

**LAPORTE COUNTY
COUNTY COUNCIL MEETING
June 23, 2008**

The LaPorte County Council met in regular session the 23rd day of June, 2008, in the assembly room of the LaPorte County Government Complex. The meeting was called to order by Mr. Cooley at 6:30 p.m.

ROLL CALL AND PLEDGE OF ALLEGIANCE:

Those present stood and recited the Pledge of Allegiance. Roll call followed.

Mrs. Shuter:	Councilman Cooley:	Present
	Councilman Cunningham:	Present
	Councilman Garner:	Present
	Councilman Ludlow:	Present
	Councilman Mrozinski:	Present

Councilman Jones was absent and it was announced that Councilman Yagelski was enroute.

ADOPTION OF AGENDA: Mr. Cunningham requested that the reauthorization of Library Capital Projects funds be moved from Old Business to the top of the agenda. Mr. Ludlow seconded. The motion carried 5 – 0 by voice vote.

MINUTES: Mr. Ludlow made a motion to approve the minutes of the Regular Meeting held on April 28, 2008, the Workshop held on May 19, 2008 and the Workshop held on June 4, 2008. Mr. Cunningham seconded. The motion carried by voice vote 5 – 0.

DEPARTMENT HEADS:

TERESA SHUTER:

Mrs. Shuter provided an update on the billing process; she reported that this morning permission was received from the Indiana State Board of Accounts and the Department of Local Government Finance to proceed with the plan discussed at the workshop a few weeks ago.

The first process that will take place is that rebate checks will be going out even though we know that the 30,000 checks will be wrong since they are based upon assessments that may be recalculated. She reported that a separate bank account has been created along with a separate color of checks so that the Treasurer's Office can reconcile the rebate checks; the account will be maintained for two (2) years and any check \$10.00 or under can be voided after 180 days if they have not been negotiated.

The second process is that the 2006 pay 2007 tax bills that went out will now be considered a provisional tax bill; penalties will apply on any unpaid balance as of January 12th of this year. Mrs. Shuter reported that reconciliation statements will be sent out and with the rebate checks, permission has been given to combine the original State Homestead Credit and the Rebate State Homestead Credit on the 2006 pay 2007 reconciliation bill one the reassessment has been completed.

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Mrs. Shuter reported that we will also proceed with provisional tax bills for 2007 pay 2008 taxes which will be based upon current tax only and billed the same exact assessed value as 06 pay 07. She commented that we are the only county in the State that has ever attempted to do anything like this; we will have two (2) tax years open at the same time and the Treasurer's Office will be running two (2) sets of books for 06 pay 07 and for 07 pay 08.

Mrs. Shuter stated that it will be a nightmare but we have approval from all of the agencies involved and we will be moving forward.

Mr. Cooley asked when the rebate checks would be sent out. Mrs. Shuter explained that the new checks should be here Friday and they should be out within a week; the Treasurer's Office is verifying any delinquencies since if there are delinquent taxes owed, the taxpayer will only be given the difference on the rebate check. Mrs. Shuter reported that on the Auditor's side duplicate homesteads are being checked.

Mr. Ludlow asked about the 07 pay 08 tax bills being based upon 06 pay 07; what if someone files a PTABOA appeal. Mrs. Shuter responded that if there has been a final determination, a corrected bill is sent out; the provisional bills will be half, or 50%, of what they were billed for 06 pay 07 and it will be current tax only. Mrs. Shuter reported that there will most likely be three (3) tax bills within the next twelve (12) months.

LIAISON REPORTS:

MARK LUDLOW:

Mr. Ludlow mentioned that correspondence has been received regarding termination of the Public Defender reimbursement; he will check into this further.

TERRY GARNER:

Mr. Garner commented that there are no new drawings for the proposed building to house Purdue Extension, Soil and Water and Solid Waste.

Mr. Garner also reported that the LaPorte County Fair will be held from July 20th thru July 26th.

RICH MROZINSKI:

Mr. Mrozinski stated that the ARCH rate at the County Home has been increased from \$27.00 to \$37.00 per day; this should account for approximately an extra \$10,000.00 per month coming into the County Home.

JERRY COOLEY:

Mr. Cooley reported that there was a work session, which the Council attorney also attended, in Indianapolis regarding HB 1001; he commented that he doesn't think anyone knows what the bill is yet since there are no answers.

Attorney Baugher commented that the general sentiment amongst County Council Members throughout the State was bewilderment and disbelief.

Mr. Cooley stated that the only budgets the Council will not approve are the school budgets.

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Mr. Cooley commented that the Cities & Towns Association put on a session at PNC which was very interesting regarding legislation.

PUBLIC COMMENTS: There was none.

LIBRARY CAPITAL PROJECTS FUND: Mr. Cunningham made a motion to remove this matter from the table. Mr. Mrozinski seconded and the motion carried by voice vote 5 – 0.

Mr. Yagelski arrived.

Judy Hamilton, Director of the LaPorte County Public Library, thanked the Council for their consideration and reiterated the reasons why approval of this project is an important step to take; she stated that the tax rate is minimal compared to the benefit.

Mr. Mrozinski made a motion to approve reauthorization of the Library Capital Project Fund at the same rate, \$0.0067, as in the past. Mr. Ludlow seconded. The motion carried 6 – 0 by voice vote.

Mr. Ludlow made a motion to read the **Resolution 2008-01** by title only. Mr. Cunningham seconded. The motion carried 6 – 0. Mrs. Shuter read, “LaPorte County Council, Resolution of Action on Library Capital Project Fund Plan.”

ADDITIONAL APPROPRIATION/ASSESSOR: Assessor Carol McDaniel requested \$390,000.00 in the County General Fund, Clerks. Mrs. McDaniel stated that a workshop was held with the Council regarding how many people she would be allowed. Mr. Yagelski commented that since then he has called the State to see if people other than Level II’s could go out in the field to measure and he was told that they could as long as a Level II person verifies the information. Mrs. McDaniel responded that this isn’t what she was told but if that is what the Council wants to do that is fine with her.

Mr. Cunningham asked if the additional thirteen (13) staff members requested includes the two (2) Hearing Officers which are the elected Center Township and Coolspring Township Assessors. Mrs. McDaniel responded that she was told at the workshop that this is what the Council wanted.

Mr. Cunningham asked what percentage of the Trustee/Assessor’s salary is based upon assessing duties. Mrs. McDaniel responded that it would be approximately half of a year since they are done with assessing by August 1st. Mr. Cunningham then stated that his point is that the Trustee/Assessor is paid more to be the Trustee than to be the Assessor; if you divide eighteen (18) by two (2) you get nine (9) and the request is for thirteen (13) employees. Mrs. McDaniel stated that she got the information provided from the standards in the IAAO book.

Mr. Yagelski commented that right now we know that there are five (5) employees to come over from Coolspring and Center Townships. Mrs. McDaniel stated that she has five (5) positions but she hasn’t put any names with those positions; she is working with HR. Mrs. McDaniel commented that there are five positions already in place plus she needs a few more people to do her work from the eighteen (18) townships.

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Mr. Garner stated that he feels that the Council is being pressured to hire people and yet there isn't anything for them to do for awhile. Mrs. McDaniel commented that she has one employee who does sales disclosures and she has enough work in the sales disclosures since they are the main object for the taxes that two (2) or three (3) employees could be doing right now. Mrs. McDaniel stated that there are a lot of small items to do.

Mr. Garner stated that he feels more obligated to the County employees that we have at this time and to make sure pay raises are established for them versus hiring thirteen (13) employees for this department.

Mr. Cunningham made a motion to authorize the hiring of five (5) additional staff members and to utilize the two (2) Hearing Officers for a total of seven (7). Mr. Garner seconded.

Attorney Baugher commented that it was his understanding that he was to prepare an ordinance transferring those existing employees, that is County employees, from the townships to the County Assessor; he asked for the names and positions of those people and he understood from the last meeting that there were five (5) but the names and list he got is what he put in the ordinance. Mrs. McDaniel stated that there are two (2) people coming over for sure but she still needs the positions. There was further discussion regarding the wording of the ordinance.

Mike Schultz, Center Township Assessor, commented on his employee Trina Culp and her current FMLA status since her name is in the ordinance. Mr. Cooley suggested using the positions and not the names in the ordinance; he referred to employees not working in the department they are in now and bad employees who don't want to show up to work for example. Mr. Yagelski commented that the County has never had this situation before and the existing salaries have to be transferred with whatever the employees are currently making and that why there are names included; this is a unique situation.

Attorney Baugher stated that the Council could set positions and salaries or they could set positions, salary and names which the Council may want to consider because the Council has to consider under what circumstances people are being terminated or whether they are being terminated; the Council could take the position that they are being determined by State law. Attorney Baugher stated that what he understood was that the Council wanted to make sure that whoever the County was paying in June was reasonably sure that they were going to get paid in July until this "thing" shook out and decisions were made; this is why he put the names in the ordinance.

Mr. Garner asked if Mrs. McDaniel has to accept those employees listed in the ordinance once it is passed. Attorney Baugher commented that in Mrs. McDaniel's position she could choose to terminate an employee on the list but it is her decision. Mr. Yagelski stated that these employees on the list would be on ninety (90) days probation.

Roll call was taken on the motion to approve five (5) additional staff members and to utilize the two (2) hearing officers.

Mrs. Shuter:	Councilman Cooley:	Aye
	Councilman Cunningham:	Aye
	Councilman Garner:	Aye
	Councilman Ludlow:	Aye

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Councilman Mrozinski: Aye
Councilman Yagelski: Aye

Motion carried 6 – 0. The approved dollar amount is \$158,796.00.

Mr. Ludlow made a motion that the ordinance transferring Township Assessor positions to the County Assessor be read in full. Mr. Cunningham seconded. The motion carried 6 – 0. Mr. Ludlow read Ordinance No. 2008-03 noting that it relates to the position and there is one vacant position where a township employee has already transferred to another department and at that time her pay was \$29,780.00. Mr. Ludlow made a motion to pass this ordinance on first reading and Mr. Cunningham seconded. Motion carried 6 – 0.

Mr. Ludlow made a motion to suspend the rules and have a second reading. Mr. Mrozinski seconded. The motion carried unanimously. Mr. Ludlow then made a motion that Ordinance No. 2008-03 be read by title only. Mr. Cunningham seconded. The motion carried 6 – 0. Mr. Ludlow read the ordinance by title only. Mr. Ludlow asked Attorney Baugher to clarify that if new employees are hired, is it correct that this ordinance does not make this their salary. Attorney Baugher answered that the Council created five (5) positions and now the Council is just doing the transfers but they are not effective if the employee decides not to take the job, employer decides not to take the employee, etc. but the funding is available. Mr. Ludlow made a motion to pass Ordinance No. 2008-03 on the second reading and Mr. Cunningham seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/AUDITOR: Mrs. Shuter stated that \$25,000.00 has been advertised in the Win Tax Fund and also in the Cumulative Capital Development (CCD) Fund for new desks and equipment. Commissioner Huston took Mrs. Shuter to the “Hiler Building” a couple of weeks ago and showed her where the office was going to be. Mrs. Shuter stated that a lot of desks in the Auditor’s Office are broken down and collapsing and we also need a printer for the Payroll Department; if there is any extra left she would like to buy some file cabinets since there are a lot of boxes under desks as there is no room currently for file cabinets. Mrs. Shuter reported that the amount requested includes roughly \$1,500.00 per desk.

Mr. Garner made a motion for approve this request from the Cumulative Capital Development (CCD) Fund and Mr. Ludlow seconded.

Mr. Cooley commented that if there is no emergency to move the offices at this time, that he can’t support the request until the Council finds out what is going on. Mr. Ludlow asked how the move will affect everything the Auditor’s Office will be doing with the taxes, etc. Mrs. Shuter responded that Mrs. Huston stated that the office space will be available July 1st but that doesn’t mean that the Auditor’s Office needs to move on July 1st; she commented that the office will move when it is convenient with everything the Auditor’s Office is in the middle of depending upon whether assessed values are being certified, the abstract is being prepared and tax bills are being sent out, payroll, etc.

Mr. Ludlow asked Commissioner Huston if this is the last move; are officials setup with where we are going to put them. Commissioner Huston responded that Mrs. Shuter’s office will be moving to the second floor of the Hiler Building and Ken Layton’s office will be moving downstairs to the front of the Hiler Building, HR will be moving downstairs in order to accommodate Mrs. Shuter’s office, GIS has been moved to accommodate Mrs. Shuter’s real

estate and payroll offices, plus the Assessor's Office is being moved downstairs since they are taking on more people and there will a lot of filing cabinets and desks brought over from the different Assessor's Offices; therefore, Mrs. Huston thought the weight would be better on the first floor. Mrs. Huston commented that there is still one office open on the second floor but she doesn't have anyone to go in there currently. Mrs. Huston reported that the Surveyor's Office will be downstairs also. Mr. Ludlow asked if Mr. Gerometta's services were used on any of this. Mrs. Huston responded that Mr. Gerometta drew up the plans which were approved by the City. Mr. Ludlow stated that he wished that this information would have been shared with the Council.

Mr. Cunningham asked Mrs. Huston if there were any specific plans where the Coolspring and Center Township Assessors who will be acting as Hearing Officers will be housed. Mrs. Huston commented that there is a small room that was a kitchen in the back of the Assessor's Office and she believes that is where the Hearing Officers will be. She invited the Council to come look at what is being done and she also complimented the Maintenance Department on the fine job they are doing.

Mr. Cunningham asked what the plans are for the current Center Township Assessor's Office in the Complex. Mrs. Huston stated that she doesn't have any; there were some original plans, which was to breakup the Clerk's Office and give half to Center Township and the back section to EMS with a small conference room but those plans have changed since Center Township is being transferred into the Assessor's Office and they are going to the Hiler Building.

Mr. Yagelski stated that some Council Members feel that \$25,000.00 in furniture can't be approved until we know where we can figure out where we are financially in the County. Mrs. Huston commented that she understands that some of the desk drawers in the furniture in the Auditor's Office have actually broken down and these desks are ten (10) to twelve (12) years old. Mr. Yagelski stated that he is not saying it is not worth the cost right now but the Council has to watch the costs right now. Mr. Mrozinski looked at the desks today and they are made of particle board, are cheap, broken and coming apart; he asked about the cost per desk. Mrs. Shuter responded that the quote from Kemps is for L-shaped desks with hutches so that all of the boxes now on the floor can be put in the desks.

Mrs. Huston wondered if some of the desks from the eighteen (18) Township Assessors' Offices going out would be available. Mr. Cooley doesn't have a problem with buying the furniture but right now it would be better to hold off and find out the numbers and where we are.

Mr. Garner withdrew his motion and made a motion to table this request until the next meeting. Mr. Ludlow seconded and the motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/BUILDING MAINTENANCE: Mr. Cooley made a motion to table this request for \$42,059.00 from the Win Tax Fund or from the Cumulative Capital Development (CCD) Fund, Telephones, until the next meeting and he recommended that a workshop be held regarding this matter. Mr. Cunningham seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/CIRCUIT COURT: Judge Tom Alevizos reminded the Council that several changes were made last year that saved about \$96,000.00 and Krista MacLennan has been serving as Director of the Juvenile Services Center on an interim basis.

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Judge Alevizos commented that if the Council thinks there are problems with taxes because of HB 1001, wait until they see what it is going to do to delinquent children and juvenile delinquency which he will talk about at a later time.

Judge Alevizos reported that effective July 7th, Nancy Gettinger will fill the position of Director of the Juvenile Services Center; this salary will be the same as the Director of Community Corrections.

Judge Alevizos also stated that an ordinance has been prepared to reinstate the salary of the Juvenile Services Coordinator in the Circuit Court budget since Krista MacLennan will now be paid from this budget. Mr. Cunningham made a motion to approve \$15,912.00 as advertised in the County General Fund, Circuit Court Budget, Juvenile Services Coordinator, in order to restore the salary as requested and Mr. Mrozinski seconded. The motion carried 6 - 0 by voice vote.

Mr. Ludlow made a motion to hear Ordinance No. 2008-04 by title only. Mr. Cunningham seconded and the motion carried unanimously. Mrs. Shuter read, "LaPorte County, Indiana, LaPorte County Council Ordinance No. 2008-04, Addendum 2008 LaPorte County Salary Ordinance." Mr. Ludlow made a motion to suspend the rules and hear this ordinance on the second reading. Mr. Mrozinski seconded and the motion carried 6 - 0 by voice vote. Mrs. Shuter read Ordinance No. 2008-04 by title only on the second reading. Mr. Ludlow then made a motion to approve this ordinance and Mr. Mrozinski seconded. The motion carried 6 - 0 by voice vote.

ADDITIONAL APPROPRIATION/CLERK: Mr. Cunningham made a motion to approve \$3,000.00 as advertised in the Document Storage Fee Fund, Claims, and Mr. Ludlow seconded. The motion carried 6 - 0 by voice vote.

Clerk of the Circuit Court, Bette Conroy, reminded the Council that a letter was included in their packet inviting them to come visit her office to look at the situation and talk about desks, etc. Mr. Yagelski commented that the Council is not opposed to new desks but are watching the budget. Mr. Cooley recommended that the Commissioners or the Maintenance Department look at the desks that are falling apart to see if the County could get a better deal if more desks are purchased at once.

ADDITIONAL APPROPRIATION/COMMISSIONERS: \$1,000.00 was advertised for Retirement Award and \$50,000.00 was advertised for Legal Fees in the County General Fund, Commissioners Budget. Mr. Ludlow made a motion to approve \$1,000.00 for Retirement Award and Mr. Cooley seconded. The motion carried 6 - 0 by voice vote.

Commissioner Hager commented that legal fees have gone up. Mr. Cooley made a motion to approve \$50,000.00 for Legal Fees as requested and Mr. Mrozinski seconded. The motion carried by voice vote 6 - 0.

ADDITIONAL APPROPRIATION/EMERGENCY MANAGEMENT: \$561,116.00 was advertised in the River Boat Admission Tax Fund for Equipment. Paul Young, Emergency Management Director, explained that this money had been appropriated before but there was an impasse and now the project is ready to go again. Mr. Young stated that this is another layer of communications.

Ben Neitzel, Michigan City Chief of Police, stated that there were certain issues that bogged the whole process down. Chief Neitzel explained that this proposal is for an umbrella system of communications that would cover the whole County and he further explained what the benefits would be to law enforcement.

Mr. Garner made a motion to approve this request and Mr. Cunningham seconded. Mr. Cooley asked if this is something, in case there is ever a disaster that would cover communications with the State units. Chief Neitzel commented that he wouldn't go so far as to say with the State yet although from his understanding we would be moving towards that possibility; he stated that this system is more for LaPorte County right now. Chief Neitzel stated that basically what is being looked at right now is the infrastructure and then equipment would be put into the cars. Mr. Young stated that there is communication with the State now through the 800 system.

Sheriff Mike Mollenhauer commented that he is 100% in favor of mobile data terminals (MDT); this has been needed for many years. Sheriff Mollenhauer stated that the main priority is the safety of the officers and the public.

Mr. Yagelski asked if, once this system is installed, additional dollars will be spent. Mr. Young responded that technology is always improving and we try to keep up with it. Mr. Yagelski commented that he didn't mean the technology but will other pieces be needed after purchase of the system. Chief Neitzel stated that for his department, once the canopy is established, they would only need modems; he has \$250,000.00 in his budget this year for all of the modems. Chief Neitzel commented that it is his understanding that most of the Sheriff's officers already have laptops and mounts so they would only need modems; there are different needs for different departments. Chief Neitzel stated that they hope to look at grant options and hopefully will get some financing.

Mr. Jones, anticipating that he couldn't be in attendance tonight, had asked Mr. Mrozinski to sit in on a workshop. Mr. Mrozinski commented that this system would, without a doubt, move us into the 21st Century.

Mr. Ludlow asked if this system would be 900 megahertz. The response was that it is not, it is strictly MDT and a County-wide infrastructure. Mr. Ludlow asked if we are renting tower space or buying tower space. The response was that a resolution on tower space is being worked out to be good neighbors since a lot of other agencies also utilize tower space; therefore, it is not renting but sharing tower space and approval has already been given to share approximately thirty (30) towers at no cost.

Mr. Ludlow asked if this project has been bid to others or just to Miner. Mr. Young responded that Miner is the only one involved. Mr. Ludlow stated that he believes, due to the cost of this project, that it should be put out for bids. Attorney Baugher commented that it should be looked at; there is a rule called single source where if there is a need for compatible equipment the bid process can be bypassed. Attorney Baugher stated that he hadn't looked at this but it is a serious issue and a lawyer should look at it.

Mr. Ludlow stated that he needs to see more information and not just a letter; if the Council isn't going to approve \$25,000.00 for desks he certainly is struggling with this request. Mr. Yagelski asked why this project was delayed. Chief Neitzel stated that there was a problem with the

original proposal and how it was going to work; there just wasn't good harmony. Chief Neitzel commented that they switched to Plan B and a frequency that only emergency services and public services could utilize but that created its own problem; this is what bogged everything down. The second thing that bogged everything down is that there are hard numbers but trying to do the project County-wide, a lot of different things go on at the meetings. Chief Neitzel stated that he would have no problem with waiting another month to further address this request.

Mr. Garner made a motion to table this matter until more information can be provided along with information on how to proceed due to the bid process. Mr. Cunningham seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/HEALTH DEPARTMENT: Mr. Cooley made a motion to approve \$20,000.00 for Claims in the Communicable Disease Fund and Mr. Ludlow seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/PLAN COMMISSION: Ray Hamilton, Building Commissioner of the Plan Commission, stated that this Statement of Work proposed by IKON is a program to move paperwork such as building permits, sewer permits, etc. electronically which would also assist the Health Department and the Assessor's Office. Mr. Hamilton reported that the inspectors in the field would have laptops with them in order to communicate back to the office.

Mrs. Shuter stated that \$24,150.00 advertised is for the Statement of Work which is a layout of the plan to be implemented in the office and the design of the workflow from one department and one process to the other. Mr. Yagelski commented that IKON gave a presentation at a workshop and he expressed that it is great to have everyone come online. Mr. Hamilton responded that a terrific savings should be realized.

Mr. Ludlow made a motion to approve \$24,150.00 as advertised in the Win Tax Fund, IKON Building Permit SOW, and Mr. Garner seconded. The motion carried 6 – 0 by voice vote.

TRANSFER/MS4: Mr. Garner stated that Rick Brown, MS4 Coordinator, asked him to present this request for a transfer in the County General Fund, MS4 Budget, from Office Supplies to Mileage in the amount of \$300.00. Mr. Garner made a motion to approve this transfer and Mr. Cooley seconded. The motion carried 6 – 0 by voice vote.

ADDITIONAL APPROPRIATION/SUP CT NO 4: Mr. Cunningham made a motion to approve appropriation of \$353.00 in the County General Fund, Superior Court No. 4 Budget, Secretary/Administrative Asst/Office Manager, and Mr. Ludlow seconded. The motion carried by voice vote 6 – 0.

ADDITIONAL APPROPRIATION/TREASURER: Mr. Ludlow made a motion to table this request for \$15,500.00 from the Win Tax or Cumulative Capital Development (CCD) Fund, Office Equipment/Furniture, until the next meeting and Mr. Cunningham seconded. The motion carried 6 – 0 by voice vote.

OLD BUSINESS:

SHERIFF'S SALARY ORDINANCE: Mr. Yagelski reported that he met with the Sheriff but he hasn't had a chance to meet with Attorney Baugher regarding this matter; this matter will be addressed at the next meeting.

COUNTY REDEVELOPMENT COMMISSION APPOINTMENTS/HEA 1001: Mr. Yagelski spoke on behalf of Matt Reardon since he couldn't make it tonight due to a conflict. HEA stated that the County Council makes two (2) appointments to the County Redevelopment Commission and the Commissioners make four (4) appointments instead of the Commissioners making all appointments.

Mr. Ludlow made a motion to appoint Don Przybylinski and Jim Sennett to the Redevelopment Commission and Mr. Cunningham seconded. The motion carried 6 – 0 by voice vote. These terms will end December 31, 2008.

NEW BUSINESS:

Mr. Yagelski talked with Scott Pelath to find out if the Council looks over all of the entities' budgets for 2009 and what authority does the Council have since this isn't spelled out in HEA 1001.

Attorney Baugher stated that there is a problem and an uncertainty regarding the Solid Waste District which is comprised principally of elected officials but not elected to that position; are they required to submit, not for recommendation, but for approval their budget to the County Council. Attorney Baugher has spoken to legal counsel Ice Miller and others and there seems to be a division of opinion but until the Attorney General says one way or the other or the Department of Local Government Finance this is an uncertain issue. Attorney Baugher reported that some take the position that since local elected officials are on the Board they don't have to and others are saying they aren't elected to that position, they are appointed to the position and they have to, which is his opinion. Attorney Baugher asked that this question be added to the inquiry.

Mr. Cooley made a motion that the Council submit to Representative Scott Pelath to submit to the Attorney General for a response regarding the Council authority in looking over the budgets and the authority of the Council regarding non-elected Boards. Attorney Baugher offered to assist in writing this letter. Mr. Ludlow seconded and the motion carried 6 – 0 by voice vote.

COMMENTS BY THE COUNCIL:

RICH MROZINSKI: Mr. Mrozinski expressed his displeasure that DH2W did not attend this meeting regarding the plans for the proposed new building. Mr. Hager commented that the plan is to be back by the end of this week. Mr. Yagelski asked if it is for \$1.2 million. Mr. Hager responded that it is for \$1.2 million or below.

TERRY GARNER: Mr. Garner commented that this is the first time a department has been kept down below their request for employees instead of saying yes, yes, yes.

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ADJOURNMENT: There being no further business, the meeting was adjourned at 8:15 p.m.