

**MINUTES**  
**ELKHART COUNTY COUNCIL**  
**October 8, 2016**

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 Council President John K. Letherman, Vice President David L. Hess, David E. Foutz, Randall D. Yohn, David M. Ashe, Darryl J. Riegsecker and Thomas W. Stump.

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

**MINUTES:** Approval of minutes for September 10, 2016  
Approval of minutes for September 22, 2016  
Approval of minutes for September 23, 2016

On motion made by Yohn seconded by Riegsecker and unanimously carried, the minutes were approved as received.

**COMMITTEE REPORTS:**

COMMISSIONERS: Yoder gave short report.  
COUNCIL: No report  
AUDITOR: No report  
SHERIFF: No report

**EDC MATTERS:**

**HUMAN RESOURCE MATTERS:**

- A. Treasurer
  - 1. General Fund (1000-103-41105): Request to increase pay of First Deputy Treasurer (Jones) to \$2721.82 bi-weekly, while serving in the roles of County Treasurer and First Deputy Treasurer, effective 10-16-16 and request lump sum payment of \$14,874 for retroactive pay from 4-3-16 through 10-15-16.

**On motion made by Yohn seconded by Stump and unanimously carried, the CCPC approved this request, 3-0.**

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

**Note 9/26/16:** After the CCPC meeting, a caucus was held and First Deputy Treasurer, Jodi Jones, was not chosen to continue the Treasurer's term. Her lump sum payment has been recalculated and will be \$13,280 for pay from 4-3-16 through 9-23-16. Her bi-weekly rate of pay will continue to be \$1659.43.

**Added 10/4/16:**

2. General Fund (1000-103-41115): Request 6% lump sum of \$1800 for Clerical Supervisor II (Beery) for taking on additional duties in the Treasurer's absence, effective 10-16-16.

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

**B. Fair Labor Standards Act – Revisions**

1. Department of Labor has increased the earnings limitation from \$455 to \$913/week effective 12/1/2016.
2. We have 51 employees that will need to change from salaried to hourly, due to either not earning \$913/week or performing job duties that do not allow them to be exempt, as determined by Human Resources, the Commissioners and Yoder Ainlay Ulmer and Buckingham (list attached).
3. Our policy states that exempt employees are expected to work a minimum of forty (40) hours per week. The proposal is to calculate an hourly rate equivalent based on forty (40) hours per week and change benefit accruals (sick and vacation) from exempt (daily accruals) to hourly accruals (based on 80 hour pay periods). All current daily accruals will be converted to hourly accruals (based on 80 hours bi-weekly).
4. We have 4 employees who, if the PIP is granted a pay period early, will meet the \$913/week and may remain as exempt employees.
5. At some point in the future, we may need to address account number designations (where people are paid from) and job family designations. It should also be recognized that implementing these changes may result in a department where former exempt employees are working 40 hours in a department with a regularly scheduled 36 hour work week.

6. Vacancies will, in most cases, be posted and filled with hourly rated employees, based on the regular work schedule of the department (36 or 40 hour work week).
7. No employee should be negatively impacted (reduction of income/benefits) as a result of this revised legislation. However, we realize that there may be unique circumstances in some cases and we will need to determine what is best for the employee, department, and the County in general. We will work closely with department heads to make this transition as seamless as possible.

**On motion made by Stump seconded by Yohn and unanimously carried, the CCPC approved requests 1-7, 3-0.**

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

The preceding Emergency Salary Ordinances were then duly adopted.

(Page 395-396)

### **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, October 8, 2016.

#### GENERAL FUND

##### County Assessor

|                            |           |
|----------------------------|-----------|
| Other Services and Charges | 27,000.00 |
|----------------------------|-----------|

##### PTABOA

|                            |          |
|----------------------------|----------|
| Other Services and Charges | 4,000.00 |
|----------------------------|----------|

##### Circuit Court Juvenile

|                   |           |
|-------------------|-----------|
| Personal Services | 12,600.00 |
|-------------------|-----------|

|                    |           |
|--------------------|-----------|
| TOTAL GENERAL FUND | 43,600.00 |
|--------------------|-----------|

#### CUMULATIVE CAPITAL DEVELOPMENT

##### Information Technology

|                            |           |
|----------------------------|-----------|
| Other Services and Charges | 40,000.00 |
|----------------------------|-----------|

|  |                  |
|--|------------------|
| CUMULATIVE DRAIN                                 |                  |
| <u>Surveyor</u>                                  |                  |
| Capital Outlays                                  | 202,500.00       |
|  |                  |
| COUNTY MISDEMEANANT                              |                  |
| <u>Sheriff</u>                                   |                  |
| Other Services and Charges                       | 41,793.00        |
| Capital Outlays                                  | 197,127.00       |
| TOTAL COUNTY MISDEMEANANT                        | <hr/> 238,920.00 |
|  |                  |
| SHERIFF'S PENSIONS TRUST                         |                  |
| <u>Auditor</u>                                   |                  |
| Personal Services                                | 255,000.00       |
|  |                  |
| JURY PAY FEE FUND                                |                  |
| <u>Auditor</u>                                   |                  |
| Capital Outlays                                  | 15,000.00        |
|  |                  |
| NORTHEAST CORRIDOR TIF DISTRICT                  |                  |
| <u>Planning and Development</u>                  |                  |
| Capital Outlays                                  | 35,000.00        |
|  |                  |
| DEBT SERVICE                                     |                  |
| <u>Auditor</u>                                   |                  |
| Other Services and Charges                       | 200,000.00       |
|  |                  |
| ZIKA PREPAREDNESS                                |                  |
| <u>Health Department</u>                         |                  |
| Supplies   | 3,000.00         |
|  |                  |
| 2014 DEOB SHSP D2                                |                  |
| <u>Emergency Management</u>                      |                  |
| Capital Outlays                                  | 8,800.00         |
|  |                  |
| REDUCTIONS                                       |                  |
|  |                  |
| PROSECUTING ATTORNEY SPECIAL PROJECTS FEES       |                  |
| <u>Infraction Deferral</u>                       |                  |
| Supplies   | -7,500.00        |
| Other Services and Charges                       | -72,000.00       |
| Capital Outlays                                  | -11,500.00       |
| TOTAL PROSECUTING ATTORNEY SPECIAL PROJECTS FEES | <hr/> -91,000.00 |

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: September 28, 2016.

Pauline E. Graff, Elkhart County Auditor

**ADDITIONAL APPROPRIATION EXPLANATIONS:**

A. GENERAL FUND (#1000)

1. Assessor (109) request \$27,000 for funds needed for additional attorney fees for state appeals and appraisals.

Cathy Searcy explained this request to the Council.

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

2. PTABOA (146) request \$4,000 for funds needed for additional consultant fees due to more hearings than normal this calendar year.

Cathy Searcy explained this request to the Council.

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

3. Circuit Court Juvenile (161) request \$12,600 for funds due to excess payroll hours and miscellaneous invoices.

Deborah Domini explained this request to the Council.

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

The preceding Emergency Appropriation Ordinances were then duly adopted.

(Page 397)

B. CUMULATIVE CAPITAL DEVELOPMENT (#1138)

1. Information Technology (141) request \$40,000 for funds to pay phone expenses through remainder of 2016.

Tom Byers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 398)

C. CUMULATIVE DRAIN (#1141)

1. Surveyor (980) request \$202,500 for funds needed for maintenance on County Regulated Drains.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 399)

D. COUNTY MISDEMEANANT (#1175)

1. Sheriff (980) request \$238,920 for funds to purchase vehicles, upgrades to the jail radio system and software and hardware needed to implement GUARDIAN RFID.

Brad Rogers explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 400)

E. SHERIFF'S PENSIONS TRUST (#1193)

1. Auditor (980) request \$255,000 for funds to pay the Sheriff Pension Employer Contribution for 2016.

Pauline Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 401)

F. JURY PAY FEE FUND (#2515)

1. Auditor (980) requests \$15,000 for funds to transfer to General Fund per the miscellaneous income during the 2016 Budget Hearings.

Pauline Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 402)

G. NORTHEAST CORRIDOR TIF DISTRICT (#4511)

1. Planning and Development (980) request \$35,000 for funds needed for demolition of (3) three homes in Prairie Creek Run. The homes have been slated “unsafe” by Unsafe Hearing Officer.

Chris Godlewski explained this request to the Council.

On motion made by Foutz seconded by Yohn and unanimously carried, the Council approved these requests.

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 403)

H. DEBT SERVICE (#4600)

1. Auditor (980) request \$200,000 for funds needed to cover the cost of refinancing the 2016 bond.

Pauline Graff explained this request to the Council.

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

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 404)

#### I. ZIKA PREPAREDNESS (#8150)

1. Health Department (980) request \$3,000 for funds needed to disperse the Zika Grant to monitor for and treat for mosquitoes in Elkhart County.

Dr. Nafziger 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.

(Page 405)

#### J. DEOB SHSP D2 (#8151)

1. Emergency Management (980) request \$8,800 for funds needed for 100% reimbursable IDHS grant for maintenance and sustainment of the District 2 ID card system.

Tom Byers explained this request to the Council.

On motion made by Yohn seconded by Riegsecker the Council approved this request. Hess voted nay.

The preceding Emergency Appropriation Ordinance was then duly adopted.

(Page 406)

### **REDUCTIONS:**

#### K. PROSECUTING ATTORNEY SPECIAL PROJECTS FEES (#2525)

1. Infraction Deferral (155) request \$91,000 reduction due to decreased income from programs.

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

The preceding Emergency Reduction Ordinance was then duly adopted.

(Page 407)

**TRANSFER REQUESTS REQUIRING COUNCIL ACTION**

A. GENERAL FUND (#1000)

1. Assessor (109)

|      |                       |        |
|------|-----------------------|--------|
| From | 43140 Telephone       | 890.00 |
| To   | 42090 Office Supplies | 890.00 |

B. HEALTH (#1159)

1. County Health Operating (340)

|      |                                    |          |
|------|------------------------------------|----------|
| From | 43140 Telephone                    | 1,000.00 |
| To   | 42380 Capital Supplies             | 1,000.00 |
| From | 42180 Medical Supplies             | 3,000.00 |
| To   | 44515 Office Furniture and Fixture | 3,000.00 |

C. LOIT PUBLIC SAFETY (#1170)

1. Sheriff (980)

|      |                                   |            |
|------|-----------------------------------|------------|
| From | 42110 Fuel and Motor Oil          | 40,000.00  |
| To   | 43020 Medical                     | 40,000.00  |
| From | 41410 Retirement - Other          | 220,000.00 |
| To   | 43090 Other Professional Services | 220,000.00 |

D. STATE INDOOR RADON GAS (#8116)

1. Health Department (981)

|      |                          |          |
|------|--------------------------|----------|
| From | 43120 Postage            | 200.00   |
|      | 43210 Publication        | 800.00   |
| To   | 42195 Operating Supplies | 1,000.00 |

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

The preceding Emergency Transfer Ordinance was then duly adopted.

(Page 408)

## **OTHER BUSINESS**

- (a) Approval of 2017 County Council Meeting Schedule.

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

(Page 409)

- (b) Approval of appointment of Richard Rice to the Bristol Public Library Board; term expiring, October 1, 2020.

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

(Page 410)

- (c) Approval of appointment of Julie Dijkstra to the Nappanee Public Library Board; term expiring, October 1, 2020.

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

(Page 411)

## **AUDIENCE ITEMS**

Presentation by Mary Ann Lienhart Cross, from the Elkhart County Extension Office. She discussed the importance of Farm Safety and consumption of Apples.

## **ADJOURN**

There being no further business to come before the Council the meeting was adjourned at 9:05 a.m. on motion by Foutz seconded by Ashe and unanimously carried.

Anita Mock  
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.

