

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**February 4, 2012**

The meeting of the Elkhart County Council was called to order by Sheriff Brad Rogers at 8:00 a.m., in Room 104 of the County Administrative Building, Goshen, Indiana. Members present were John K. Letherman, Dennis E. Sharkey, David Foutz, David Hess, Darryl Riegsecker, Randall D. Yohn and David Ashe.

Also present were Pauline Graff, County Auditor; Gordon Lord, County Attorney; Tom Byers, County Administrator and Mike Yoder, Commissioner.

**MINUTES:** Approval of minutes for December 29, 2011 and January 7, 2012.

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the minutes of December 29, 2011 and January 7, 2012 were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS: Yoder gave short report.

COUNCIL: Hess, Ashe, Yohn, Foutz, Sharkey and Letherman gave short reports.

AUDITOR: No report.

SHERIFF: No report.

**PERSONNEL REQUESTS:**

A. Superior Court 6

1. Request individual rate increase for Legal Assistant II (Anglemyer) from \$11.82 to \$12.82 effective January 16, 2012, transferring laterally from Clerk's Office. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

B. Superior Court 1

1. Request to establish part-time rate of \$20.00/hr. in Account 4125 for Law Clerk position. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

C. Prosecuting Attorney

1. Request to establish maximum part-time rate of \$30.00/hr. in Fund 202/980/4125 (Professional). CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

2. Request to establish maximum part-time rate of \$20.00/hr. in Fund 202/980/4129 (Clerical) effective 11-29-11. CCPC recommended approval effective November 29, 2011, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

3. Request reclassification of Secretary II (Gomez), PG3/JF1, to Legal Assistant II, PG4/JF1, and increase in pay rate from \$11.33/hr. to \$12.19/hr. effective January 1, 2012. (100% reimbursed by forfeiture funds.) CCPC recommended approval of an incremental increase to amount requested (\$12.19) effective January 1, 2012, 2-0 (Sharkey and Lucchese were not present).

On motion made by Ashe seconded by Foutz and unanimously carried, the Council approved this request.

#### D. Sheriff's Department

1. Request reclassification of a Patrol Sergeant position (starting rate \$20.50) to Patrol Officer III (starting rate \$19.35). (If approved, of 42 Patrol Officer positions, 9 can be III's.) CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Ashe seconded by Sharkey and unanimously carried, the Council approved this request.

#### E. Community Corrections

1. Request reclassification of Manager, Programs and Services, PG6/JF6, to Assistant Director of Community Corrections, PG8/JF6, \$16.10 to \$1,365.60 (minimum of pay grade), retroactive to December 5, 2011. CCPC recommended approval retroactive to December 5, 2011, 2-0 (Sharkey and Lucchese were not present).

On motion made by Ashe seconded by Sharkey and unanimously carried, the Council approved this request.

#### F. County Clerk

1. Request to reclassify and upgrade Archivist position (White), PG5/JF5, to Manager, Archives and Microfilm, PG8/JF6, \$1458.72 to \$1815.36 effective February 12, 2012. CCPC recommended approval with an 8% pay rate increase effective February 12, 2012, and an 8% increase at three and six months up to the maximum of the hiring range based on performance, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request.

2. Request to reclassify and downgrade Manager of Microfilm (Lung), PG5/JF6, to Micrographic Technician, PG3/JF1, and from exempt to non-exempt with no reduction in hourly pay rate effective February 12, 2012. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Ashe seconded by Foutz and unanimously carried, the Council approved this request.

3. Request part-time rate of \$10.36/hr. in account 4129 for the Archives and Microfilm department effective February 12, 2012. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

#### G. County Auditor

1. Request reduction in hours for Secretary III position from 36 to 30 hours per week effective February 12, 2012. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

2. Request increase in part-time rate for Fund 172 (Auditor's Plat Book) from \$13.50 to \$14.00/hr. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Hess and unanimously carried, the Council approved this request.

#### H. Health Department

1. Environmental: Request to revise career development for Environmental Health Services per November 2011 CCPC request to allow for one-time rate increase of 80¢ per hour upon successful completion of registration exam. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council approved this request.

2. WIC: Request to combine two part-time positions into one regular part-time position, Breastfeeding Peer Counselor, PG2/JF3, up to \$12.95/hr., 21 hrs/week. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

3. WIC/MCH: Request to reduce a full-time Intake Specialist (Oakley) to part-time, less than 20 hours per week effective February 5, 2012. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Ashe seconded by Riegsecker and unanimously carried, the Council approved this request.

#### 4. Local Health Dept. Trust Account:

Approve continuation of grant that supports one full-time position, a portion of another full-time position and one part-time position. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

5. Local Health Maintenance Fund:

Approve continuation of one full-time and one part-time positions. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

6. HIV Prevention Grant:

Approve continuation of one full-time position. CCPC recommended approval, 2-0 (Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Ashe and unanimously carried, the Council approved this request.

ADDED ITEM:

1. Planning & Development

Request exception to policy and allow Legal Assistant II (Britton), PG4/JF1, to transfer to Planning Assistant, PG3/JF1, with a 3% reduction in pay rate rather than a 6% reduction.

CCPC recommended approval, 1-0 (Yohn abstained, Sharkey and Lucchese were not present).

On motion made by Foutz seconded by Sharkey and unanimously carried, the Council approved this request. Yohn abstained.

The preceding Emergency Salary Ordinances were then duly adopted.

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**ADDITIONAL APPROPRIATIONS REQUESTS**

NOTICE TO TAXPAYERS OF PROPOSED ADDITIONAL APPROPRIATIONS

Notice is hereby given to the taxpayers of Elkhart County, Elkhart County, Indiana, that the proper legal officers will consider the following additional appropriations in excess of the budget for the current year at their regular meeting place at

Room 104, 117 N. 2nd Street, Goshen, Indiana, at 8:00 o'clock a.m. on Saturday, February 4, 2012

GENERAL FUND

Commissioners

Other Services and Charges 50,000.00  
Emergency Management

Personal Services 4,415.00  
Microfilm

Personal Services 61,028.00

Title IV-D Court

Personal Services 3,000.00

TOTAL GENERAL FUND 118,443.00

CUMULATIVE REASSESSMENT

Assessor

Other Services and Charges 62,200.00

COUNTY HIGHWAY

General and Undistributed

Capital Outlays 8,000.00

JURY PAY FUND

Auditor

Personal Services 156,500.00

ROAD MAINTENANCE AND CONSTRUCTION

Highway

Supplies 1,339,300.00

EDIT

Highway

Capital Outlays 200,000.00

CUMULATIVE CAPITAL

DEVELOPMENT

Commissioners

Capital Outlays 100,000.00

CUMULATIVE BRIDGE

Highway

Capital Outlays 140,000.00

CUMULATIVE DRAIN

Drainage Board

Capital Outlays 157,000.00

**REDUCTIONS**

GENERAL FUND

Clerk

Personal Services (53,128.00)

Taxpayers appearing at the meeting shall have a right to be heard. The additional appropriations as finally made will be referred to the Department of Local Government Finance (DLGF). The DLGF will make a written determination as to the sufficiency of funds to support the appropriations made within fifteen (15) days of receipt of a Certified Copy of the action taken.

Dated: January 25, 2012

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#001)

1. Commissioners (130) request \$50,000 to pay for rent for the prosecutor's office.

Tom Byers explained this request to the Council. He explained that there was a misunderstanding and the \$50,000 for rent was removed during the 2012 budget hearings. In order to pay the rent, in a timely manner, a transfer was done out of #4331 and now we need to repay that account.

On motion made by Ashe seconded by Sharkey and unanimously carried, the Council approved this request.

2. Emergency Management (137) requests \$4,415 to reinstate the Secretary position to 36 hours from 30 hours.

Mike Pennington explained this request to the Council.

On motion made by Yohn seconded by Riegsecker and unanimously carried, the Council approved this request.

3. Microfilm (143) requests \$61,028 to transfer two positions from the Clerk's office (101) to this department. The positions are Manager, Archives and Microfilm and Assistant Archivist. A reduction in 001-101 will follow later in the meeting to help offset the amount requested.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

4. Title IV-D Court (171) requests \$3,000 for overtime and part-time clerical.

Sharkey questioned whether this was 2/3 reimburseable. Judge Bonfiglio and Auditor Graff both stated that it was.

On motion made by Yohn seconded by Sharkey and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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**B. CUMULATIVE REASSESSMENT (#105)**

1. Assessor (980) requests \$62,200 to cover the yearly maintenance for GUTS that was previously paid through the General Fund. This is for one year.

Tom Byers explained this request to the Council.

On motion made by Hess seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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**C. MOTOR VEHICLE HIGHWAY (#112)**

1. General and Undistributed (204) requests \$8,000 for a trench box.

Jeff Taylor explained this request to the Council.

On motion made by Foutz seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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**D. JURY PAY FUND (#156)**

1. Auditor (980) requests \$156,500 to reimburse the General Fund for petit jurors for the year.

Graff explained this to the Council. This was discussed at budget hearings and was included in miscellaneous income.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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E. ROAD MAINTENANCE AND CONSTRUCTION (#237)

1. Highway (980) requests \$1,339,300 for road signs, patch & AE mix, chip seal and road salt. This is a new fund created for wheel tax/surtax receipts.

Jeff Taylor explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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F. EDIT (#331)

1. Highway (980) requests \$200,000 for project # 1205, close out of various small projects, drainage improvements, repairs to roadways and other small projects requiring materials and/or outside labor. This is the annual amount set forth in the ten year plan.

Jeff Taylor explained this request to the Council.

On motion made by Sharkey seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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G. CUMULATIVE CAPITAL DEVELOPMENT (#334)

1. Commissioners (980) requests \$100,000 for project 1202 for other equipment needed by various departments that do not have funding for such purposes. This is part of the five year capital funding plan.

Tom Byers explained this request to the Council.

On motion made by Yohn seconded by Ashe and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.

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H. CUMULATIVE BRIDGE (#335)

1. Highway (980) requests \$140,000 for project 1204, miscellaneous bridge repairs.

Jeff Taylor explained this request to the Council.

On motion made by Sharkey seconded by Yohn and unanimously carried, the Council approved this

request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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I. CUMULATIVE DRAIN (#337)

1. Surveyor (980) requests \$157,000 for the following projects:

1200	\$10,000
1201	\$30,000
1202	\$102,000
1203	\$15,000

On motion made by Sharkey seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Appropriation Ordinance was then duly adopted.  
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J. GENERAL FUND (#001)

1. Clerk (101) returns \$53,128 for the archivist and archivist assistant positions that were transferred to department 143.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved this request.

The preceding Emergency Reduction Ordinance was then duly adopted.  
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**TRANSFERS REQUIRING COUNCIL ACTION:**

A. GENERAL FUND (#001)

1. Sheriff (105)

From	4219	Operating Supplies	599.00
To	4539	Other Equipment	599.00

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

The preceding Emergency Transfer Ordinance was then duly adopted.  
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**TRANSFERS NOT REQUIRING COUNCIL ACTION:** Available in Auditor’s Office.

**OTHER BUSINESS:**

(a) Approval of Interlocal Agreements for Animal Shelter Management and Animal Control Services between Elkhart County and the City/Town of Elkhart, Goshen, Bristol, Middlebury and Wakarusa.

Glenn Null spoke on his dissatisfaction with the Humane Society and their service. He also feels that the County/Cities should have more of a choice in the price of the agreement.

Sharkey stated that we did go through this several years ago and negotiated a price for this. He said that the cost has remained the same since then.

On motion made by Sharkey seconded by Foutz and unanimously carried, the Council approved the Interlocal Agreements. (Page 84)

(b) Request to approve the sale of surplus property at 26910-2 County Road 6.

Gordon Lord explained this request.

On motion made by Hess seconded by Riegsecker and unanimously carried, the Council approved this request.

**Added Items:**

Appointment of 4 Board Members to the Elkhart County Education Alliance. Council appointed Larry Brooks, Bob Deputy, Ron Fenech and Wes Herschberger per Commissioner Yoder's request. This is a 2 year term.

On motion made by Foutz seconded by Hess and unanimously carried, the Council approved this request.

Wendy Hudson also briefly discussed a resolution that needs to be drafted in order to approve voting centers. This will be discussed again at the April meeting.

**AUDIENCE ITEMS:** None

**ADJOURN:**

There being no further business to come before the Council the meeting was adjourned at 9:25 a.m. on motion by Sharkey seconded by Foutz and unanimously carried.

Audie Hostetler  
Recording Secretary

A complete recording of this meeting is available in the Auditor's Office. The recording of this meeting will be available for one year and then erased.