

ATTN: THIS IS A DRAFT--NOT YET APPROVED BY COMMISSIONERS

December 10th, 2010

Pursuant to adjournment comes now the Starke County Board of Commissioners and meet in emergency session at 4:30 p.m. in the Annex meeting room, Knox, Indiana, with all members present and the following proceedings were held to wit:

The meeting was called to order.

IN RE: CLAIMS SUBMITTED BY COUNTY PROSECUTOR

The commissioners called an emergency meeting to discuss the claims submitted from the prosecutor's office which are to be paid out of multiple funds, mainly the Title IV-D Incentive Funds.

Dan Bridegroom stated that the biggest question is if the funds can be used the way they are being requested. This is a federal fund and the conditions of spending are very stringent. He stated that the way he reads the law, if the money is spent incorrectly, it must be replaced. We are not going to spend the money until we get some legal advice. Prosecutor, Julianne Havens, is seeking a legal interpretation from the state.

County Attorney, Martin Lucas, read the rules provided for the commissioners. It appears that funds must be spent in accordance with Title IV-D and not general law enforcement.

Kathy Norem read what claims have been presented to the commissioners to be paid out of fund #0265.

Dan Bridegroom stated that this is all going for police use, but in his opinion not for the use the funds were intended for. Why is a vehicle needed for child support? Some of the items are weapons and he understands the need for that, but the use is not in line with the fund guidelines. Why do we need them for this specific use?

Don Ferguson, Deputy Sheriff, stated that two officers do not have the rifles they need. Kathy Norem said that there is no question that you need this equipment, but the question is if the fund can pay for these items. Don asked if the money could come out of other funds.

Kathy Norem stated that it depends on what those specific monies can be used for. Don wanted to know if the money can come out of another fund that the prosecutor has. Dan Bridegroom read the funds on the list that was provided to the commissioners with the fund balances after all these claims are paid as requested. Don again asked that the two patrol rifles be purchased somehow. Kathy stated that this is the first time she had heard there was a need for two rifles. Don stated that they had two from the city, but that they took them back. He stated that if there were ever another Bass Lake-type shoot out, then two deputies would not have a rifle. Dan stated that he is all for buying the rifles if there are the funds to pay for them.

Don stated that the company (Midwest Gun) will not take returns, but since they have not been paid for yet, there will be a restocking fee of \$1600. Kathy stated that this was a worry she had.

Mark Smith asked if these funds are the only funds the prosecutor has. Dona Hoban read off the list of funds that the payroll is paid from for prosecutor employees. His concern is that to take all these funds down to zero, there will be no money to make payroll. He is also concerned that it has taken years to accumulate these funds, and now they will be depleted in a matter of weeks.

Kathy thinks we should table this for 30 days. Jennifer Davis stated that she would like to talk to Julianne Havens. She had no idea until this week that these claims were an issue.

Martin Lucas stated that fund #0511 money cannot be spent until the council approves it.

Don Ferguson wanted to know what to tell Midwest Gun. He is instructed to explain that there are no funds available at this time.

Jeremiah Patrick from the Hamlet Police Department stated that he was called last Friday by the prosecutor's office to compile a wish list and to get the invoice to her by Monday. He has already picked up his guns and ammunition and if they are returned they will only buy back as used firearms and ammunition cannot be returned.

Mark Smith stated that these bills are not the responsibility of the county. The county had no involvement with the improper use of these funds, and that the person who was responsible would be liable.

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Kathy Norem moved to table paying any claims for 30 days to see if the funds can be used for these claims. The motion died for lack of a second.

County Prosecutor Julianne Havens arrived a 5 pm. She has consulted someone at the state level regarding spending the IV-D funds for the claims she has submitted. As of now, she has no answer. She was advised by the commissioners what the discussion had been prior to her arrival. She stated that she has contacted officers that nothing should be accepted or shipped until there is a definite answer regarding the correct use of the funds. She discussed with the commissioners what her plans had been for these funds this year, and into 2011, but that plan was cut short. She stated that she had balances of funds from the auditor and the payroll deputy for the amounts that were paid out of each pay. She took into consideration what was needed for payroll for the rest of 2010. She continued to explain to the commissioners how she made the claims based on the balances she was given.

Kathy Norem moved to table the claims for 30 days pending the outcome of researching all the facts. Motion dies for lack of a second.

Kathy Norem moved to table the claims and taking possession of any more items until the commissioners have answers to the questions regarding funds #0052, 0064, 0124, 0265, 0511 and 0852 until it is determined these are appropriate uses of these funds and that sufficient funds are available. Motion dies for lack of a second.

Jennifer Davis said she wants to know what would be illegal to pay out of certain funds since the commissioners don't have a full explanation at this time.

Kathy Norem moved to hold out claims from funds #0052, 0064, 0124, 0265, 0511 and 0852 until the joint meeting of the council and commissioners on 12-20-10. That will give them the time to investigate the usage and see if there are sufficient funds to cover the claims submitted. Dan Bridegroom seconded the motion and it passed with 3 ayes.

The commissioners and the county attorney would like written clarification regarding proper use of IV-D funds.

Mark Smith stated that he has never seen claims scrutinized like this before, or that receipt of items are taken prior to claims being presented and approved.

IN RE: OTHER BUSINESS

There was discussion regarding an e-mail from J.D. Wakeland. A copy is to be given to the auditor by Jennifer Davis.

Dan Bridegroom has been contacted by Mike Metler who is chairman of the State Health Department. Jennifer Davis is eligible as a proposed appointment to the health board in 2011.

Dave Singleton is retiring in February 2011.

Mr. Metler is willing to come and talk to Dr. Alexander and the commissioners to get the health board up to speed.

Dan Bridegroom discussed with the commissioners about other counties prohibiting use of electronic devices, such as cell phones, during public meetings. If they are used during a meeting, then they are available to the public during that time.

There being no further business to come before the board, Jennifer Davis moved to adjourn seconded by Kathy Norem with 3 ayes.

Dan Bridegroom, President

Kathy Norem, Vice President

Jennifer Davis

Dona Hoban, Auditor Pro Tem