

ORIGINAL



DELAWARE COUNTY COUNCIL MEETING
JANUARY 24th, 2023
DELAWARE COUNTY COMMISSIONERS' COURTROOM
CALL TO ORDER
PLEDGE OF ALLEGIANCE

Question from the public may be directed to countycouncildist@co.delaware.in.us

ROLL CALL

Present: Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead, Auditor, Mr. Ed Carroll, Attorney, Mr. Ben Freeman

AGENDA POSTED and APPROVAL OF AGENDA

MOTION: Councilmember Whitehead made a motion to approve agenda, as presented.

SECOND: Councilmember Flanagan

YEAS; All Councilmembers

APPROVAL OF JANUARY 2ND COUNCIL MEETING

MOTION: Councilmember Flanagan made a motion to approve January 2, 2023 minutes.

SECOND: Councilmember Kantz

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

TRANSFER AGENDA

Ms. Tonya Dunsmore, Settlement Clerk, read aloud requests.

MOTION: Councilmember Whitehead made a motion to approve Commissioners 153 transfer (see below).

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve Communications 124 transfer (see below).

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve Jail 145 transfer (see below).

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

OTHER

MOTION: Councilmember Whitehead made a motion to approve Adult User Fees 2100 transfer (see below).

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Kantz made a motion to approve Jail LOIT 1170 transfer (see below).

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve Highway 1176 transfer (see below).

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

ADDENDUM

MOTION: Councilmember Webb made a motion to approve Clerk 125 transfer (see below).

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve Treasurer 127 transfer (see below).

SECOND: Councilmember Hughes

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

Mr. Brad Polk, Treasurer, introduced Ms. Kathy Butterfield, Chief Treasurer Deputy.

COUNTY GENERAL

MOTION: Councilmember Whitehead made a motion to approve Clerk 125 for \$37,100 (see below).

SECOND: Councilmember Flanagan

No recommendation from Finance Committee.

Mr. Rick Spangler, County Clerk, brought up during budget hearings that he needed a Deputy in the Election Room but was told by Councilmembers to bring it back before Council in 2023. Mr. Spangler is asking for a new position. The person would be running voter registrations office and appointed elective offices for party chairs. It has become a lot for Mr. Spangler to run the election room and still handle duties in the Clerk's office.

Mr. Spangler reminded Council that in 2015 he reduced the department by four employees. He traded employees for much needed equipment. Approving an employee now would give the amount of time needed for training before election. Mr. Spangler explained the absentee mailing process and the importance of getting this done the day of the request. Weekends, long hours often take place to get the work completed. Mr. Spangler has a Chief Deputy and a First Deputy for the Courts, but would like a First Deputy approved for the election room. Mr. Spangler also reminded Council that he took one employee out of county general during budget time and placed them in the incentive account to help Council with employee raises.

Councilmember Webb said he is not a fan of growing government and even thought condensing staff may be needed due to much needed raises.

Mr. Spangler said voting centers will reduce the workload in the county but the number of absentees and the inhouse voters will be the same.

Ms. Emily Anderson, Court Administrator, backed Mr. Spangler's request.

Ms. Donna Patterson, Settlement Clerk, said the \$100 requested was an oversight/error during budget.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve Communications 124 for \$24,080.

SECOND: Councilmember Whitehead

No recommendation from Finance Committee.

Mr. Fred Cummings, 911 Director, said staff is moving to a twelve-hour shift. Additional funds will take place since City of Muncie signed the interlocal 911 agreement. This is a five-year agreement which will increase each year.

Councilmember Kantz confirmed that Mr. Cummings is moving an employee to a part-time position which will help with the flexibility of staffing.

Councilmember Flanagan confirmed that the overtime will wash out the supervisors' raise.

Mr. Cummings said supervisors are no longer eligible for overtime.

President Piper said this is a unique situation with part-time employees because they are already fully trained.

Councilmember Webb said this will be a wash thanks to Mr. Cummings master shuffling plan.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve \$55,478 for Coordinating Council 1148 to Prevent Alcohol/Drug Abuse.

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

Councilmember Webb asked about the Executive Director's pay for Coordinating Council.

Ms. Jenifer Moore, Executive Director, said this is the annual pay for her position as the Coordinating Council. A portion of the money that comes in from drug-free communities goes toward Ms. Moore's pay plus the other part of her position is paid from mental health and addiction.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve \$600 for GAL/CASA Fund 1212.

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve \$3205 for CASA JCAT Pilot PROJECT 9115

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve \$14,903.19 for CASA Vocal Grant Fund 9116.

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

Ms. Ashley Soldaat, CASA Director, said this fund is to hire staff advocates for the children.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Webb made a motion to approve \$30,000 for DUI GRANT 8109.

SECOND: Councilmember Whitehead

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater
zoom, Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve \$8876 for Emergency Medical Services
Capital Improvements 4910.

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater
(zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

OPIOID RESPONSE GRANT 8199 WITHDRAWN

MOTION: Councilmember Whitehead made a motion to approve \$12,000 for SVO Fund 1192.

SECOND: Councilmember Flanagan

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater
(zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to approve \$20,000 for Statewide 911-1222.

SECOND: Councilmember Flanagan

Mr. Cummings said this was a \$20,000 error during budget time.

Favorable recommendation at Finance meeting.

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater
(zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Hughes made a motion to approve financial, transfers and to amend salary
ordinance with like reductions.

SECOND: Councilmember Whitehead

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater
(zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

APPROVAL OF BOARD APPOINTMENTS

President Piper provided a spreadsheet for those that had sent in requests to serve on boards.

President Piper asked for nominations for Alcohol Beverage Board.

MOTION: Councilmember Flanagan made a motion to open nominations.

SECOND: Councilmember Whitehead

Mr. Ben Freeman, Council Attorney, said the President can open nominations without a second.

MOTION: Councilmember Webb made a motion to nominate Mr. Tony Johnson to the Alcohol Beverage Board.

SECOND: Councilmember Kantz

MOTION: Councilmember Flanagan made a motion to nominate Mr. Doug Hutchison to the Alcohol Beverage Board.

SECOND: Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to close nominations for Alcohol Beverage Board.

SECOND: Councilmember Hughes

Councilmember Flanagan-Doug Hutchison

Councilmember Hughes-Doug Hutchison

Councilmember Kantz-Tony Johnson

Councilmember Lasater (zoom)-Tony Johnson

Councilmember Webb-Tony Johnson

Councilmember Whitehead-Doug Hutchison

Councilmember Piper-Doug Hutchison

MOTION: Councilmember Flanagan made a motion to nominate Ms. Beth Neff for Animal Shelter/Control Board.

SECOND: Councilmember Whitehead

President Piper said this is a balanced board, Councilmember Chambers resigned from Animal Shelter/Control Board so a democrat would need to be appointed.

Ms. Beth Neff requested to be on the board through a letter sent to Ms. Denise Smith, Recording Secretary.

Councilmember Webb was contacted by Ms. Mary Stilts. The shelter is a no-kill shelter and due to federal funding, it has to be a no-kill shelter to receive funding.

Councilmember Webb and President Piper said this is a tough board to be on.

Councilmember Flanagan knows Ms. Beth Neff personally and knows she likes animals.

MOTION: Councilmember Flanagan made a motion to close nominations for Animal Shelter/Control Board.

SECOND: Councilmember Kantz

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to nominate Ms. Jessica Piper to the Board of Community Corrections.

SECOND: Councilmember Hughes

MOTION: Councilmember Webb made a motion to nominate Mr. Andrew Popp to the Board of Community Corrections.

Died for lack of second.

MOTION: Councilmember Hughes made a motion to close the nominations for Board of Community Corrections.

SECOND: Councilmember Whitehead

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Flanagan made a motion to appoint Mr. Brent Cheatham to the Daleville Economic Board.

SECOND: Councilmember Whitehead

MOTION: Councilmember Hughes made a motion to close nominations for Daleville Economic Board.

SECOND: Councilmember Whitehead

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

President Piper opened nominations to the EMA Advisory Board with requests from Mr. Randy McCormick, Mr. Craig Bonesteel and Mr. Matt Kantz.

MOTION: Councilmember Whitehead made a motion to appoint Mr. Matt Kantz to EMA Advisory Board.

SECOND: Councilmember Hughes

Councilmember Webb started to make a comment and Councilmember Flanagan said "point of order."

WITHDREW MOTION: Councilmember Hughes

Councilmember Webb said Mr. John Coutinho, EMA Director, said the appointment for EMAC Board is the Council President or the Council President may choose someone from Council.

Council President Piper chose Councilmember Kantz to serve on the board.

Nominations were closed but no roll call.

February 8, 2023 is the next meeting for EMA Advisory Board.

President Piper opened nominations to the Fair Board with requests from Mr. Andrew Popp, Ms. Amber Greene, Ms. Bailey Jester, Ms. Rhiannon Reed, Ms. Cherish Howell, Ms. Linda Starke-Colsten and Mr. Chris Greene.

President Piper reminded anyone can serve as a community volunteer on the Fair Board by sending request to the County Commissioners.

MOTION: Councilmember Whitehead made a motion to nominate Ms. Rhiannon Reed to the Fair Board.

SECOND: Councilmember Flanagan

Ms. Donna Patterson said Ms. Bailey Jester and Ms. Rhiannon Reed are currently community volunteers of the Fair Board.

MOTION: Councilmember Webb made a motion to nominate Ms. Amber Greene to the Fair Board.

SECOND: Councilmember Hughes

MOTION: Councilmember Kantz made a motion to close the nominations to the Fair Board.

SECOND: Councilmember Lasater

Councilmember Webb said the Fair Board had the most interest of any board. The Fair Board is a working board and Councilmember Webb does not want to come across as having any criticism of the board. The board volunteers their time and put in a tremendous amount of time for the community. The information he received from the community is that they want some fresh ideas. Councilmember Webb said there will be a couple of derby's, rodeo and Cook & Belle. People are telling Councilmember Webb they would like change. A different view could/would bring a variety to the fair.

Councilmember Webb reminded anyone can serve as a community volunteer on the Fair Board by sending request to the County Commissioners.

Councilmember Whitehead said anyone interested in the Fair Board should become a community volunteer.

Councilmember Hughes-Amber Greene

Councilmember Kantz-Rhiannon Reed

Councilmember Lasater-Rhiannon Reed

Councilmember Webb-Amber Greene

Councilmember Whitehead-Rhiannon Reed

Councilmember Flanagan-Rhiannon Reed

President Piper-Rhiannon Reed

5/2 Ms. Rhiannon Reed

President Piper opened nominations for Housing Authority Board with requests from Ms. Kira Childers, Mr. Lathey Pegues, Mr. Jason Lipps and Ms. Amy West.

MOTION: Councilmember Kantz nominated Ms. Kira Childers, Mr. Lathey Pegues and Mr. Jason Lipps (slate A) to the Housing Authority Board.

SECOND: Councilmember Whitehead

MOTION: Councilmember Webb nominated Ms. Kira Childers, Mr. Lathey Pegues and Ms. Aimee West (slate B) to the Housing Authority Board.

SECOND: Councilmember Whitehead

MOTION: Councilmember Flanagan made a motion to close nominations for the Housing Authority Board.

SECOND: Councilmember Whitehead

Mr. Freeman confirmed that votes will be for slate A or slate B for the Housing Authority Board.

Councilmember Hughes-A

Councilmember Kantz-A

Councilmember Lasater-A

Councilmember Webb-B

Councilmember Whitehead-A

Councilmember Flanagan-A

President Piper-A

President Piper opened nominations to Redevelopment Commission Board with requests from Mr. Andrew Popp, Mr. Joshua Taulbee, Ms. Amber Greene, Mr. Joe Rhetts, Mr. Kerry Wiggerly and Mr. Rob Keisling. Two appointments are needed, one for democrat and one for republican.

MOTION: Councilmember Flanagan made a motion to nominate Mr. Kerry Wiggerly (D) for Redevelopment Commission Board.

SECOND: Councilmember Whitehead

MOTION: Councilmember Whitehead made a motion to close the nominations for Redevelopment Commission Board.

SECOND: Councilmember Flanagan

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

MOTION: Councilmember Flanagan made a motion to open Republican nominations for Redevelopment Commission Board.

SECOND: Councilmember Webb

MOTION: Councilmember Whitehead made a motion to nominate Mr. Rob Keisling for Redevelopment Commission Board.

SECOND: Councilmember Flanagan.

MOTION: Councilmember Webb made a motion to nominate Mr. Joe Rhetts for Redevelopment Commission Board.

SECOND: Councilmember Hughes

MOTION: Councilmember Kantz made a motion to nominate Ms. Amber Green for Redevelopment Commission Board.

SECOND: Councilmember Webb

MOTION: Councilmember Whitehead made a motion to close the nominations for Redevelopment Commission Board.

SECOND: Councilmember Kantz

Councilmember Hughes- Keisling
Councilmember Kantz-Green
Councilmember Lasater-Rhetts
Councilmember Webb-Green
Councilmember Whitehead-Keisling
Councilmember Flanagan-Keisling
President Piper-Keisling

President Piper opened nominations for Tax Abatement from Mr. Andrew Popp, Mr. Josh Perkins, Mr. William Hughes and Mr. Ryan Ballard.

MOTION: Councilmember Whitehead made a motion to nominate Mr. Ryan Ballard for Tax Abatement Board.

SECOND: Councilmember Kantz

MOTION: Councilmember Webb made a motion to nominate Mr. Bill Hughes for Tax Abatement Board.

SECOND: Councilmember didn't recognize voice

MOTION: Councilmember Flanagan nominated Mr. Josh Perkins for Tax Abatement Board.

SECOND: Councilmember didn't recognize voice

MOTION: Councilmember Webb nominated Mr. Andrew Popp for Tax Abatement Board.

SECOND: Councilmember didn't recognize voice

Councilmember Hughes-Perkins, Hughes, Ballard

Councilmember Kantz-Ballard, Hughes, Popp

Councilmember Lasater-Hughes, Perkins, Ballard

Councilmember Webb-Ballard, Hughes, Popp

Councilmember Whitehead-Perkins, Hughes, Ballard

Councilmember Flanagan-Perkins, Hughes, Ballard

President Piper-Perkins, Hughes, Ballard

Tax Abatement Board by votes-Ballard, Hughes, Perkins

President Piper opened nominations for Yorktown Economic Development from Ms. Amber Greene and Mr. Dan Flanagan.

MOTION: Councilmember Whitehead made a motion to nominate Mr. Dan Flanagan for Yorktown Economic Development.

SECOND: Councilmember Kantz

MOTION: Councilmember Webb made a motion to nominate Ms. Amber Greene for Yorktown Economic Development.

SECOND: Councilmember Kantz

MOTION: Councilmember Hughes made a motion to close nominations.

SECOND: Councilmember Whitehead

Councilmember Flanagan-Flanagan

Councilmember Hughes-Flanagan

Councilmember Kantz-Greene

Councilmember Lasater-Flanagan

Councilmember Webb-Greene

Councilmember Whitehead-Flanagan

President Piper-Flanagan

5/2 Flanagan

APPROVAL OF LIAISONS

President Piper said Mr. Bill Hughes reached out to the Judges and all Judges agreed it would be a good idea to have a liaison for Board of Judges.



ORIGINAL

DELAWARE COUNTY COUNCIL
2023 BOARD LIAISON LIST

Dan Flanagan

- Yorktown/Mt. Pleasant Library Board
- Highway
- Commissioners

William Hughes

- Finance Committee
- Board of Judges
- Security Committee

Matt Kantz

- Finance Committee
- Board of Health
- IT Committee

Jane Lasater

- Fair Board
- Housing Authority
- Joint Communications Board

Jessica Piper

- Finance Committee
- Commissioners
- JRAC*

Ryan Webb

- Animal Control
- EMS/EMA
- Regional Wastewater

Eugene Whitehead

- DelCo Redvelopment
- Commissioners
- Sheriff Department

*Bill Hughes
Board of Judges*

APPROVAL OF 2023 ENCUMBRANCES

MOTION: Councilmember Flanagan made a motion to approve 2023 encumbrances.

SECOND: Councilmember Whitehead

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

ELECTED OFFICIALS & DEPARTMENT HEADS

*Mr. Spangler thought there was a resolution for voting center on today's agenda. A special meeting will need to take place due to the deadline.

Councilmember Hughes suggested since Mr. Spangler had the Resolution with him that he could distribute copies to Council instead of having a special meeting.

Other Councilmembers agreed.

President Piper will come back to Mr. Spangler once copies are reviewed.

**Mr. Tony Skinner, Sheriff, said he will present numbers for meal costs and a pension updates at February 2023 Council meeting.

Mr. Skinner gave an open invitation to Councilmembers to set up a two-hour meeting to see what Community Corrections, Deputies and 24-7 operations do. All departments would offer this open invitation.

Mr. Skinner said the federal inmate program is one step closer. Mr. Skinner received an email regarding the matter from Washington, DC, however this takes time when dealing with federal government.

Mr. Gavin Green, Coroner, provided an update of the Coroner's office.

Ms. Emily Anderson, Court Administrator, asked about the raise that the Judges gave Ms. Anderson during budget time. Due to conflicting information and questions the stipends have not been used from the raise.

President Piper said Council is in a gray area, there is confusion and questions, there is nothing in place that says it is not okay but nothing saying it is okay.

Councilmember Webb said to be clear Council did not give the stipend, the Judges gave Ms. Anderson their stipend.

Mr. Ben Freeman, Council Attorney, said the Indiana Constitution states that any sitting Judge salary cannot be reduced during their tenure. Does this violate the constitution? The answer was not provided by anyone at State level. Recommendation/suggestion was Council could go back and leave Judges stipends the way they were and fund Emily's raise through county general fund. Council could follow the prior budget appropriations as they were passed and then Council attorney draft an opinion letter of why this was done. In legality it would be resolved by legislature or Indiana Supreme Court. Mr. Freeman said if it went before the Indiana Supreme Court the findings are unknown from Mr. Freeman. A stipend is part of a salary, the question is if the Judges can voluntarily give it up by agreement. The stipend in question is the four Judges giving a portion of their stipend.

Mr. Freeman will write a letter stating the purpose of why this was done.

The Judges voluntarily gave the raise.

BELOW INFORMATION PROVIDED BY Ms. Anderson and response from State Board of Accounts. Nothing is edited or will be changed.

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INFORMATION PROVIDED BY Ms. Anderson and response from State Board of Accounts. Nothing will be edited or changed.

Judge Wolf reached out to you a few months ago regarding the judges' stipends. Judge Wolf said she never received a response. I am reaching out to you again per the County Council's request. They need to decide how to handle the situation at the meeting scheduled on January 24, 2023.

The judges (4) gave up half of their stipends for the 2023 budget. Each judge receives \$5,000 stipend from the county. That \$10,000.00 was placed in a new line item as a stipend for Court Administrator.

An employee in the Auditor's office was instructed by SBOA employee (at their conference), after the budget approval in September, that the judges could not do that.

I.C. 33-38-5-6(b) states that "Before November 2 of each year, the county auditor shall certify to the office of judicial administration the amounts, if any, to be provided by the county during the ensuing calendar year for the judges' salaries under IC 36-2-5-14."

IC 36-2-5-14 in summary discusses the "county fiscal body may make appropriations to pay them more than the minimums fixed by statute subject to subsection (b)....may not exceed \$5,000 for each judge"

The judges believe that they were able to voluntarily give up half of their stipends to place in another line item to delegate it towards the Court Administrator salary as a Court Administrator stipend.

The Council wants to make sure the SBOA is in agreement with this.

We would like you to weigh in on this. Thanks.

Emily M. Anderson

Court Administrator
Delaware County Court

Good Morning Emily,

Regarding the question about reducing the judges salary. I do think there is some confusion here regarding our position on this issue. At the conference, someone from the county posed the question and we said we didn't know and would have to research it.

Council meeting held January 24, 2023

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Our statement was regarding a question that had been posed previously regarding the reducing of a judges compensation. I have included a clip from a previous Bulletin where we lay out the previous question and corresponding reasoning. As you can see, the reasoning is based upon a Court of Appeals case that interpreted the relevant provision in the State Constitution.

QUESTIONS AND ANSWERS FROM COUNTY AUDITORS FALL CONFERENCE

Question #1: Can the county council reduce the judge's supplemental pay?

Answer #1: Per the Constitution of State of Indiana Article 7 Section 19 "The Justices of Supreme Court and Judges of the Court of Appeals and of the Circuit Courts shall at stated times receive a compensation which shall not be diminished during their continuance in office." Also, the majority opinion in Tipton County, Indiana et al. v State of Indiana on the Relation of Dane P. Nash 731 N.E.2d 12 (Ind. Ct. App. 2000) found that the judges' compensation should be considered in total. Specifically that the compensation provided by the State and any supplemental compensation paid by the county should be considered as total compensation. In this case the State increased the judges pay and the county decreased the supplemental that the county provided. Because the total compensation received by the judge was still as much or more due to the increase by the State, the court found the decrease not to be in violation of the constitutional provision.

As the facts in your situation are different than the ones presented in the previous—the situation for your judges may be different. But I would encourage them and your county attorney to review the cases at hand and decide on their best course of action.

In these situations where reasonable minds may disagree on the legal outcome of an issue, we always encourage the unit in question to have some sort of memo from their county attorney that explains why the units reasoning was based in law. And we will review that and take it into consideration during the subsequent audit cycle.

Sincerely,

Kendra Leatherman

A RESOLUTION APPROVING THE DESIGNATION OF DELAWARE COUNTY AS A VOTE CENTER COUNTY
RESOLUTION 2023-005

President Piper read aloud Resolution 2023-005.

MOTION: Councilmember Whitehead made a motion to approve Resolution 2023-005, Approving Delaware County as a Vote Center county.

SECOND: Councilmember Hughes

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

2023-005

ORIGINAL

Resolution 2023-005

A RESOLUTION APPROVING THE DESIGNATION OF DELAWARE COUNTY AS A VOTE CENTER COUNTY

WHEREAS, Indiana Code 3-11-18.1 allows counties to adopt the vote center model and,

WHEREAS, the County Council of Delaware County approves the designation of Delaware County as vote center county and,

WHEREAS, the county election board has the responsibility for properly drafting a vote center plan for Delaware County which will take effect upon unanimous vote of the county election board and having the plan is properly filed with the Indiana Election Division;

BE IT SO RESOLVED BY THE DELAWARE COUNTY COUNCIL OF Delaware County that Delaware County is approved to operate as a vote center county, upon the required approval and filing of the county vote center plan.

COUNTY COUNCIL OF DELAWARE COUNTY

"AYES"	"NAYS"
<u><i>Jason Piper</i></u> Name	_____
<u><i>D.J. 286</i></u> Name	_____
<u><i>[Signature]</i></u> Name	_____
<u><i>William V. Hughes</i></u> Name	_____
<u><i>Eugene Whitehead</i></u>	_____

David H. ...
Name

David H. ...
Name

Adopted this 24 of January 2023

Chad Bell
County Auditor

Councilmember Webb looks forward to serving with the current councilmembers. All councilmembers are republicans. Councilmember Webb said all councilmembers met, however, he was not invited. Legally, ethically and for transparency reasons, Councilmember Webb does not feel this was a good decision and moving forward Councilmember Webb said any meeting should be on record and include Councilmember Webb.

ADJOURN

MOTION: Councilmember Flanagan made a motion to adjourn until February 28, 2023.

SECOND: Councilmember Whitehead

YEAS; Councilmember Flanagan, Councilmember Hughes, Councilmember Kantz, Councilmember Lasater (zoom), Councilmember Piper, Councilmember Webb, Councilmember Whitehead

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 24, 2023		
Transfers for January 24, 2023		
COUNTY GENERAL		
COMMISSIONERS 153		
PERSONAL SERVICES		
Salaries and Wages		
1000-153 139 HUMAN RESOURCE ASSISTANT	-\$29,807.57	-29,807.57
1000-153 A 139 HUMAN RESOURCE ASSISTANT	\$29,807.57	29,807.57
1000-153 B112 HUMAN RESOURCE SECRETARY	-\$35,078.52	35,078.52
1000-153 C112 HUMAN RESOURCE SECRETARY	\$35,078.52	35,078.52
124 C VETERAN OFFICER	-\$32,555.00	-32,555.00
124 D VETERAN OFFICER	\$32,555.00	32,555.00
104 A EXEC ADMIN	-\$39,800.20	-39,800.20
104 B EXEC ADMIN	\$39,800.20	39,800.20
137 C VETERAN ASST	-\$28,802.00	-28,802.00
137 D VETERAN ASST	\$28,802.00	28,802.00
122 A WEIGHT & MEASURES INSPECTOR	-\$36,135.00	-36,135.00
122 B WEIGHT & MEASURES INSPECTOR	\$36,135.00	36,135.00
TOTAL	\$0.00	
COMMUNICATIONS 124		
PERSONAL SERVICES		
Salaries and Wages		
1000-124 B113 COMM TECH	-\$40,000.00	-40 K
1000-124 C113 COMM TECH	\$40,000.00	40 K
1000-124 G123 COMM TECH	-\$40,000.00	-40 K
1000-124 H123 SUPERVISOR	\$40,000.00	40 K
TOTAL	\$0.00	0

ORIGINAL

*Eugene
Dan
Favorable*

JAIL 145		
PERSONAL SERVICES		
Salaries and Wages		
145/D123 CORRECTIONAL OFFICER		
145/E123 CORRECTIONAL OFFICER		
TOTAL		
OTHER		
ADULT USER FEES 2100		
PERSONAL SERVICES		
Salaries and Wages		
A125 PROBATION OFFICER		
B125 PROBATION OFFICER		
TOTAL		
JAIL LOIT 1170		
PERSONAL SERVICES		
Salaries and Wages		
1170-145/D11 CORRECTIONAL OFFICER		
1170/E111 CORRECTIONAL OFFICER		
1170/F111 CORRECTIONAL OFFICER		
145/E112 CORRECTIONAL OFFICER		
145/F112 CORRECTIONAL OFFICER		
TOTAL		
HIGHWAY 1176		
PERSONAL SERVICES		
Salaries and Wages		
E127 1176-202-5-2000E-127 TRUCK DRIVER		
F127 1176-202-5-2000F-127 TRUCK DRIVER		
TOTAL		

WHEREAS: It has been determined that it is now necessary to appropriate more money than was appropriated in the annual budget January 24, 2023 ADDENDUM 1		ORIGINAL
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 24, 2023 addendum 1 transfers		
CLERK 125		
PERSONAL SERVICES		
Salaries and Wages		
125/E119 DEPUTY CLERK	-33,466.00	-33466
125/F119 DEPUTY CLERK	33,466.00	33466
TOTAL	0.00	0
TREASURER		
PERSONAL SERVICES		
Salaries and Wages		
E106 ASST CASHIER 1	-31,836.52	-31,836.52
F106 ASST CASHIER 1	31,836.52	31,836.52
C107 ASST CASHIER 2	-29,109.14	-29,109.14
D107 ASST CASHIER2	29,109.14	29,109.14
TOTAL	0.00	0
Councilmember Flanagan	Pl 28 to	
Councilmember Hughes	William V. Hughes	
Councilmember Kantz	df...	
Councilmember Lasater		
Councilmember Piper	...	
Councilmember Webb	...	
Councilmember Whitehead	Eng...	
Auditor Carroll	Ed...	

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 24, 2023 Financials		
COUNTY GENERAL		
CLERK 125		
PERSONAL SERVICES		
Salaries and Wages		
C126 DEPUTY CLERK		
125/103 FIRST DEPUTY/ELECTIONS		
TOTAL	100.00	100.
	37,000.00	37,000
	37,100.00	37,100.
COMMUNICATIONS 124		
PERSONAL SERVICES		
Salaries and Wages		
1000-124 198 PART-TIME	\$15,000.00	
1000-124 H123 SUPERVISOR	\$9,080.00	
TOTAL	\$24,080.00	
TOTAL COUNTY GENERAL	61,180.00	
OTHER		
COORDINATING COUNCIL 1148 TO PREVENT ALCOHOL/DRUG ABUSE		
PERSONAL SERVICES		
Salaries and Wages		
EXECUTIVE DIRECTOR	4,000.00	4000
SUPPLIES		
OFFICE AND MEETING SUPPLIES		
OTHER SERVICES AND CHARGES	725.00	725
6 PREVENTION/EDUCATION GRANTS	20,000.00	20,000
8 INTERVENTION/TREATMENT GRANTS	14,737.00	14,737
7 JUSTICE/LAW ENFORCEMENT GRANTS	16,016.00	16,016
TOTAL	55,478.00	55,478
GAL/CASA FUND 1212-000-5		
PERSONAL SERVICES		
Salaries and Wages		
199 LONGEVITY	600.00	600
TOTAL	600.00	600

CASA J-CAT PILOT PROJECT 9115		ORIGINAL	
PERSONAL SERVICES			
Salaries and Wages			
171 FICA	Webb	30.00	30.
172 PERF		90.00	90
173 INSURANCE	White head	3,085.00	3015
TOTAL	Favorable	3,205.00	32050
CASA VOCAL GRANT FUND 9116			
PERSONAL SERVICES			
Salaries and Wages			
B101 CHILD HOME AND SCHOOL VISITOR 1		5,991.44	5991.44
102 CHILD HOME AND SCHOOL VISITOR 2		5,991.44	5991.44
171 FICA		916.46	916.46
172 PERF		1,338.84	1338.84
174 LIFE		67.26	67.26
175 DISABILITY		395.66	395.66
OTHER SERVICES AND CHARGES			
311 CONTRACTUAL SERVICES		202.09	202.09
TOTAL		14,903.19	14,903.19
DUI GRANT 8109			
PERSONAL SERVICES			
Salaries and Wages			
101 DUI GRANT (OPERATION PULLOVER)	Whitehead	30,000.00	30,000.00
TOTAL		30,000.00	30,000.00
EMERGENCY MEDICAL SERVICE CAPITAL IMPROVEMENTS 4910			
CAPITAL OUTLAYS			
448 FURNACE REPLACEMENT		8,876.00	8876
TOTAL	comes from Whitehead & Manager	8,876.00	8876
OPIOID RESPONSE GRANT 8199			
PERSONAL SERVICES			
Salaries and Wages			
8199-000-5-00000-101 PEER RECOVERY COACH	Whitehead	30,000.00	
TOTAL		30,000.00	

SVO FUND 1192		
SUPPLIES		
200 SUPPLIES		
OTHER SERVICES AND CHARGES		
300 PHONE COMPUTER		
TOTAL		
STATEWIDE 911		
OTHER SERVICES AND CHARGES		
1222-466 323 TRAINING TRAVEL EXP		
TOTAL		
Councilmember Flanagan		
Councilmember Hughes		
Councilmember Kantz		
Councilmember Lasater		
Councilmember Piper		
Councilmember Webb		
Councilmember Whitehead		
Auditor Carroll		

Councilmember Flanagan

ORIGINAL

Councilmember Flanagan	<i>01 28 6</i>		
Councilmember Hughes	<i>William V. Hughes</i>		
Councilmember Kantz	<i>Stuart Kantz</i>		
Councilmember Lasater	<i>Gene Lasater</i>		
Councilmember Piper	<i>John Piper</i>		
Councilmember Webb	<i>Bill Webb</i>		
Councilmember Whitehead	<i>Engene Whitehead</i>		
Auditor Carroll	<i>Ed Carroll</i>		

Councilmember Flanagan

D 1 28 ✓

Councilmember Hughes

William V. Hughes

Councilmember Kantz

Matt Kantz

Councilmember Lasater

Councilmember Webb

Webb

Councilmember Whitehead

Eugene Whitehead

Councilmember Piper

Piper

Auditor, Mr. Ed Carroll

Ed Carroll