

OCTOBER 26, 2009

Wabash County Council met in regular session on Monday, October 26, 2009 at the Wabash County Courthouse. Prayer was offered by Jim Kaltenmark. Chairman Mike Ridenour called the meeting to order at 5:00 P.M. with all members present: Gary Nose, Jim Kaltenmark, Mike Ridenour, Ted Little, Daryl Evans, Claude Markstahler and Randy Curless. The proceedings of the meeting were recorded by Wabash County Auditor Jane Ridgeway.

The first order of business was to review the minutes of the September 8, 2009 meeting and the October 19, 2009 Joint Executive Session meeting. Curless made a motion to approve the September 8, 2009 minutes as written; his motion was seconded by Evans and passed by a 6-0 vote. Ridenour read the minutes for the October 19, 2009 Joint Executive Session meeting minutes. Ridenour stated there was one word change; "or" to "of". Little made a motion to approve the minutes of the October 19th Joint Executive Session with the one change; his motion was seconded by Curless and passed by a 6-0 vote.

The next order of business was to address the Additional Appropriation requests as advertised for Additional Appropriations Ordinance 2009 NO.IX:

**ADDITIONAL APPROPRIATIONS
ORDINANCE 2009 NO IX**

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

SEC. 1, Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expenses of the taxing unit the following additional sums of money are hereby appropriated out of the funds named and for the purposes specified, subject to the laws governing the same:

Amount Requested	Amount Appropriated	AYE	NAY
-----------------------------	--------------------------------	------------	------------

COUNTY GENERAL FUND 0001

EMERGENCY MANAGEMENT 0001-0031

**0001-0031-04-444-048 Capital Outlay
- Equipment**

\$ 500.00	\$ 500.00	7	0
------------------	------------------	----------	----------

Repair costs have exceeded the amount budgeted for this account in the first eight (8) months of 2009. Repair items not planned such as six (6) tires and a windshield for the newly transferred vehicle from the Sheriff's Department have caused more expenses than anticipated.

Auditor Jane Ridgeway stated she inadvertently advertised as Capital Outlay Equipment totaling \$500. It was meant to be advertised as Other Garage & Motor for a total of \$400. There is a transfer request to move to Garage & Motor from Capital Outlay Equipment for \$400. Markstahler made a motion to approve as advertised; his motion was seconded by Little and passed by a 7-0 vote.

JAIL - 0001-0033

**0001-0033-01-413-086 Supplies
- Prisoner Meals**

\$ 20,180.00	\$ 20,180.00	7	0
---------------------	---------------------	----------	----------

Shortage of funds in prisoner meals due to the high number of inmates in jail vs. amount budgeted and the beginning of the year payout to Sheriff Striker for food he had already purchased before he became a salary employee.

Striker stated there are no other funds to transfer to this account. Auditor Ridgeway stated on the 23rd of October the fund had a balance of \$13,000, but not all invoices had been processed. Striker stated this request should be a sufficient amount for the remainder of the year. Little made a motion to approve the request for \$20,180 for Supplies Prisoner Meals; his motion was seconded by Curless and passed with a 7-0 vote.

WABASH COUNTY POLICE PENSION FUND 0022

0022-0000-05-451-001 Personal Services – Sheriff’s Pension Fund				
– Claims served – August, 2009	\$ 6,305.00	\$ 6,305.00	7	0

August 2009 – 334 Claims @ \$12 for Superior Court and 151 Claims @ \$13 for Circuit Court.

0022-0000-05-451-001 Personal Services – Sheriff’s Pension Fund				
– Claims served – September, 2009	\$ 5,442.00	\$ 5,442.00	7	0

September 2009 – 247 Claims @ \$13 for Superior Court, 166 Claims @ \$13 for Circuit Court and Secretary’s Report.

Markstahler made a motion to approve request for August 2009 claims and September 2009 claims totaling \$11,747; his motion was seconded by Kaltenmark and passed with a 7-0 vote.

CUMULATIVE CAPITAL DEVELOPMENT FUND 0124

124-01-03-431-012 Other Services & Charges				
– Jail Study	\$ 5,000.00	\$ 5,000.00	7	0

This request is for the cost of additional consultant services for jail feasibility study.

Nose made a motion to approve \$5,000 for additional jail feasibility study; his motion was seconded by Little and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009 by the above aye and nay vote.

The next order of business was to address Transfer Resolutions No. 2009-20, No. 2009-21, No. 2009-22, No. 2009-23, No. 2009-24, No. 2009-25 and No. 2009-26:

**TRANSFER RESOLUTION
NO. 2009-20**

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
COUNTY GENERAL				
0001-0003-02-421-012 Tax Statements	\$250.00	\$250.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
COUNTY GENERAL				
0001-0003-03-432-023 Travel/Mileage	\$250.00	\$250.00	7	0

There were insufficient funds in the Treasurer's travel/mileage account to pay travel expenses for a Manatron conference.

Little made a motion to approve \$250 for travel and mileage; his motion was seconded by Evans and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

**TRANSFER RESOLUTION
NO. 2009-21**

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
COUNTY GENERAL				
0001-0035-03-422-017 Dictation Supplies	\$100.00	\$100.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
COUNTY GENERAL				
0001-0035-01-422-018 Law Books	\$100.00	\$100.00	7	0

Earlier this year, funds were taken from the Law Books account to cover expected costs taken out of the Part Time/ Overtime fund.

Evans made a motion to approve request to transfer \$100 for law books; his motion was seconded by Kaltenmark and passed with 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

TRANSFER RESOLUTION
NO. 2009-22

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
	COUNTY GENERAL			
0001-0035-03-432-092 Criminal Depositions	\$1,500.00	\$1,500.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
	COUNTY GENERAL			
0001-0035-01-412-026 Part Time/Overtime	\$1,500.00	\$1,500.00	7	0

To cover expected costs of vacation and/or sick leave for employee B.J. Cantrell. The Part Time/Overtime funds have been depleted due to Mr. Cantrell facing certain medical conditions this year.

Little made a motion to approve request to transfer \$1,500 to Part Time/Overtime; his motion was seconded by Curless and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

TRANSFER RESOLUTION
NO. 2009-23

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional

sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
	COUNTY GENERAL			
0001-0035-03-439-083 Children First	\$70.00	\$70.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
	COUNTY GENERAL			
0001-0035-01-439-091 Dues and Subscriptions	\$70.00	\$70.00	7	0

This request is to cover deficiency in the Dues and Subscriptions Account.

Kaltenmark made a motion to approve request to transfer \$70 to Dues and Subscriptions; his motion was seconded by Curless and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

**TRANSFER RESOLUTION
NO. 2009-24**

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
	COUNTY GENERAL			
0001-0036-03-431-033 Pauper Conflict	\$1,630.00	\$1,630.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
	COUNTY GENERAL			
0001-0036-02-422-018 Law Books	\$1,630.00	\$1,630.00	7	0

Due to the increase in costs of some of the books, account ran short.

Evans made a motion to approve request to transfer \$1,630 to Law Books; his motion was seconded by Nose and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

TRANSFER RESOLUTION
NO. 2009-25

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
	HEALTH H1N1 GRANT FUND			
0190-0000-02-422-047 Nurse Supplies	\$4,100.00	\$4,100.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
	HEALTH H1N1 GRANT FUND			
0190-0000-04-444-042 Office Equipment	\$4,100.00	\$4,100.00	7	0

This is to pay for laptops to be used on site location in recording the H1N1 vaccine given to the public. Information must be entered to the Indiana State Department of Health on the patient as soon as the patient has received in inoculation.

Council discussed that this was the H1N1 Grant which was reviewed with Dr. Dean Gifford, Health Advisor – Health Department and Kathryn Carter-Lower, Vital Records – Health Department at a prior meeting. Kaltenmark made a motion to approve request to transfer \$4,100 to Office Equipment; his motion was seconded by Nose and passed with a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

TRANSFER RESOLUTION
NO. 2009-26

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

SEC. 1 Be it ordained by the Wabash County Council of Wabash County, Indiana, that for the expense of said county government and its institutions for the year ending December 31, 2009 the following additional sums of money are hereby transferred and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same:

	Amount Requested	Amount Appropriated	AYE	NAY
DECREASE:				
COUNTY GENERAL				
0001-0031-04-444-048 Capital Outlay: Equipment	\$400.00	\$400.00	7	0

SEC. 2 WHEREAS, it has been shown that certain existing appropriations now have unobligated balances which will not be needed for the purposes for which appropriated, it is further resolved that the following existing appropriations be reduced in the following amounts:

INCREASE:				
COUNTY GENERAL				
0001-0031-02-422-025 Other Garage & Motor	\$400.00	\$400.00	7	0

I am requesting this transfer due to error in the Legal Ad for Additional Appropriations for 10-26-09. The EMA request was to appropriate funds received for the sale of the EMA 1999 Ford Crown Vic that was removed from service when the Sheriff transferred the 2003 Chevy Impala to EMA. It should have been advertised a \$400 for Other Garage & Motors Supplies instead of \$500 for Capital Outlay –Equipment.

Curless made a motion to approve request to transfer \$400 to Other Garage & Motor; his motion was seconded by Kaltenmark and passed by a 7-0 vote.

This was presented to the Wabash County Council, read in full, and adopted on the 26th day of October, 2009, by the above aye and nay vote.

OTHER BUSINESS:

August 31 and September 30, 2009 Financial Reports - Auditor & Treasurer

Auditor Ridgeway stated that CEDIT and LOIT come each month with the same distribution. There will be an adjustment in November 2009. This is a fractional portion of the certified distributed of Wabash County’s budget.

Appointment for North Manchester Public Library Board

Little made a motion to approve Lisa Ulrey as Council’s appointee to the North Manchester Public Library Board; his motion was seconded by Markstahler and passed with a 7-0 vote.

Proposed Meeting Schedule for 2010

Council reviewed the 2010 Council scheduled meetings and the State Holiday dates for 2010. Council changed:

1. March 2010 meeting to be held Monday, March 24th.
2. Council discussed the time for the budget hearings in 2010. Council set budget hearings to be held on the 17th and 18th of September at 12:30 P.M. and the meeting on the 19th of September to be held at 4:00 P.M.
3. Council discussed the idea of changing Council meeting days and/or times. Nose stated the 5:00 P.M. Council meeting may need to be moved to a 6:00 P.M. meeting time for those working. Little stated we

had moved the meeting to the 5:00 P.M. evenings for the public to attend and many of the meetings have had a high attendance. EMA Administrator Bob Brown stated The Wabash City Council holds meetings twice per month and one of them does fall on the 4th Monday at 6:00 P.M. one hour after the County Council meeting. Ridenour stated in the future a special time or date could be set for high profile issues that may need an extended amount of time. Evans made a motion to keep the current 5:00 P.M. time on the 4th Monday of each month; his motion was seconded by Little and passed by a 6-1 vote. Nose opposed.

Decrease of Mileage Reimbursement from \$.44 to \$.40.

Mileage decrease was previously approved by the Commissioners. Evans made a motion to decrease mileage from \$.44 to \$.40; his motion was seconded by Curless and passed with a 7-0 vote.

Jeff Hobson, Community Corrections

During the 2009 Budget hearings, Hobson presented a salary increase request for Community Corrections. Hobson stated Community Corrections budget is six (6) months behind other budgets and what was received by other county employees in January of 2009 would not be set in motion until July of 2009 for Community Corrections. At that time, Council decided to deny the salary increase request due to a mandate by the State denying any salary increases. Hobson presented the argument at the October 26th meeting that County Council does not have the deciding authority to deny the salary increase request for the July 2009 budget request once it had been approved by the Community Corrections Advisory Board. Hobson presented a memorandum from County Attorney Steve Downs. Downs stated this involves two Indiana Codes: I.C. 11-12-2-3.5(b) and 36-2-5-2(b)

I.C. 11-12-2-3.5(b):

“The community corrections advisory board may establish personnel policies, procedures, and salary classification schedules for its employees. Employees of a community corrections program are county employees. The policies, procedures, and schedules established under this subsection may not be inconsistent with those established for other county employees.”

I.C. 36-2-5-2(b)

“The county fiscal body shall appropriate money to be paid out of the county treasury, and money may be paid out of the treasury only under an appropriation made by the fiscal body, except as otherwise provided by law”

Hobson stated I.C. 36-2-5-3(d) states that this does not apply to Community Corrections (as defined in I.C. 11-12-1-1 and I.C. 35-38-2.6-2)

Hobson stated community correction meets all of the requirements set forth in I.C. 11-12-1-1 and 35-38-2.6-2. Hobson stated he had sought legal advice outside the county and had been advised that he was within his rights legally to obtain the salary increases on the Community Correction Advisory Board authorization. Council stated though they appreciate the efforts of Hobson, they have also been advised by legal counsel that the Council can require the CCAB to follow policies and procedures set by the Council in regards to salaries. Commissioner Chairman Brian Hauptert stated it would be in the best interest of all parties if Ridenour would meet with County Attorney Downs to review all statues set forth at this meeting. Ridenour stated he would contact Attorney Downs this week. Council will take request under advisement.

NOTE:

- Ridenour requested Auditor Jane Ridgeway present a total of all additional appropriations from July 1, 2009 to present.

Kaltenmark made a motion to adjourn the October 26, 2009 meeting; his motion was seconded by Evans and passed with a 7-0 vote.

The following individual attended the October 26th Council meeting:

**If any names are spelled incorrectly, we apologize.*

Bonnie Corn