directly submit the monies to the County Auditor. He also noted the City of Knox had transferred the total balance of pre-trial diversion money, which was in the City's User Fee Fund, directly to the Auditor. Since that agreement has been effect, it was discovered that the SBOA does not allow for that procedure. He therefore, declared the agreement to be void, and the county's pre-trial money received from the City

of Knox, be returned to the City of Knox. He also stated the City Court could not submit a claim for the \$35.00 per court case, as has been the arrangement since the first agreement was entered into, back in 1995. Mr. Matsey stated the Prosecutor's eligible expenses are listed in IC 33-37-8-4 and the city court charging for a fee of the pre-trial diversion money, is not an eligible expense. He then added, since the city court was not eligible to receive that funding, the future of the city court was in jeopardy and the county may have to establish a court in the county to replace the city court. Auditor Chaffins inquired of the \$300,000.00 balance that was showing on hand at the end of 2010 and 2011, how that money was to be disbursed. She noted she had made several requests to the City Court Clerk and has received some reports, but none yet that thoroughly shows a listing of how that year-end balance is accounted for. City Court Judge advised the SBOA had advised him differently in October of 2011 when he had talk to Charlie Pride, of the SBOA about this use of the pre-trial diversion money. They both asked the county to inquire with the SBOA in regard to this situation. Auditor Chaffins advised she will contact her local SBOA office. Attorney Matsey stated the claim that was submitted by the City Court for their portion of the pre-trial diversion money for the year 2011, in the amount of \$9000.00 was also void. Councilman Semans made a motion to table this agreement approval or voiding until more information is received; seconded by Councilman Sims. The motion passed with all ayes.

FINANCIAL SOFTWARE—AUDITOR & TREASURER'S OFFICES

Andy Low, of Low & Associates, Starke County Interim Treasurer, Kasey Clark, along with Auditor Chaffins discussed the Auditor and Treasurer's request to replace the existing county financial software. The current financial software is from Harris Financial. Mr. Low advised the County has been utilizing Low's Property Tax software since 2007. He noted in 2007 Low had financial software in 20 Indiana counties, but currently they are covering 37 counties. He added Low only serves Indiana counties, and their home office is located in Mishawaka, IN. Councilwoman Benninghoff inquired what the county would be receiving from Low that the county doesn't currently receive from Harris. Mr. Low stated the county would receive an unlimited number of licenses, which now they have five with Harris. Low software would also increase the accountability between the Auditor and Treasurer's offices. He noted each department would have read only accessibility to pull up their own reports such as budget status reports, and will also be capable of entering their department's payroll information directly. Both the Treasurer and the Auditor stated they would be able to save money from not needing as much help. The treasurer noted she will be able to cut down on the extra help and the auditor advised she had let her payroll deputy go at the end of April and is now considering making that position a part-time position. The cost to convert to Low was discussed. The first year's expense would be \$59,160.; and \$28,296.00 in years two and three. Treasurer Clark advised she has \$15,000.00 that would be available since she is processing the lockbox payments in house; and the Auditor advised she has \$25,000.00 available since the SBOA advised the Auditor's Transfer Fund could be used to purchase new software. Auditor Chaffins noted the county would also be saving almost \$3,000.00 per year in the amount of annual maintenance fees since Harris is currently charging \$19,000. and Low's would be \$16,452.00. Auditor Chaffins also noted that Low could process the converting of the county's fund numbers into the state mandated numbers which each county will need to be in compliance with as of Dec. 31, 2012. Otherwise that would be a major project for the county to make that conversion on their own. Councilwoman Benninghoff advised that was a lot of money to convert the financial software and is not in favor of it without allowing someone from Harris Financial to appear before the Board. President Pearman inquired of the Commissioner's as to their thoughts. Commissioner Dan Bridegroom stated the county would be saving by reducing their staffs, and still become more efficient. Commissioner President Kathy Norem stated Harris Financial is headquartered in Canada and they charge \$1,000.00 a day, to the county if the county required any extra training, not including room & board. Mr. Low advised any extra training they provide is on an hourly basis, not a daily charge, and reminded the Council they are only 45 minutes away. Since the Auditor and the Treasurer would be able to pay for \$40,00.00 of the first year's \$59,160.00 the balance could be paid out of the extra Commissioner's CREDIT monies that the county unexpectedly received from the State recently. The Treasurer advised she should be able to budget in the same \$15,000.00 in the next two year's budgets and the Auditor advised, the remainder could be budgeted into the Auditor's Office, due to the amount of salary savings, therefore not increasing the total amount of the budget. Mr. Low also advised their company has never lost a financial software client. Councilman Semans made a motion to approve the purchase of the new financial software, pending the Commissioner's approval, seconded by Councilman Radkiewicz. The vote taken was three ayes, (Radkiewicz, Sims, and Semans), and one nay (Benninghoff). Councilwoman Benninghoff restated she would not vote in favor of this software conversion without allowing Harris to appear before the Board. Attorney Lucas advised President Pearman he would need to vote since three ayes is not a majority when two Councilmen were absent. President Pearman voted aye, and the motion was approved.

AMENDMENT TO THE SAVE THE HOSPITAL FUND ORDINANCE

Attorney Lucas re-read the proposed amendment to the Save the Hospital Fund reminding the Council a super majority of five Council members is required in order for the amendment to pass. President

Pearman reminded the Council that the Board of Commissioners had unanimously approved the passage of this amendment. Commissioner Davis also pointed out that the county isn't just passing this amendment to that ordinance, but the county is also looking at the future of health care in the county. President Pearman called for a vote of that proposed amendment, or another motion. Councilman Radkiewicz made a motion to approve the amendment as read by Attorney Lucas, seconded by Councilman Semans. The motion received four ayes, and one nay (Benninghoff). Attorney Lucas stated, since four votes is not enough for a supermajority, the proposed amendment failed to pass. Councilman Radkiewicz inquired of Councilwoman Benninghoff as to why she voted nay, when she had voted aye to the same proposal at the May 14th meeting. She advised since the Council, in regard to the county's financial software, did not believe it was important enough to speak to Harris, she was voting no to this motion. Councilman Radkiewicz reminded her they were two separate issues.

JAIL COMMITTEE UPDATE

Commissioner President Norem gave an update on the Jail Committee. She distributed a proposed time line of the possible jail project the committee had received from Ice Miller, at the last committee meeting. She noted the next committee meeting will be held on June 26, at 2:30PM in the meeting room of the Annex Building. She noted the jail committee complies with the State's Open Door Law and the meetings are open to the public, and all meetings are posted. President Norem stated the DLZ Company will have a report of their statistical findings at the next meeting, along with their recommendations. She added there will be three public meetings, to be held on Thursday, July 26th; Tuesday, July 31st; and Wednesday, August 1st, with the locations to be announced. These meetings will be similar to the three public meetings that were held in January.

PTABOA BOARD APPOINTMENT

County Assessor, Rhonda Milner, appeared before the Council to request the approval of appointing Ron Simoni to be the Council appointee to the PTABOA. She advised Mr. Simoni is a certified assessor/appraiser. Councilman Semans made a motion to approve this appointment, seconded by Councilman Sims. The motion passed with all ayes.

IN OTHER BUSINESS

Terry Turner advised there will be a Memorial Day Service that will be held at the County Courthouse Memorial, at 9:00AM, on Monday, May 28th, Memorial Day.

With there being no further business, Councilman Semans made a motion to adjourn the meeting, seconded by Councilman Sims. The motion passed with all ayes and the meeting was adjourned at 7:35 PM.

MAY 21, 2012

Dave Pearman, President

Mitch Semans, Vice President

Judy Benninghoff

ABSENT
Marvin McLaughlin

ABSENT
Mark Smith

Tony Radkiewicz

Robert Sims

Katherine Chaffins,
Starke Co. Auditor & Council Secretary

