

DELAWARE COUNTY COUNCIL MEETING  
JANUARY 6, 2022  
DELAWARE COUNTY COMMISSIONER'S COURTROOM  
CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
ROLL CALL

Present: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb, Deputy Auditor, Ms. Donna Patterson, Recording Secretary, Ms. Denise Smith, Settlement Clerk, Ms. Tonya Dunsmore, Attorney, Mr. William Hughes

Absent: Councilmember Chambers

AGENDA POSTED

APPROVAL OF AGENDA

President Alexander recommended changing the agenda to be in the order of transfer/financial for Prosecutor and then American Rescue Plan/Commissioners.

MOTION: Councilmember Ballard made a motion to approve the agenda.

SECOND: Councilmember Piper

Councilmember Quakenbush said so you want to change the agenda but don't want to vote on that first. Council is getting ready to approve the agenda as presented but President Alexander recommended to change the agenda.

MOTION: Councilmember Quakenbush made a motion to amend agenda.

Councilmember Quakenbush said a vote needs to be taken for the Presidents recommendation.

President Alexander said there is already a second and motion on the floor, as amended.

Councilmember Quakenbush said they are amending the first motion.

Mr. Williams Hughes, Council Attorney, said two votes, one to amend the agenda and second vote to approve it.

President Alexander said this vote it to amend the agenda.

Ms. Donna Patterson, Deputy confirmed that is what Councilmember Quakenbush motioned.

President Alexander said this is what Councilmember Ballard motioned on. There is already a motion on the table.

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Chambers, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

APPROVAL OF AGENDA AS AMENDED

MOTION: Councilmember Piper made a motion to approve agenda, as amended.

SECOND: Councilmember Ballard

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Chambers, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

## TRANSFER FOR PROSECUTOR 137

Ms. Patterson read aloud the request.

MOTION: Councilmember Piper made a motion to approve the transfer Prosecutor 137.

SECOND: Councilmember Ballard

Ms. Rhonda Foster, Office Manager, said this transfer is due to the new High Tech Crimes Unit. This does not need to be retroactive.

Mr. Eric Hoffman, Prosecutor, said Mr. Chuck Zimmer has been hired as the Director for the new High Tech Crimes Unit (State position).

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

Ms. Foster and Mr. Hoffman thanked Councilmembers for having the Special meeting to get the new unit going.

## APPROPRIATION FOR PROSECUTOR 137

MOTION: Councilmember Piper made a motion to approve financial request of \$232,626.

SECOND: Councilmember Lasater

Mr. Zimmer, Director, said this was the anticipated total amount with figures provided by IPAC (adminstrating the fund). IPAC is purchasing the software (10) to get a better rate. When the monies was transferred in at the beginning of the week it was \$232,626 instead of \$233,722. The supply line was reduced from \$233,722 to \$232,626.

MOTION: Councilmember Piper amended her motion.

SECOND: Councilmember Lasater

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT; Councilmember Chambers

Ms. Foster said this should be backdated/approved as of January 3, 2022.

MOTION: Councilmember Piper made the motion to backdate as of January 3, 2022.

SECOND: Councilmember Lasater

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

## FINANCIAL FOR AMERICAN RESCUE PLAN/COMMISSIONERS

MOTION: Councilmember Piper made a motion to approve American Rescue Plan/Commissioners.

Councilmember Quakenbush thought this had already been approved.

Councilmember Webb said this is in addition to the \$7 million plan.

Ms. Patterson said this is new money in which they want to appropriate.

SECOND: Councilmember Alexander

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

Councilmember Lasater asked to be brought up to date since she had been out due to falling and also asked why no one seconded the motion and why the President had to.

Councilmember Webb said he had not been told or updated on anything either.

President Alexander said there had been email sent back and forth and Mr. Hughes corresponded with Mr. John Brooke, Commissioners Attorney.

Mr. Joe Rhetts, Attorney, was available for questions. Mr. Rhetts said he understands that the settlement agreement is somewhat confusing.

Councilman Webb asked questions regarding the settlement agreement and the confusing language of the agreement. How are the settlement agreements being paid? If it is overtime then Mr. Brooke had mentioned that is why it would go through payroll. Ms. Donna Patterson said it could not go through payroll.

Ms. Donna Patterson, Auditor Deputy, said there are 25 claims of former employees at \$3,000 each. That money will be appropriated on January 25, 2022, Council meeting. This will come from misdemeanor fund (25 people, \$75,000), if approved in January's meeting. Those former employees will not run through payroll. They will receive their check with a 1099. They cannot be reactivated because this would cause a problem with these 25 past employees because they are no longer on PERF. Mr. John Brooke suggested giving those 25 employees 1099's.

Councilmember Webb said there was disagreement whether misdemeanor monies could be used for previous employees.

Mr. Rhetts said the statute is very vague. The statute states that money can be used to fund Jail operations, which are former employees and a part of the Jail operation. The grievance was for time worked in 2020.

The 25 employees were Jail employees.

Councilmember Webb said are they a union, are they not union, Sheriff and UAW claim there is a union, and Commissioners no longer claim the union is valid. President Alexander has said one of the reasons to agree to the settlement agreement was due to the cost of a \$400,000 litigation. What is to prevent the union from filing more grievances years later.

Mr. Rhetts said the \$400,000 included potential cost of the claim plus litigation cost. The question is not if there is a union or not but the question is if there is a collective bargaining in place. As it stands, the collective bargaining agreement expired and would not automatically renew. There still could be a union but no collective bargaining agreement. There's no mechanism to file grievances even if there is a union. All employees, rather in a union or not, still have to abide to the county employee handbook. Mr. Rhetts said these grievances have been pending for over two years. They were filed when there was a collective bargaining union in place. Grievances are past the deadline to file.

Councilmember Webb said with so many gray areas and many ways the agreement can be interpreted, who is on the hook for repaying this if later down the road it is interpreted a different way?

Councilmember Webb said anything that can be challenged and just in case the ARP money is ever an issue.

Mr. Rhetts said the worst scenario is that the county would get audited and in the Auditors report the Auditor would state that this should not have been done. Rhetts does not believe that this would have to be placed back in the misdemeanor fund, however, Delaware County would have to pay anything back to ARP that was spent inappropriately. There has been a lot of gray area *inaudible* guidance was not great. The actual final *inaudible* position and Treasury provided in-depth guidance and broaden the rules and addressed a lot of concerns. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

Councilmember Webb said all county employees are eligible, does this shield about the grievances being dropped.

Mr. Rhetts understands the concern, the timing is convenient and the language is not great, however, the fact that every county employee is getting the retention bonus and the amount has nothing to do with the grievances. Some employees could have thought they should have been paid more or less.

Councilmember Webb said due to his uncertainty of the interpretation of the agreement, would the Commissioners be willing to cover risk.

Commissioner Shannon Henry said the county has been going through COVID for two years, Commissioner Henry said this is \$3,000 and \$5,000 one-time bonus.

Councilmember Webb said he is not standing in the way of employees receiving the one-time bonus. He is in full support and feels he went to battle as much as anyone. Webb just wants to be sure that everything lines up and that it wasn't rushed through.

President Alexander said everyone is in support and there is no question there, as Councilmember Webb and Alexander stated they just want to make sure that all the t's are crossed and l's dotted and it does not come back down the road to hit the county financially.

Councilmember Piper said Council said all along that they did not want to get penalized. Piper thanked the Commissioners for taking time and doing their due diligence to the plan. Some other counties around the state rushed to get the plan complete.

Councilmember Quakenbush said the ARP plan was already approved.

Ms. Patterson said \$11 million was appropriated, Commissioners requested \$7.9 million. This was all placed into one account, Council appropriated it by project. Each project was given their own line, although, Mr. Brooke does not agree, example Town of Daleville had their own number, of the \$11 million, Commissioners appropriated \$7.9 million for those projects. Commissioners are asking for \$1.6 million for payroll. Total amount of employees equal \$1,510,000 but they need the \$1.6 million so FICA and PERF can be added. Ms. Patterson said she is already up to \$1.7 and is not finished figuring. At one of the Commissioners meeting, the original ARP plan was revised and some are the projects will not be funded now. Ms. Patterson had recommended having Mr. Williams Hughes create a resolution to reduce the appropriations that are not being used now.

Councilmember Webb said he thought, due to matching grant and Yorktown's project being put off that this was where the money for the ARP bonuses were coming from.

Councilmember Piper and Ms. Patterson both said they did not recall it being that way.

Councilmember Piper said it would help toward this but did not mean that the money saved from the matching grants would cover it all.

Councilmember Webb requested the total amount of the settlement and ARP.

Ms. Patterson said right now there is \$7,920,000 appropriated, in order to get the appropriations out and reduced, by Resolution "we" can go in and take appropriations out which frees that money up. Right now there is \$1.9 million, today they are asking for \$1.6 million which would add to the \$1.9 million in the books.

Out of the original money that was appropriation, Councilmember Webb asked how much of that money would come from ARP bonus in addition to \$1.6 million.

Ms. Patterson said none of the original \$7.9 million is. It would go back into the cash and reduce the appropriation by \$7.9 million. A resolution has to be done to reduce the appropriations out to free that money up

Mr. Hughes said this is a separate issue.

Councilmember Piper said this is a separate issue.

Councilmember Quakenbush said if they agree to appropriate \$1.6 million and they don't need it then what do we do with the rest of it.

Several councilmembers and Ms. Patterson said they are going to need more than that to cover FICA and PERF.

Councilmember Quakenbush said he did not have enough information.

Ms. Patterson said it is broken down by how many get what? Ms. Jeni Honeycutt, provided this. FICA and PERF has to be done. If the Commissioners would reduce the funds that are not going to be used it would reduce the \$7.9 million and they could (suggestion) if Council approves the \$1.6 million it could be done as a transfer, or go in and do reduction of appropriations and do another appropriation in February 2022.

President Alexander asked if this is approved today, would they not have to come back and get approvals for line items of who the salary is going to. How would this then be decided?

Out of \$1.6 million, Ms. Patterson said this amount had to be advertised, due to the deadline. Ms. Honeycutt provided those numbers through the appropriation. Patterson gave an example. It has to go through payroll and it has to be a series 100 line and FICA and PERF must be paid out of it.



President Alexander said if this gets approved, who is going to be the responsible party to be sure each employee is paid correct.

Some Councilmembers answered they did not know.

Mr. Rhett said he thought it would be Heather from the Auditor's office.

Councilmember Quakenbush said Council is going to have to make a decision.

Councilmember Webb said he feels it is wreck less to appropriate the request today when the Commissioners and Commissioners attorney agree that the settlement agreement does not have clarity and no employee names have been provided.

Ms. Pam McCammon, Human Resource Director, said she could get a copy of the list of names if this is what is holding Council up.

Councilmember Webb said since Council is meeting in two weeks, what is the harm in getting our ducks in a row before voting.

Mr. Hughes said Council is not approving the settlement agreement and Council is not a party to the settlement agreement.

Councilmember Webb said he understands but the settlement agreement is getting in the way.

Councilmember Ballard said if Pam comes in with the list of names, does this suffice.

Councilmember Quakenbush said no not at this time.

President Alexander asked who is going to make sure the right amounts go out to the right people. Will this be the Auditor's office?

Councilmember Quakenbush said a blank check should not be written and Council should vote the same way they do when they approve the monthly appropriations/transfers. The \$7.9 million was approved awhile back and Quakenbush said he was reluctant to approve that. Now all of a sudden a couple of items are not needed. Quakenbush said this is not no one's fault. Yorktown and Daleville are not needing the monies due to grants. Originally in December, Council promised the Prosecutor that Council would have a special meeting to fill his obligation, based on the grants. Quakenbush is not prepared to make a decision of the retention.

MOTION: Councilmember Quakenbush made a motion to table American Rescue Plan/Commissioners request.

SECOND: Councilmember Webb, Webb said he is in favor of ARP but need to get things lined up.

Mr. Hughes said a motion to table cannot be debated.

YEAS: Councilmember Lasater, Councilmember Quakenbush, Councilmember Webb

NAYES: Councilmember Ballard, Councilmember Piper, Councilmember Alexander

ABSENT: Councilmember Chambers

Motion to table failed.

Ms. Honeycutt said there is a master list of 498 employees, individual with dates of hire, bonus amount and who the employee worked for. She will provide this to Councilmembers.

Councilmember Quakenbush said based on provided information and it talks about unit 1, unit 2 and unit 3. Based on Counsel, Council is not a party too. Where did this list come from?

Ms. McCammon said this report was ran through Human Resources.

Councilmember Quakenbush said Indiana Statute requires that Council advertises meetings and what is going to be on the agenda. Now you are asking that we take information available at the meeting. This is not on the schedule of agenda. Quakenbush said he is totally lost.

Ms. Honeycutt said with due respect, it is not uncommon to bring literature to the meeting.

Councilmember Quakenbush said certain things in the world called transparency.

Councilmember Ballard said he does not think anyone is trying to hide anything. The word transparency is thrown around crazy sometimes. To be 100 % honest, no one is trying to hide anything. Sure, there is things to work on but nobody is trying to hide anything. Personally Ballard wants to do this and give the monies back to the employees, get it done and move on. Ballard said he does not think the Commissioners are trying to hide anything. Councilmember Ballard said let's get that out there. Commissioners are trying to do a good thing.

Councilmember Quakenbush said he used the wrong word and should have used clarity.

Councilmember Webb said Joe Citizen sitting at home understands what Council is talking about. Council must be accountable to the citizens.

President Alexander said there has been a lot of information and change. Council is taking the chance of giving retention bonus whereas today's finding will change and continue to be more wide open. Information given today will help make a decision that could not have been made today. Council thought Commissioners had enough money and it would be appropriated for \$1.6 million.

Councilmember Lasater said with dealing with so many numbers and human error, will the county have any recourse getting money back if an employee is paid incorrect?

Mr. Shannon Henry, Commissioner, said to table the request and the Commissioners will get more information to Council.

**MOTION:** Councilmember Ballard made a motion to table American Rescue Plan/Commissioners request:

**SECOND:** Councilmember Webb

**YEAS:** Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

MOTION: Councilmember Piper made a motion to approve financial, transfers and to amend salary ordinance with like reductions and to amend hiring free ordinance 2020-015.

SECOND: Councilmember Ballard

Councilmember Quakenbush asked what Council just voted on.

Councilmember Webb said he thought it was to table the ARP.

President Alexander said everything that was approved minus the ARP was stated in the motion and is getting locked into today meeting.

Councilmember Quakenbush said the tabled motion was a tie.

Ms. Patterson said the first tabled motion was tie. The second tabled motion passed unanimously

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers

#### ADJOURN

MOTION: Councilmember Piper made a motion to adjourn.

SECOND: Councilmember Webb

YEAS: Councilmember Alexander, Councilmember Ballard, Councilmember Lasater, Councilmember Piper, Councilmember Quakenbush, Councilmember Webb

ABSENT: Councilmember Chambers



<p>WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget:</p> <p>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 on January 6, 2022</p> <p>TRANSFER AGENDA FOR COUNTY COUNCIL MONTH OF January 6, 2022</p> <p>COUNTY GENERAL</p> <p>PROSECUTOR 137</p> <p>PERSONAL SERVICES</p> <p>Salaries and Wages</p> <p>111 INVESTIGATOR</p> <p>A 111 INVESTIGATOR</p> <p>TOTAL</p>		<p><b>ORIGINAL</b></p>	
	Piper		
	Ballard		
		-\$39,715.00	-39,715
		\$39,715.00	39,715
		\$0.00	
Councilmember Alexander	<i>[Signature]</i>		
Councilmember Ballard	<i>[Signature]</i>		
Councilmember Chambers	<i>absent</i>		
Councilmember Lasater	<i>[Signature]</i>		
Councilmember Piper	<i>[Signature]</i>		
Councilmember Quakenbush	<i>[Signature]</i>		
Councilmember Webb	<i>[Signature]</i>		
Auditor Craycraft	<i>Jenna Rawson, Chief Deputy Auditor</i>		

**ORIGINAL**

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 on January 6, 2022

<b>OTHER</b>			
<b>AMERICAN RESCUE PLAN/COMMISSIONERS</b>			
<b>CAPITAL OUTLAYS</b>			
ARP 8950		\$1,600,000	
TOTAL		\$1,600,000	
<b>HIGH TECH CRIMES UNIT/PROSECUTOR</b>			
<b>PERSONAL SERVICES</b>			
Salaries and Wages			
101 Director		\$60,000	60,000
190 Longevity		\$2,500	25,000
171 FICA		\$4,590	45,900
172 PERF		\$6,720	67,200
<b>SUPPLIES</b>			
211 SUPPLIES		\$5,000	59,040
<b>OTHER SERVICES AND CHARGES</b>			
310 INTERLOCAL AGREEMENT-LEO		\$95,000	9,500
323 TRAVEL		\$1,000	1,000
173 HEALTH, LIFE, STD & LTD		\$13,500	13,500
393 SCHOOLING		\$4,700	4,700
<b>CAPITAL OUTLAYS</b>			
441 COMPUTERS & EQUIPMENT		\$36,462	36,462
442 FURNITURE		\$4,250	4,250
TOTAL		\$233,722	233,722
Councilmember Alexander	<i>[Signature]</i>		
Councilmember Ballard	<i>[Signature]</i>		
Councilmember Chambers	<i>absent</i>		
Councilmember Lasater	<i>[Signature]</i>		
Councilmember Piper	<i>[Signature]</i>		
Councilmember Quakenbush	<i>[Signature]</i>		
Councilmember Webb	<i>[Signature]</i>		
Auditor Cravath	<i>[Signature]</i>		

*Handwritten notes:* "Piper", "Tabled", "January 3, 2022", "Purchasing", "IPAC", "232,620"


Councilmember Alexander

A handwritten signature in black ink, appearing to be "G. Alexander", written in a cursive style.

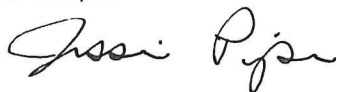
Councilmember Ballard

Councilmember Chambers-absent on January 6, 2022

Councilmember Lasater

A handwritten signature in black ink, appearing to be "J. Lasater", written in a cursive style.

Councilmember Piper

A handwritten signature in black ink, appearing to be "J. Piper", written in a cursive style.

Councilmember Quakenbush



Councilmember Webb



Mr. Steven G Craycraft

