

FRANKLIN COUNTY COUNCIL MEMORANDUM & MINUTES
December 8, 2009 @ 7:00 P.M.
FRANKLIN COUNTY GOVERNMENT CENTER
COMMISSIONERS/COUNCIL PUBLIC MEETING ROOM 203

Those Present: County Council: Hollie Maxie Jeff Koch Kenneth Rosenberger
Tom Linkel Bradley Spurlock Carroll Lanning Jason Allen
County Auditor: Susan A Jones
County Commissioner: Eric Roberts Don VonderMeulen

Hollie Maxie opens the meeting with the Pledge of Allegiance.

MINUTES – MOTION – Kenneth Rosenberger moved to accept the Minutes for the Budget Hearings and the November 24, 2009 Minutes. Jeff Koch seconds. All in Favor (5). Opposed (0). Motion carried.

RESOLUTION 2009-45 ADDITIONAL APPROPRIATIONS – Hollie Maxie reads Resolution 2009-45. Highway, Transfer of Funds \$8,474.00. Programmatic Sign Project, Supplies \$7,480.00. Landscaping Grant, The Brookville Foundation, Services and Charges \$7,395.00. REX-Road Repairs, Supplies \$730,000.00 and Services and Charges \$38,000.00. Council had questions on the REX Funds. It was said tri-axes were rented to get repairs done and they are larger than what the County has. To date \$450,000.00 was spent on road repairs. Carroll Lanning questioned Equipment Repair, don't think we should use road repair funds for equipment repair. Don VonderMeulen stated they needed to repair the sweeper for \$300.00, Hollie said they paid for it out of Highway Funds. Tom Linkel stated the money was spent before funds were appropriated. Brad Spurlock stated you can't spend money before it is appropriated. Becky Oglesby asked if the hot mix is a bid price. It was said it was. **MOTION** – Carroll Lanning moved we accept Resolution 2009-45 less \$10,000.00 REX-Road Repair - Equipment Repair. Kenneth Rosenberger seconds. All in Favor (5). Opposed (1-Brad Spurlock). Motion carried.

Resolution Number 2009-45

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 (resolved) by the Franklin County Council of Franklin 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:

FUND NAME:		ADDITIONAL AMOUNT REQUESTED	ADDITIONAL AMOUNT APPROVED
Highway			
10000 Personal Services		\$0.00	\$0.00
20000 Supplies		\$0.00	\$0.00
30000 Services and Charges		\$0.00	\$0.00
40000 Capital Outlay		\$0.00	\$0.00
60000 Transfer of Funds		\$8,474.00	\$8,474.00
TOTAL for Highway	Fund:	\$8,474.00	\$8,474.00
Programmatic Sign Project			
10000 Personal Services		\$0.00	\$0.00
20000 Supplies		\$7,480.00	\$7,480.00
30000 Services and Charges		\$0.00	\$0.00
40000 Capital Outlay		\$0.00	\$0.00
TOTAL for Programmatic Sign Project	Fund:	\$7,480.00	\$7,480.00
Landscaping Grant, The Brookville Foundation			
10000 Personal Services		\$0.00	\$0.00
20000 Supplies		\$0.00	\$0.00
30000 Services and Charges		\$7,395.00	\$7,395.00
40000 Capital Outlay		\$0.00	\$0.00
TOTAL for Landscaping Grant, The Brookville Foundation	Fund:	\$7,395.00	\$7,395.00
10000 Personal Services		\$0.00	\$0.00
20000 Supplies		\$0.00	\$0.00
30000 Services and Charges		\$0.00	\$0.00
40000 Capital Outlay		\$0.00	\$0.00
TOTAL for 0	Fund:	\$0.00	\$0.00
REX-Road Repairs			
10000 Personal Services		\$0.00	\$0.00
20000 Supplies		\$730,000.00	\$730,000.00
30000 Services and Charges		\$38,000.00	\$28,000.00
40000 Capital Outlay		\$0.00	\$0.00
TOTAL for REX-Road Repairs	Fund:	\$768,000.00	\$758,000.00

RESOLUTION 2009-46 TRANSFER OF FUNDS – Hollie Maxie reads Resolution 2009-46 Transfer of Funds. *MOTION* – Brad Spurlock motioned we approve Resolution 2009-46 Transfer of Funds. Kenneth Rosenberger seconds. All in Favor (6). Opposed (0). Motion carried.

COUNTY GENERAL

FROM: Auditor – Telephone	\$ 110.98	100-102-4322.00
TO: Auditor - Office Supplies	\$ 110.98	100-102-4210.00
FROM: Auditor – Conference & Seminars	\$ 175.02	100-102-4399.00
TO: Auditor – Office Supplies	\$ 175.02	100-102-4210.00
FROM: Sheriff – Investigations	\$ 312.56	100-105-4392.00
TO: Sheriff – Telephone	\$ 312.56	100-105-4322.00
FROM: Sheriff – Sheriff’s Dues	\$ 190.00	100-105-4390.00
TO: Sheriff – Telephone	\$ 190.00	100-105-4322.00
FROM: Sheriff – Printing	\$ 177.80	100-105-4333.00
TO: Sheriff – Telephone	\$ 177.80	100-105-4322.00
FROM: Extension – Office Supplies	\$ 656.00	100-123-4210.00
TO: Extension – New Equipment	\$ 656.00	100-123-4440.00
FROM: Commissioners – Health Insurance	\$ 6,608.00	100-130-4149.00
TO: Commissioners – Care of Inmates	\$ 6,608.00	100-130-4379.00
FROM: EMA – Office Supplies	\$.10	100-146-4210.00
TO: EMA – Director	\$.10	100-146-4111.00
HIGHWAY		
FROM: Highway – Truck Drivers	\$ 2,000.00	201-300-4178.00
TO: Highway – Other Current	\$ 2,000.00	201-300-4353.00
CUM CAPITAL DEVELOPMENT		
FROM: Cum Cap Dev – Building Repair	\$ 16,197.85	249-000-4364.00
TO: Cum Cap Dev – Loan Payment	\$ 16,197.85	249-000-4600.00
FROM: Cum Cap Dev - Equipment	\$ 15,000.00	249-000-4440.00
TO: Cum Cap Dev – Loan Payment	\$ 15,000.00	249-000-4600.00
PHONE SYSTEM LOAN		
FROM: Phone Sys Loan – Equipment	\$ 1,849.50	0287-000-4440.00
TO: Phone Sys Loan – Loan Payment	\$ 1,849.50	0287-000-4500.00
REASSESSMENT		
FROM: Reassessment – Contractual Services	\$ 3,000.00	0123-000-4350.00
TO: Reassessment – Equipment	\$ 3,000.00	0123-000-4440.00
H1N1 PHASE I INFLUENZA GRANT		
FROM: H1N1 Phase I – Part-time	\$ 1,000.00	4563-000-4120.00
TO: H1N1 Phase I – Equipment	\$ 1,000.00	4563-000-4440.00
FROM: H1N1 Phase I – Part-time	\$ 1,500.00	4563-000-4120.00
TO: H1N1 Phase I – Charges for Services	\$ 1,500.00	4563-000-4350.00
FROM: H1N1 Phase I – Part-time	\$ 1,000.00	4563-000-4120.00
TO: H1N1 Phase I – Supplies	\$ 1,000.00	4563-000-4210.00

RESOLUTION 2009-47 2010 COUNTY COUNCIL MEETING SCHEDULE – Hollie Maxie reads Resolution 2009-47 2010 County Council Meeting Schedule. *MOTION* – Carroll Lanning moved we accept Resolution 2009-47. Jeff Koch seconds. All in Favor (6). Opposed (0). Motion carried.

2010 COUNTY COUNCIL MEETING SCHEDULE

<u>MEETING DATE</u>	<u>ADDITIONAL DUE</u>	<u>TRANSFER DUE</u>
January 26, 2010	TO AUDITORS OFFICE January 7, 2010	TO AUDITORS OFFICE January 21, 2010
February 23, 2010	February 4, 2010	February 18, 2010
March 23, 2010	March 4, 2010	March 18, 2010
April 27, 2010	April 8, 2010	April 22, 2010
May 18, 2010 (3 rd Tuesday)	April 29, 2010	May 13, 2010
June 22, 2010	June 3, 2010	June 17, 2010
July 27, 2010	July 8, 2010	July 22, 2010
August 24, 2010	August 5, 2010	August 19, 2010
August 30, 31, September 1, & 2, 2010	Budget Hearing (9:00 A.M.)	
September 28, 2010	September 9, 2010	September 23, 2010
Regular Mtg & Adopt Budget (2011)		
October 19, 2010 (3 rd Tuesday)	September 30, 2010	October 14, 2010
November 23, 2010	November 4, 2010	November 18, 2010
December 7, 2010	November 18, 2010	December 2, 2010
December 14 or 21, 2010 (If Needed)	No Additional	December 9 or 16, 2010

RESOLUTION 2009-48 REDUCTION OF 2009 COUNTY GENERAL FUND – Hollie Maxie reads Resolution 2009-48 Resolution of the reduction of the 2009 General Fund to fund the 2010 County General Budget. *MOTION* – Tom Linkel moved we approve Resolution 2009-48. Jeff Koch seconds. All in Favor (6). Opposed (0). Motion carried.

RESOLUTION #2009-48

RESOLUTION OF THE REDUCTION OF THE 2009 COUNTY GENERAL FUND

WHEREAS, Franklin County General Fund has excess funds in the 2009 Budget; And

WHEREAS, it is necessary to reduce the 2009 County General Fund to fund the 2010 County General Budget; And

NOW THEREFORE, BE IT ORDAINED:

- 1. That \$148,600.00 (one hundred forty-eight thousand six hundred dollars and zero cents) be reduced from the 2009 Franklin County General Fund (100).**

ORDINANCE 2009-19 AN ORDINANCE ADOPTING COUNTY OF FRANKLIN, INDIANA JOB DESCRIPTION AND FAIR LABOR STANDARDS ACT (FLSA). Hollie Maxie reads the Ordinance adopting Job Descriptions and Fair Labor Standards Act (FLSA). Bradley Spurlock motions to approve Ordinance 2009-19. Tom Linkel seconds. All in Favor (5). Opposed (0). Abstained (1 – Hollie Maxie). Motion carried.

FILED

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ORDINANCE 2009-19

Sharon A. Jones
Auditor Franklin County

AN ORDINANCE ADOPTING COUNTY OF FRANKLIN, INDIANA JOB DESCRIPTIONS AND FAIR LABOR STANDARDS ACT (FLSA)

WHEREAS the County of Franklin, Indiana is an Equal Opportunity Employer, and

WHEREAS it is the intent of Franklin County, Indiana to comply with applicable federal and State of Indiana employment laws and regulations, and

WHEREAS INDIANA CODE 36-2-5-3 provides that the county fiscal body shall fix the compensation of officers, deputies and other employees, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

- (1) fix the number of officers, deputies and other employees;
- (2) describe and classify positions and services;
- (3) adopt schedules of compensation; and
- (4) hire or contract with persons to assist in the development of schedules of compensation; and

WHEREAS Franklin County contracted with a professional human resources consulting firm to prepare updated job descriptions and conduct a Fair Labor Standards Act (FLSA) audit,

NOW, THEREFORE it is ordained as follows:

SECTION 1: JOB DESCRIPTIONS

The attached set of job descriptions are adopted as the official job descriptions for all County positions and shall be on file in the Franklin County Auditor's office.

SECTION 2: FAIR LABOR STANDARDS ACT (FLSA)

The attached set of job descriptions specify the EXEMPT or NON-EXEMPT status of each position, and employees holding such positions shall be compensated according to state and federal wage and hour statutes.

SECTION 3: EMPLOYEE H1N1 COMPENSATION

The Franklin County Personnel Policy is hereby amended to allow exempt employees to receive additional compensation for occasional and sporadic work performed in the administration of H1N1 vaccinations; this amendment is limited to the administration of H1N1 vaccinations and is not extended for any other purpose.

ORDINANCE 2009-20 2010 SALARY ORDINANCE – County Council reviewed 2010 Salary Ordinance. *MOTION* – Tom Linkel motioned to accept Ordinance 2009-20 with amendment in Section 248 – deleting E-911 Coordinator Full-Time Position. Bradley Spurlock seconds. All in Favor (5). Opposed (0). Abstained (1 – Hollie Maxie). Motion carried.

E-911/COMMUNICATION ADVISORY BOARD APPOINTMENT – Bradley Spurlock asked who the Board of Commissioners appointed to the E-911/Communications Advisory Board. Don VonderMeulen, Commissioners don't have an appointment. It was asked what happens if there is a tie, with an 8-Member Board. Don, it's an advisory board. *MOTION* – Bradley Spurlock motioned to appoint Kenneth Rosenberger to the E-911/Communications Advisory Board. Kenny Rosenberger declined in taking the position. Bradley Spurlock motioned to appoint Tom Linkel to the E-911/Communications Advisory Board. Jeff Koch seconds. All in Favor (7). Opposed (0). Motion carried.

REQUEST TO ENCUMBER FUNDS TO NEW YEAR FORM – Form was presented for Departments to fill out for funds to be encumbered to the new year with invoice or contract dated in prior year. This form then will go to Council for their approval. *MOTION* – Bradley Spurlock motioned to accept Policy and Form to Request to Encumber Funds to the New Year. Tom Linkel seconds. All in Favor (7). Opposed (0). Motion carried.

LIBRARY – Harry Graves of the St. Peters Area talked about the Library. A couple of people had called him from the eastern part of the County with concern with paying the library tax. Presented documents with the regards to the Library. 1st page, jurisdiction to pass library district, he is unclear what County Council are, fiscal body or legislative body, depending on which IC Code you go by. 2nd page, procedure to create library district blank, because no procedure was followed. 3rd page, IC 36-2-11-15 recording of documents. 4th page, copy of recorded documents dated March 8, 2006 Township Expansion Resolution Blooming Grove Township, prepared by Melody L Gault, asked what is her title. 5th page, IC 20-14 was repealed. 6th page, copy of 2008 Library Budget, \$40,000 for Librarian with \$262,800 total for Personal Services. 7th page, copy of 2010 Library Budget, \$60,000 for Librarian with \$624,000 total for Personal Services. 8th page, copy of Resolution 2008-14 County Expansion Resolution recorded May21, 2008 and dated April/May 2008. Commissioners did not know if they created or expanded the Library District. 9th page, May 20, 2008 Whitewater Valley Public Library District Regular Board of Trustees Monthly Meeting. 10th page, Resolution dated May 21, 2008 to Change Library Name from the Whitewater Valley Public Library District Board of Trustees to Franklin County Public Library District. 11th page, Minutes of September 16, 2008 Franklin County Public Library District Regular Monthly Meeting of the Board of Trustees. No authorization to apply for Grant, nothing found in minutes. 12th page, Copy of September 29, 2009 Franklin County Board of Trustees Regular Monthly Meeting. Second Page unfinished business, nothing in minutes to file proceedings against the County. 13th page, Copy of Letter from the Indiana State Library addressed to Melody Gault with the Commissioners decision to rescind the county-wide library district. 14th page, Copy of Letter from Lowell McMillin, Attorney to the Board of County Commissioners with regards to the Franklin County Public Library District. 15th page, Copy of Complaint for Temporary Restraining Order and Permanent Injunction filed stamped by Clerk dated October 13, 2009. During the day of October 13, 2009, Library filed temporary restraining order, nothing in minutes to file. 16th page, Copy of email from Scott McDonough to Gene Stewart, Attorney dated October 14, 2009. 17th page, copy of Stipulated Facts Cause No. 24C01-0910-PL-00272 filed by clerk October, 2009. 18th page, Chronological Case Summary. 19th page, copy of October 20, 2009 Franklin County Board of Trustees Regular Monthly Meeting. 20th page, copy of questions and answers and statements of fact to the Franklin County Commissioners dated November 16, 2009. 21st page, copy of letter to Commissioners dated November 23, 2009. 22nd page, copy of Certificate of Appointment of Katherine Flaspohler dated May 16, 2006. 23rd page, copy of Certificate of Appointment of Joann Koch dated August 10th, 2009. 24th page, copy of Certificate of Appointment of Hubert Branstetter dated April 23, 2007. 25th page, copy of Certificate of Appointment of Gay Worth dated June 9, 2008. 26th page, copy of page of Indiana Special Session 1 of the 116th General Assembly IC 36-12. Rebecca Oglesby, supports Harry Graves, will not send out tax bills with the library tax on it. Tom Linkel asked if Council has legal counsel. Hollie Maxie would like for one of the Council Member to look into the library situation. It was suggested to get the Association of Indiana Counties for advice. Scott McDonough, it happened way to quick, looks like case was cut and dry before court hearing was held. Gene may have done what he was instructed to do. The question of filing to interfere with the budgetary process.

SMALL ANIMAL CONTROL SHELTER – County Council received a Letter from Nina Muccillo, a Franklin County Resident, requesting something to be done to reduce the amount of animals coming into the shelter. Stated this can be done by enforcing a Spay Neuter Ordinance in Franklin County. Fairfield Township Resident, Beverly Hardin, a Volunteer for the Franklin County Humane Society offered to research and bring a packet of information to review for a program on how a spay and neuter program that could help the whole community. County Council would be involved with the funding, the County Commissioners would set policy.

ADJOURN – *MOTION* – Jeff Koch moved to adjourn. Carroll Lanning seconds. All in Favor (7). Opposed (0). Motion carried.

Others Present:

Louis E Linkel	Beverly Harden	Tammy Lainhart	Ruth Hughes
Gary D Frost	Scott McDonough	Harry Graves	Becky Oglesby
Kathleen Robinson	Brian Patterson	Dale Maxie	John Estridge
Monica Yane	Diana Schuck	Lois E Clark	Eva Heyob

AYE	NAY
<u>S/ Hollie Maxie</u>	_____
Hollie Maxie	Hollie Maxie
<u>S/ Jeffery C Koch</u>	_____
Jeffery C Koch	Jeffery C Koch
<u>S/ Kenneth J Rosenberger</u>	_____
Kenneth J Rosenberger	Kenneth J Rosenberger
<u>S/ Bradley L Spurlock</u>	_____
Bradley L Spurlock	Bradley L Spurlock
<u>S/ Carroll Lanning</u>	_____
Carroll Lanning	Carroll Lanning
_____	_____
Tom Linkel	Tom Linkel
<u>S/ Jason Allen</u>	_____
Jason Allen	Jason Allen
ATTEST: <u>S/ Susan A Jones</u>	
Susan A Jones, Franklin County Auditor	