

DELAWARE COUNTY COUNCIL MEETING
DECEMBER 9, 2014 9:00 a.m.
DELAWARE COUNTY COMMISSIONERS COURTROOM
CALL TO ORDER
PLEDGE
AGENDA POSTED

ORIGINAL

ROLL CALL

Present; Councilman Alexander, Councilwoman Chambers, President Jones,
~~Councilman Matchett, Councilman Quakenbush, Councilman Nemyer, Councilman~~
Spangler, Attorney, Ms. Amanda Dunnuck, Auditor, Ms. Judy Rust, Recording
Secretary, Ms. Denise Smith

APPROVAL OF MINUTES

MOTION: Councilman Quakenbush motioned to approve November 25, 2014 minutes, as
presented.

SECOND: Councilman Alexander

Motion PASSED UNANIMOUSLY

COMMITTEE REPORTS

Tax Abatements-none

Appointments-

MOTION: Councilman Spangler motioned to nominate Ms. Rosa Selvey to serve as Council's
appointment for Civic Center Board, expiring in July 2016.

SECOND: Councilman Nemyer

Motion PASSED UNANIMOUSLY

Ms. Selvey will attend a future Council meeting.

Insurance-none

Personnel-

Ms. Nancy Larson, Human Resource Director, presented four salary adjustments for approval.

MOTION: Councilman Quakenbush motioned to approve requests, as presented.

SECOND: Councilman Spangler

Motion PASSED UNANIMOUSLY

December 9, 2014 Council meeting

MEMORANDUM

TO: DELAWARE COUNTY COUNCIL
 FROM: HUMAN RESOURCES/MANCY LARSON
 DATE: DECEMBER 4, 2014
 RE: SUMMARY OF ADJUSTMENT REQUESTS

Individual	Line Number	Department	Administrative Dept. Head	Requested Change/Action	Effective Date
Peris, Seth	145-0111	JAIL	LT Hoese	Completed 90 Days of Service Adjust pay to - \$30,242.00	11/20/14
Kuback, Matthew	145-4834	JAIL	LT Hoese	Completed 90 Days of Service Adjust pay to - \$34,342.00	11/20/14
Wzale, Kevin	145-1141	JAIL	LT Hoese	Completed 90 Days of Service Adjust pay to - \$34,242.00	11/20/14
Holm, Renee	145-2150	JAIL	LT Hoese	Completed 90 Days of Service Adjust pay to - \$30,242.00	11/20/14

ORIGINAL

Ms. Larson had two issues; one employee was given a pay increase in 2013, going from level 3 to 4, approved thru Personnel Committee and Council on November 27, 2012. The PI form was sent to the Auditor's office showing the pay increase however, this did not reflect the 60% or 2.2% longevity that was built into the employees pay. The employee is owed \$490.56 for 2013 and 2014. The department will need to request the increase in the pay line for 2013. The department does not have the money to pay out the employee.

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President Jones said when mistakes take place the employees are expected/required to pay Delaware County back immediately so this should be paid back to the employee immediately.

Ms. Donna Patterson, Settlement Clerk, said money is available through County Council salary line that could be used to pay the employee back.

Councilman Quakenbush said Council can make it right during the budget year but cannot go back into 2013 budget. If this cannot be taken care of "today" then we cannot make it happen January 1, 2015, because 2014 budget would be over. Taking it from salary adjustment is a major transfer.

Ms. Patterson said it can be paid directly out of salary adjustments instead of major transfer. When payroll is turned in that amount comes out of Council's salary adjustment line item.

Ms. Amanda Dunnuck, Council Attorney, said 2013 does not need to be modified. The full amount can be paid on January 1, 2015 or January 27 and then request that the budget for 2015 be changed so the employee is paid appropriately next year.

Councilwoman Chambers said in the past Council only went back the current year on 60% longevity and salary.

MOTION: Councilman Matchett motioned to pay the employer \$981.12 from County Council salary adjustment line.

SECOND: Councilman Nemyer

Councilman Alexander asked is that going back to 2014 but not 2013.

Councilwoman Chambers said this was voted on previously and approved when the others were not.

Ms. Dunnuck said Council can choose based on the information; however a vote in 2012 for this was done. The paperwork was not done properly.

President Jones said if it was a utility or an attorney that we owed money too, we as Council would pay it. The employee needs to be compensated accordingly.

Councilman Quakenbush asked for Councilman Matchett to include in his motion that the pay was approved by Council on 11-27-2012.

No objections.

Motion PASSED UNANIMOUSLY

9:14 a.m.

Ms. Larson said an employee under Mr. Jim Flook, IT Director, currently has 200 compensatory hours. At budget time this position was moved to Mr. Flook's budget and no longer will be in

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the county budget. She is owed 200 comp hours and IT department does not have the money to pay out the comp hours. Ms. Larson asked for advice.

Ms. Dunnuck asked what the handbook states regarding compensatory hours.

Ms. Larson said an employee can have up to 80 hours but beyond that it must be pre-approved by a supervisor. Mr. Flook did approve this and the reason being it was when they went from a two person office to one.

President Jones said given that it is the first time Council has heard about this. It will need to be discussed further.

Ms. Larson said her time ends on 12/31/2014.

Ms. Rust asked if President Jones was proposing that this be taken care of January 2015.

President Jones said he is proposing that Council will review what was presented. Jones asked why Council is just hearing of this now.

Ms. Dunnuck asked if the department had enough money to pay the 80 hours.

Ms. Rust said their budget is strictly for one employee. It would need to be taken from Council salary adjustment.

Continued discussion took place about how and why this much time was accumulated; sign off above 80 hours, when the time was accrued, did the employee take time off through vacation, etc.

ORDINANCES

TAX ANTICIPATION WARRANTS-SECOND READING

AN ORDINANCE OF THE COUNTY COUNCIL OF THE COUNTY OF DELAWARE, INDIANA, AUTHORIZING THE COUNTY OF DELAWARE, INDIANA TO A MAKE TEMPORARY LOAN TO MEET CURRENT RUNNING EXPENSES FOR THE USE OF CERTAIN FUNDS OF THE COUNTY AND CERTAIN DEPARTMENTS THEREOF; AUTHORIZING THE ISSUANCE OF TAX ANTICIPATION WARRANTS TO EVIDENCE SUCH LOAN; AND APPROPRIATING AND PLEDGING A SUFFICIENT AMOUNT OF THE REVENUES ANTICIPATED TO BE RECEIVED IN SUCH FUNDS TO THE PUNCTUAL PAYMENT OF

ORDINANCE 2014-035

MOTION: Councilman Nemyer motioned to approve the second reading of Ordinance 2014-035, Tax Anticipation Warrant.

SECOND: Councilman Matchett

NAYS; Councilman Quakenbush, Councilman Spangler, Councilman Alexander

YEAS; Councilwoman Chambers, Councilman Matchett, Councilman Nemyer, President Jones

A complete copy of the ordinance can be found at co.delaware.in.us

ORDINANCE AMENDING ORDINANCE 2013-006, AN ORDINANCES ESTABLISHING THE EXCISE SURTAX AND THE WHEEL TAX ON MOTOR VEHICLES IN THE COUNTY ESTABLISHING THE DELAWARE COUNTY SURTAX FUND AND DELAWARE COUNTY WHEEL TAX RFUND AND REPEALING ORDINANCE 2009-24A

ORDINANCE 2014-039A

President Jones said a change made by the State requires an action to amend the existing Wheel Tax Ordinance. The amendment includes motor driven cycles as a vehicle class to be covered by surtax.

MOTION: Councilman Nemyer motioned to introduce Ordinance 2014-039A.

SECOND: Councilman Matchett

Councilman Quakenbush asked about the motor scooters.

Ms. Dunnuck said the legislature amended Indiana Code 6-3.5-4-2 to include motor driven cycles to be registered starting January 1, 2015. A \$10 charge of excise tax included in the list of vehicles to be charged under the surtax. Ms. Dunnuck said this is dealing with vehicles registered within Delaware County. Ms. Dunnuck is not sure if that entails driver's license. This has to be done for Delaware County to receive money.

Councilman Quakenbush asked if \$25 was the minimum amount.

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Ms. Dunnuck said \$25 was the amount Council had approved and voted on regarding the other three classifications, under surtax, all classifications have to be charged the same amount.

Councilman Alexander said a lot of people that drive the motor driven cycles will not know that the law has changed and will not register the motor driven cycles. Alexander does not think the change was advertised enough.

Ms. Dunnuck said as of January 1, 2015, they must be registered. The change in the law was made at State level and excise tax is charged at State level. If this is not passed then Delaware County does not get the surtax. The State keeps the excise tax and the county keeps the surtax. If Delaware County is going to have the tax then Delaware County has to comply with State statute and every class of surtax must be the same amount.

YEAS; Councilman Spangler, Councilman Alexander, Councilwoman Chambers, Councilman Matchett, Councilman Nemyer, President Jones

NAYS; Councilman Quakenbush

MOTION: Councilman Nemyer motioned to suspend the rules for second reading of Ordinance 2014-039A.

SECOND: Councilman Matchett

YEAS; Councilwoman Chambers, Councilman Matchett, Councilman Nemyer, Councilman Spangler, President Jones

NAYS; Councilman Alexander,

At the time of vote, Councilman Quakenbush was not in courtroom.

President King pointed out that if Delaware County loses all of the tax money because it is not done by January 1, 2015 it rests on "your" shoulder.

Councilman Alexander said there can be a Special meeting, the public should hear and understand this.

Councilwoman Chambers said it was in the newspaper.

Ms. Dunnuck said the State advertised this and Delaware County is complying to the State.

FINANCIAL AGENDA

OTHER

Ms. Rust, Auditor, read aloud the requests.

MOTION: Councilman Spangler motioned to approve \$88,282.57 for Stormwater Management Fund.

SECOND: Councilman Matchett

President Jones said this is an old Interlocal agreement. The monies (counties portion) has always been paid to City of Muncie but was never appropriated or handled by Council. It was called into question rather this is the correct way. The fund is established and monies are sufficient to pay the bill. State Board of Accounts advised that this be referred to the county attorney and for the county attorney to give their opinion to Council.

Ms. Dunnuck will follow up with the county attorney.

Motion PASSED UNANIMOUSLY

TRANSFER AGENDA

COUNTY GENERAL

MOTION: Councilman Quakenbush motioned to approve transfer Jail 145, (See below).

SECOND: Councilman Nemyer

Motion PASSED UNANIMOUSLY

MOTION: Councilman Spangler motioned to approve transfer Jail, (See below).

SECOND: Councilman Nemyer

Motion PASSED UNANIMOUSLY

MOTION: Councilman Nemyer motioned to approve transfer Fair Board Fund 4911, (See below).

SECOND: Councilman Matchett

Motion PASSED UNANIMOUSLY

MOTION: Councilman Spangler motioned to approve transfer Health Department, (See below).

SECOND: Councilman Quakenbush

Motion PASSED UNANIMOUSLY

MOTION: Councilman Nemyer motioned to approve transfer Health Department, (See below).

SECOND: Councilman Quakenbush

Motion PASSED UNANIMOUSLY

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MOTION: Councilman Nemyer motioned to approve transfer Planning Commission, (See below).

SECOND: Councilman Matchett
Motion PASSED UNANIMOUSLY

MOTION: Councilman Nemyer motioned to approve transfer Misdemeanant Fund 1175 248, (See below).

SECOND: Councilman Matchett
Motion PASSED UNANIMOUSLY

MOTION: Councilman Matchett motioned to approve financials, transfers, and addendums with like reductions and to amend the salary ordinance.

SECOND: Councilman Nemyer
Motion PASSED UNANIMOUSLY

HEALTH DEPARTMENT CLAIM

9:41 a.m.

Ms. Dunnuck and Mr. Steve Murphy (Commissioner Attorney) both reviewed the health claim.

Ms. Dunnuck said the settlement was signed off by Worker Compensation Board (equivalent) to a court order. This allows the Auditor to pay from unappropriated without Council action.

President Jones said discussion with Council will need to take place in 2015 regarding Workers Compensation claims.

OTHER

President Jones said 2015 Council meetings will take place on the 4th Tuesday of each month, with the exception of February 2015. The meeting for February will be held February 23, 2015.

MOTION: Councilman Nemyer motioned to accept 2015 Council meetings.

SECOND: Councilman Quakenbush
Motion PASSED UNANIMOUSLY

President Jones thanked Councilman Spangler for his service on Council.

Councilman Spangler thanked everyone and said he wished he could have sold his ideas better. Councilman Spangler intends to stay involved with county government.

President Jones welcomed incoming Council member, Ms. Jane Lasater.

Ms. Lasater was concerned that if the Wheel Tax amendment wasn't passed Delaware County could lose money.

MOTION: Councilwoman Chambers motioned to have a special meeting about Ordinance 2014-039A regarding Wheel Tax amendment.

SECOND: Councilman Matchett

YEAS; Councilman Spangler, Councilwoman Chambers, Councilman Matchett, Councilman Nemyer, President Jones

NAYS; Councilman Alexander, Councilman Quakenbush

The special meeting will be held December 15, 2014 at 12:30 p.m.

Mr. Steve Craycraft, Clerk, said the State passes laws every year. It is law enforcements job to enforce the laws, whether it is registration, etc. It is not the responsibility of Council to enforce it. What happens to the surtax money?

Ms. Dunnuck said it will not be collected and could interfere with the ability to collect Wheel Tax and Surtax. The city would lose \$2 million and county close to \$1 million (average).

Ms. Rust thanked the citizens of the community and Council for allowing her to serve as the Auditor for Delaware County during the last eight years.

WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget.
SECTION 1, THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds for the purposes herein specified subject to the laws governing the same.

FINANCIAL AGENDA FOR THE DELAWARE COUNTY COUNCIL 12/09/2014		
OTHER	REQUESTED	APPROPRIATED
STORM WATER MANAGEMENT FUND		
OTHER SERVICES AND CHARGES		
311 Contractual Services		
TOTAL	88,282.57	88,282.57
President Jones		
Vice-President Matchett		
Councilman Alexander		
Councilwoman Chambers		
Councilman Nemyer		
Councilman Quakenbush		
Councilman Spangler		
Auditor Rust		

WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget:

SECTION 1, THEREFORE: Be it ordained by the County Council of Delaware County, Indiana, that for the expenses of said municipal corporation for the following additional sums of money are hereby appropriated and ordered set apart out of the several funds for the purposes herein specified subject to the laws governing the same.

TRANSFER AGENDA FOR THE DELAWARE COUNTY COUNCIL MONTH OF 12/9/2014		
COUNTY GENERAL		
JAIL 145		
SUPPLIES		
241 Supplies	11,000.00	
224 Inmate Meals	26,300.00	11,000. 26,300.
OTHER SERVICES AND CHARGES		
311 Hospital Services	-26,000.00	-26,000.
371 Contracts	-10,000.00	-10,000.
393 Schooling	-1,300.00	-1,300.
TOTAL	0.00	0.
JAIL		
PERSONAL SERVICES		
Salaries and Wages		
117 Correctional Officer	-9,723.93	-9,723.93
117A Correctional Officer	9,723.93	9,723.93
155 Correctional Officer	-8,178.56	-8,178.56
155A Correctional Officer	8,178.56	8,178.56
125 Correctional Officer	-10,935.70	-10,935.70
125A Correctional Officer	10,935.70	10,935.70
TOTAL	0.00	0.
FAIR BOARD FUND 4911		
PERSONAL SERVICES		
Salaries and Wages		
173 Health Insurance	329.00	329.
OTHER SERVICES AND CHARGES		
310 Contractual Services	-329.00	-329.
TOTAL	0.00	0.
HEALTH DEPARTMENT		
PERSONAL SERVICES		
Salaries and Wages		
1159 200 5 00000 178 Insurance	-5,000.00	-5,000
1159 200 5 00000 198 Part-time	5,000.00	5,000
TOTAL	0.00	0.

HEALTH DEPARTMENT		
PERSONAL SERVICES		
Salaries and Wages		
1159 200 5 00000 171 FICA	5,500.00	5500
1159 200 5 00000 172 PERF	1,000.00	1000
SUPPLIES		
1159 200 5 00000 221 Gas & Oil	-1,000.00	-1000
CAPITAL OUTLAYS		
1159 200 5 00000 441 vehicles	-1,000.00	-1000
1159 200 5 00000 442 computers	-4,500.00	-4500
TOTAL	0.00	0
PLAN COMMISSION		
PERSONAL SERVICES		
SUPPLIES		
241 Micro-Computer Support	54.31	54.31
OTHER SERVICES AND CHARGES		
361 Equip repair and maintenance	54.31	54.31
TOTAL	0.00	0
MISDEMEANANT FUND 1175 248		
1175-248-241 Supplies	18,000.00	18,000
OTHER SERVICES AND CHARGES		
1175-248-371 Misc contracts	-10,000.00	-10,000
OTHER SERVICES AND CHARGES		
1175-248-362 Misc contracts	-8,000.00	-8000
TOTAL	0.00	0
President Jones	<i>[Signature]</i>	
Vice-President Matchett	<i>[Signature]</i>	
Councilman Alexander	<i>[Signature]</i>	
Councilwoman Chambers	<i>[Signature]</i>	
Councilman Nemyer	<i>[Signature]</i>	
Councilman Quakenbush	<i>[Signature]</i>	
Councilman Spangler	<i>[Signature]</i>	
Auditor Rust	<i>[Signature]</i>	

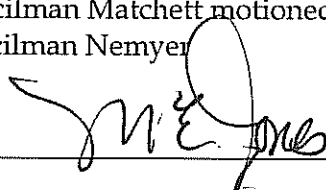
ADJOURN

MOTION: Councilman Matchett motioned to adjourn.

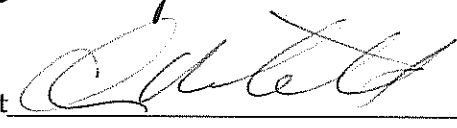
SECOND: Councilman Nemyer

All in favor

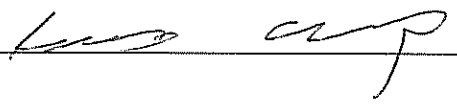
President Jones



Vice President Matchett



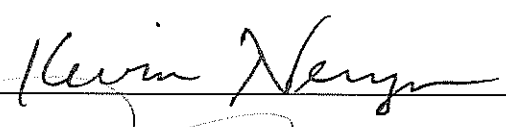
Scott Alexander



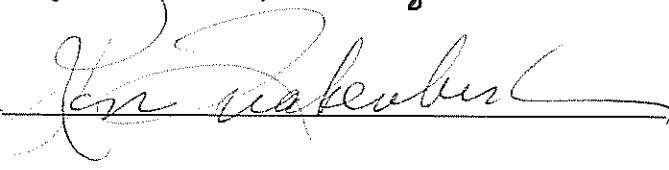
Mary Chambers



Kevin Nemyer



Ron Quakenbush



Rick Spangler

Auditor Rust

