



**MONROE COUNTY COUNCIL
SPECIAL SESSION
JULY 14, 2009 5:00 P.M.
MONROE COUNTY COURTHOUSE
JUDGE NAT U. HILL MEETING ROOM**

**SPECIAL SESSION
[Reconvened from July 7, 2009]**

	<u>Page #</u>
I. Call to Order	
II. Ordinance 2009-25: An Ordinance Authorizing the Increase of the Juvenile County Option Income Tax for the Purpose of Operation and Maintenance of Facilities Necessary to Provide Juvenile Services	4
III. Council Discussion	
IV. Public Comment	
V. Adjournment	

REGULAR SESSION

To Convene Immediately Upon Adjournment of the Special Reconvened Session

	<u>Page #</u>
I. CALL TO ORDER	
II. PLEDGE OF ALLEGIANCE	
III. PUBLIC COMMENT	
IV. COMMISSIONERS	
General Obligation Bonds of 2009	
*A. Approval of Ordinance 2009-24, an Ordinance Authorizing the Issuance and Sale of General Obligation Bonds for the County [introduced by title only at July 7, 2009 work session]	6
B. Ordinance 2009-26, an Ordinance of Monroe County, Indiana Appropriating the Proceeds of the General Obligation Bonds of 2009 [introduced by title only at July 7, 2009 work session]	7
V. SHERIFF'S OFFICE	
Approval of Monroe County Police Retirement Plan	
[Copy of full Plan available in Council office.]	9
VI. PUBLIC DEFENDER, <i>Michael Hunt</i>	
Request to Fill Open Position (Deputy Public Defender)	12

VII.	EXTENSION SERVICES, <i>Jeff Holland</i> Request to Fill Open Position (COMOT III – Educational Assistant)	14
VIII.	HUMAN RESOURCES, <i>Rhonda Foster</i> Request for Job Reclassification for Official Court Reporters	15
IX.	AUDITOR, <i>Amy Gerstman</i> A. Request to Establish Comp Time Payout Line in the Council Budget B. Resolution 2009-18 to Establish Procedure for Payment of Compensatory Time	23 25
X.	LEGAL DEPARTMENT, <i>Dave Schilling</i> Request for Transfer of Funds Approval <u>0101-277 County General/Legal Department</u> From: 0101-277-30.0003 Contractual Services To: 0101-277-10.7601 Longevity	27 \$ 200 \$ 200
XI.	SURVEYOR, <i>Kevin Enright</i> Request for Additional Appropriation Approval <u>0116-000 Surveyor Corner Perpetuation Fund</u> 40.0001 Equipment 10.7802 Hourly	29 \$ 25,000 \$ 10,000
XII.	PROSECUTOR, <i>Beth Hamlin</i> Request for Appropriation Approval <u>3503-000 Adult Protective Services</u> 10.0001 APS Director 10.0002 APS Investigator 10.7601 Longevity 10.7901 Part-time Temporary 10.8001 FT Fringe 10.8002 PT Fringe 10.8101 FICA 10.8201 PERF	35 \$ 37,624.00 35,462.00 400.00 5,651.00 17,140.61 86.18 6,053.98 <u>6,669.10</u> \$109,086.87
XIII.	AVIATION, <i>Bruce Payton</i> A. Request for Appropriation Approval <u>2106-331 Construction</u> 40.0014 AIP #26 Corporate Hangar Connecting Taxiway 40.0015 AIP #27 Preliminary Design for Fence Project B. Request to Fill Vacant Secretary Position	38 \$500,000.00 27,500.00 43
XIV.	YOUTH SERVICES BUREAU, <i>Ron Thompson</i> Request for Transfer of Funds Approval <u>3012-000 Safe Place Grant 08-09</u> From: 10.8001 Full Time Fringe 10.8201 PERF To: 30.0004 Outreach	48 \$ 1,827.95 380.43 2,208.38
XV.	A. DEPARTMENTAL UPDATES [Surveyor’s Annual Report will be presented at this time.] B. PUBLIC COMMENT	50
XVI.	APPROVAL OF THE MINUTES FROM THE REGULAR SESSION OF THE COUNCIL HELD JUNE 2, 2009 AND JUNE 23, 2009.	
XVII.	COUNCIL COMMENTS	

***Included in this packet is the first page of the proposed ordinance, which enumerates the proposed use of the bond receipts. The entire ordinance was included in the prior packet; additional copies of the entire ordinance will be available at the meeting.**

ORDINANCE 2009-25
AN ORDINANCE TO AMEND ORDINANCE 2007-27

WHEREAS, on July 30, 2007, the Monroe County Council, pursuant to the authority of I.C. 6-3.5-6-33, adopted Ordinance 2007-27, "An Ordinance for the Increase of the County Option Income Tax For the Purpose of Operation and Maintenance of Facilities Necessary to Provide Juvenile Services" (hereinafter referred to as the "Juvenile COIT"); and,

WHEREAS, the purpose of the Juvenile COIT, as authorized by statute, is to raise money to fund the operation and maintenance of facilities necessary to provide juvenile services; and,

WHEREAS, the original term of the Juvenile COIT was set at three (3) years; and

WHEREAS, the original rate of the Juvenile COIT was set at .04%, and an increase of up to .25% was authorized by statute; and,

WHEREAS, the Monroe County Council hereby finds that there is a continuing need to raise funds for the operation and maintenance of facilities necessary to provide juvenile services, and that such need shall extend beyond the currently set date of June 30, 2010, for expiration of the Juvenile COIT; and,

WHEREAS, the Monroe County Council hereby finds that there is a need to increase the amount of funds raised by the Juvenile COIT because 2009 revenues will be fully spent on ongoing expenses and the amount to be raised in 2010 will need to be increased to cover increased benefit costs and to preserve a healthy fund balance; and,

WHEREAS, the Monroe County Council, pursuant to the requirements of I.C. 6-3.5-6-33(d)(2), further agrees to freeze for the extended term of this extension of the Juvenile COIT the part of any property tax levy imposed in the county for the operation of the juvenile detention center and other facilities covered by the ordinance at the rate imposed in the year preceding the year in which a full year of additional county option income tax is certified for distribution to the county;

NOW THEREFORE, BE IT ORDAINED by the Monroe County Council that Ordinance 2007-27 is hereby amended to increase the tax rate established pursuant to I.C. 6-3.5-6-33 from .04% to .05% and to set the date of termination of the tax at five years from the date of passage of this amendment.

ADOPTED THIS _____ DAY OF JULY, 2009.

MONROE COUNTY COUNCIL

"AYES"

"NAYS"

Vic Kelson, President

Vic Kelson, President

Jill S. Lesh, Vice President

Jill S. Lesh, Vice President

Julie L. Thomas, Member

Julie L. Thomas, Member

Marty Hawk, Member

Marty Hawk, Member

Warren Henegar, Member

Warren Henegar, Member

Geoff McKim, Member

Geoff McKim, Member

Charles Newmann, Member

Charles Newmann, Member

ATTEST: _____, 2009.

Amy Gerstman, Auditor

ORDINANCE NO. 2009-24

An Ordinance of Monroe County, Indiana, authorizing the issuance and sale of bonds of the County for the purpose of providing funds to be used for the costs of remodeling the kitchen, laundry room, and visiting area in the Monroe County Jail, floor and roof repair of the Monroe County Courthouse and installation of warning sirens, together with all necessary appurtenances, related improvements, equipment and incidental expenses in connection therewith and, if any proceeds are remaining, acquisition of land, buildings, vehicles, highway equipment, computer, security, emergency alert and communications systems, infrastructure improvements and remodeling and equipping of other county buildings

WHEREAS, Monroe County, Indiana ("County") is authorized by IC 36-2-6-18 ("Act") to issue bonds to procure moneys to be used in the exercise of the powers of the County; and

WHEREAS, the County Council of the County ("Council"), now determines that it is necessary and a proper exercise of the powers of the County to finance the costs of remodeling the kitchen, laundry room, and visiting area in the Monroe County Jail, floor and roof repair of the Monroe County Courthouse and installation of warning sirens, together with all necessary appurtenances, related improvements, equipment and incidental expenses in connection therewith in accordance with plans and specifications now on file with the Issuer and, if any proceeds are remaining, acquisition of land, buildings, vehicles, highway equipment, computer, security, emergency alert and communications systems, infrastructure improvements and remodeling and equipping of other county buildings (collectively, "Projects"); and

WHEREAS, based upon the advice of the consultants for the County for the Projects, the Council has determined that the estimated cost of the Projects and the incidental expenses necessary to be incurred in connection with the Projects and with the issuance of the bonds to finance the Projects will be in an amount not to exceed Two Million Dollars (\$2,000,000); and

ORDINANCE NO. 2009-26

AN ORDINANCE OF MONROE COUNTY, INDIANA
APPROPRIATING THE PROCEEDS OF THE GENERAL
OBLIGATION BONDS OF 2009

WHEREAS, the County Council of Monroe County, Indiana ("County") has determined to issue bonds to provide for the cost of remodeling the kitchen, laundry room, and visiting area in the Monroe County Jail, floor repair of the Monroe County Courthouse and installation of warning sirens, together with all necessary appurtenances, related improvements, equipment and incidental expenses in connection therewith in accordance with plans and specifications now on file with the Issuer and, if any proceeds are remaining, acquisition of land, buildings, vehicles, highway equipment, computer, security, emergency alert and communications systems, infrastructure improvements and remodeling and equipping of other county buildings (collectively, "Projects") and the incidental expenses in connection therewith, and on account of the issuance of the General Obligation Bonds of 2009 ("Bonds"); and

WHEREAS, a notice of a public hearing on the appropriation of the proceeds of the Bonds in an amount not to exceed Two Million Dollars (\$2,000,000) to be issued for the purpose of procuring funds to be applied on the cost of the Projects and the incidental expenses to be incurred in connection therewith and with the issuance and sale of the Bonds was properly published in *The Herald-Times (Bloomington)* and *The Ellettsville Journal* and the proofs of publication were presented to the County Council and placed in the County's records;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF MONROE COUNTY, INDIANA, THAT:

Section 1. An appropriation in an amount not to exceed Two Million Dollars (\$2,000,000) is hereby made to be applied on the costs of the Projects and the incidental expenses incurred in connection therewith and on account of the issuance of Bonds therefor, and that the funds to meet said appropriation be provided out of the proceeds of the Bonds in an amount not to exceed Two Million Dollars (\$2,000,000) heretofore authorized; that said appropriation be in addition to all other appropriations provided for in the existing budget and tax levy for the current year.

Section 2. The Auditor is hereby authorized and directed to report and certify the additional appropriation to the Department of Local Government Finance.

Section 3. This ordinance shall be in full force and effect from and after its passage.

Adopted this _____ day of _____, 2009, by a vote of _____ ayes and _____ nays.

MONROE COUNTY COUNCIL

"AYES"

"NAYS"

Vic Kelson, President

Vic Kelson, President

Jill S. Lesh, Vice President

Jill S. Lesh, Vice President

Julie L. Thomas, Member

Julie L. Thomas, Member

Marty Hawk, Member

Marty Hawk, Member

Warren Henegar, Member

Warren Henegar, Member

Geoff McKim, Member

Geoff McKim, Member

Charles Newmann, Member

Charles Newmann, Member

ATTEST: _____, 2009.

Amy Gerstman, Auditor



Over 75 Years of Professional Service

McCready and Keene, Inc.

March 6, 2009

Sheriff James Kennedy
Monroe County Sheriff's Department
301 N. College Avenue
Bloomington, IN 47404

Re: Restatement of Monroe County Police Retirement Plan

Dear Sheriff:

The Internal Revenue Service ("IRS") has established a cycle for restating qualified plans to comply with recent law changes and the enclosed restatement has been sent in draft form to the IRS for approval. A copy of that mailing was forwarded to you in December 2008.

The enclosed copies of the restatement are for you, the Merit Board, and the County Council to review and approve. Note that the restatement must be adopted by December 31, 2009. Once approved, please return three copies to our office, forward one copy to the Council, one to the Merit Board and the remaining copy is for your records.

Also enclosed is a description of the changes included in the restated Plan. If you have any questions about the changes or would like a different approach for the changes that are not required, please contact me.

If you would like me to present the restatement to your Merit Board and/or County Council, please call me to schedule.

Sincerely,

Elaine A. Beaty
Vice President

cc: County Auditor w/ enclosures for County Council

**DESCRIPTION OF REQUIRED CHANGES IN THE MONROE COUNTY POLICE
RETIREMENT PLAN RESTATED EFFECTIVE JANUARY 1, 2008**

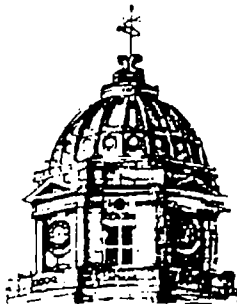
1. The IRS is requiring that all citations to Indiana law be removed and that the reference to "termination of employment" be changed to "severance of employment." We have made those changes throughout the document.
2. The compensation limit in Section 2.01(1), the limitations on benefits in Section 6.05, and the requirement to start benefits by age 70½ in Section 6.06 have been changed. As a practical matter, none of these changes will affect the benefits payable under your Plan.
3. The provisions in Section 3.01 permitting a participant to stopping required employee contributions and then start making them again have been deleted. The IRS does not permit stopping and re-starting employee contributions.
4. A new paragraph was added to Section 6.01 regarding how the plan will handle an overpayment of a benefit to a Participant or Beneficiary.
5. The limitation on the period for extending guaranteed monthly payments under option 1 in Section 6.04(a) has been replaced by a reference to the limit in Section 6.06. As a practical matter, this required change will not limit the guaranteed period that a participant may elect.
6. Technical changes were made in Section 6.06 in the calculation of benefits payable at age 70-1/2.
7. The provisions of Articles XV & XVI were updated and folded into the preceding articles and then Articles XV & XVI were deleted from the restatement.

**DESCRIPTION OF CHANGES TO PLAN DESIGN THAT ARE NOT REQUIRED BY
THE IRS**

1. If a participant has terminated employment, received a distribution of employee contributions, and is reemployed, Section 3.01 specifies that the repayment may be in cash (on an after-tax basis) or rollover from an IRA. Also, Section 3.01 provides that interest on the repayment is charged from date of severance of employment.
2. Section 3.02 provides that if a participant terminates, commences his benefit, and is reemployed, the benefit earned during his reemployment will be reduced by the amount of benefit received. This restatement clarifies the offset method.
3. A definition of "Normal Retirement Age" has been added to Section 5.01.
4. Only benefits paid in a lump sum (i.e. employee contributions and earnings) may be rolled over to another Plan. Please note that Section 6.07 has been revised to provide that rollovers may be made to a Roth IRA beginning January 1, 2008, subject to adjusted

gross income limits until year 2010. In addition, we have amended Section 6.07 of your Plan to reflect that non-spouse beneficiaries may roll over death benefits to an IRA beginning January 1, 2008.

5. Section 8.02(b) has been clarified to provide that the spouse of a participant who dies prior to Early Retirement Age may elect when to begin the death benefit anytime between when the participant would have satisfied Early Retirement Age and Normal Retirement Age.
6. Section 10.04(b) has been added to permit participants to elect to apply a portion of their retirement benefit to health insurance premiums in accordance with Indiana Code.



MONROE COUNTY COUNCIL

REQUESTED AGENDA INFORMATION FOR COUNCIL MEETINGS

TITLE OF ITEM THAT APPEARS ON THE COUNCIL AGENDA:

Salary Ordinance Approval

DATE ITEM WILL APPEAR ON THE COUNCIL AGENDA:

14 July 2009

CONTACT PERSON: Michael E. Hunt

PHONE NUMBER: 349-2590

Presenter at Council Meeting if other than Contact Person:

OFFICE/DEPARTMENT: Public Defender

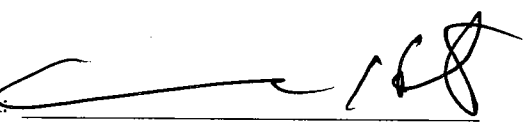
HAS YOUR DEPARTMENT LIAISON REVIEWED ITEM?

Yes No

EXECUTIVE SUMMARY: *(Please write information for the Monroe County Council in ten sentences or less, relating how this agenda item will be used in the community.)*

Respectfully request Council waive the current hiring freeze. Document attached.

CONCUR:


Michael E. Hunt, Chief Public Defender

DATE:

6/18/2009

**REQUEST FORM
To Fill Open Position**

Department: Monroe County Public Defender

Position: Deputy Public Defender

Salary: \$52,983.00

Source of Funding: 0101-271-10.XXXX

Date position will become open: Immediately

Has the position been advertised? YES

If the position has been advertised: YES

How many applications have you received? 10

Have you conducted any interviews yet? YES

Have you made an offer? NO

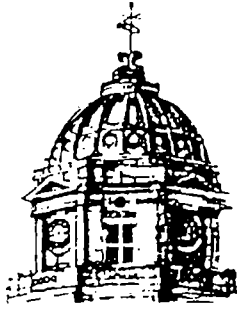
Has the offer been accepted? NO

Have you conducted any post offer testing? NO

Please briefly state why you feel this position should be filled:

To continue the department's participation in the State Reimbursement Program, it is essential this position be filled to meet the requirement of adequate staffing. Due to the increase in cases, to make do with less will place our staffing requirement as "inadequate", and end our ability to participate.

The funding received from the State Reimbursement Program sustains the salaries of three (3) attorneys, one (1) paralegal, one (1) investigator, and one (1) legal secretary. If these funds no longer exist, the continued employment of these positions is unlikely.



MONROE COUNTY COUNCIL

REQUESTED AGENDA INFORMATION FOR COUNCIL MEETINGS

TITLE OF ITEM THAT APPEARS ON THE COUNCIL AGENDA:

Waiver from Hiring Freeze – Education Assistant

DATE ITEM WILL APPEAR ON THE COUNCIL AGENDA:

July 14, 2009

CONTACT PERSON:

Jeff Holland

349-2575

Presenter at Council Meeting if other than Contact Person:

OFFICE/DEPARTMENT:

Extension Services

HAS YOUR COUNCIL LIAISON REVIEWED THIS ITEM?

Yes

No

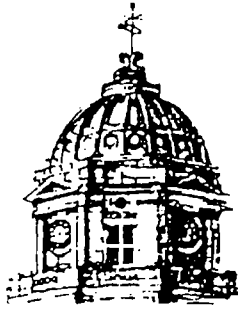
EXECUTIVE SUMMARY: *(Please write information for the Monroe County Council in ten sentences or less, relating how this agenda item will be used in the community.)*

County Extension is requesting permission to fill a COMOT III secretarial position, “Educational Assistant.” The person currently holding that position is taking a position in the Public Defender’s Office. The person currently holding the position leaves August 3, 2009. The County is in the middle of preparation for County Fair, State Fair, and Citizens’ Academy. The position is currently funded, and no additional appropriation will be sought.

Signed _____

Date

July 13, 2009



MONROE COUNTY COUNCIL

REQUESTED AGENDA INFORMATION FOR COUNCIL MEETINGS

TITLE OF ITEM THAT APPEARS ON THE COUNCIL AGENDA:

Job Reclassification for Official Court Reporters

DATE ITEM WILL APPEAR ON THE COUNCIL AGENDA:

14 July 2009

CONTACT PERSON: Rhonda Foster

PHONE NUMBER: 349-7313

Presenter at Council Meeting if other than Contact Person:

OFFICE/DEPARTMENT: Human Resources

HAS YOUR DEPARTMENT LIAISON REVIEWED ITEM?

Yes No

EXECUTIVE SUMMARY: *(Please write information for the Monroe County Council in ten sentences or less, relating how this agenda item will be used in the community.)*

The Courts have asked that Court Reporter Positions be reclassified from COMOT V to PAT III. There are currently ten (10) incumbents holding Court Reporter positions. The proposal was reviewed by PAC at its June 23, 2009 meeting. PAC heard presentations from Rhonda Foster, Director of Human Resources, and from Bonnie Austin, Court Administrator. In addition PAC reviewed the analysis submitted by Waggoner, Irwin, Sheele (WIS) on the matter. WIS stated that the current job descriptions for the positions merited the reclassification. WIS recommended that the positions be classified as "exempt" for FLSA purposes (which action the Council has already taken), and that the following sentence be added to the job descriptions: "Incumbent serves as personal staff of the elected Judge, and as such is an appointee of the Judge and serves at the pleasure of the Judge."

PAC concurred unanimously with the WIS recommendation and voted unanimously to forward the request to the Council with a positive recommendation.

Signed /s/ Rhonda Foster

Date 29 June 2009

