



MINUTES
MONROE COUNTY COUNCIL
January 13th, 2009
MONROE COUNTY COURTHOUSE
JUDGE NAT U HILL MEETING ROOM

Pursuant to proper notice a Regular Session of the Monroe County Council was called to order at 5:45 January 13, 2008 at the Monroe County Courthouse in the Nat U. Hill Meeting Room, Third Floor, Bloomington, Indiana 47404. The presiding officer was Vic Kelson, President. A quorum was present, including:

Councilors present: *Marty Hawk*
 Warren Henegar
 Vic Kelson
 Jill Lesh
 Geoff McKim
 Charles Newmann
 Julie Thomas

Also Present: *Barbara Phipps, Administrative Assistant, Auditor*
 Steve Saulter, Financial Director, Auditor
 Michael Flory, County Council Attorney

CALL TO ORDER

(Kelson) I will call to order this January 13, 2009 meeting of the Monroe County Council. We will begin with the Pledge of Allegiance.

[All stand and recite the Pledge of Allegiance.]

(Kelson) Good evening everyone. Sorry for the delay in getting started. We were just trying to get all the paperwork together here for the first time this year. I want to welcome our new members of the Council, our new Treasurer, and our new Auditor, who are all here. I don't see any of the other newly elected officials, but welcome everyone. We will begin.

ADOPTION OF PROCEDURES

(Lesh) Mr. President, I move that we adopt the rules of procedure as adopted in the February 2007 meeting, with the amendment to part 2B, discussion begins from the outside and moves inward.

(Kelson) We have a motion. Is there a second?

(Henegar) Second

(Kelson) These are the Council rules of Procedure that we have worked under for the last two years. These procedures are purely for guiding the way we do discussion during council discussion. We will begin with discussion from the left.

(McKim) None

(Newmann) I am glad to see that we are bringing these procedures back for all of our review and I would hope that some time during the year of 2009 that we go beyond these procedures and establish procedures for the Council itself, of how the Council will act. I brought this up last year and nothing was acted on at any of the work sessions on that matter. I think for this Council to act professionally we need to have documented procedures of how the Council will interact. I would be glad to give some ideas on that. I am glad to see these procedures coming forward.

(Kelson) Additional from the left

(Thomas) I absolutely agree with Charlie. As a new Councilor I can say that it would definitely be better to have the guidance of having more procedures written out, but I appreciate having these.

(Kelson) Discussion from the right

(Henegar) No questions. No comments.

(Kelson) Is there any additional from the right? [pause] I will make only a brief comment about this. The procedures for the Council are laid out in statute and in Robert's Rules of Order. That is what we work from. There are statutes, and there are Robert's Rules, and that is the way we function. We do not enforce all of the details of Robert's Rules of Order because we really do not need to, and we do not have a parliamentarian for that. If we find a particular instance during the year where there is something procedural that is a question, I think we should definitely discuss it at that point. Is there anyone to call the question?

(Newmann) I have more comment on that. I understand what you are saying as far as Robert's Rules of Order, but every organization, and especially this one, since the State

has required every council in the State of Indiana, by law to have an organizational meeting. That is what we are going to be doing tonight. What you do at an organizational meeting, is you organize how you are going to conduct your business for the year and we are not restricted only to the State Law, or only to the Robert's Rules of Order. The Plan Commission in this County has their own very good rules of Procedure, that are very effective, and I still feel that we need to have more detailed rules of Procedure to know how agenda items are to be submitted, how the staff is supposed to be supervised, and numerable things that have never been done since 1816.

(Kelson) Is there someone to call the question?

(Lesh) Question

(Kelson) The question has been called. We will do a voice vote.

All in favor say, "Yes."

(Majority) Yes.

Opposed, "No."

(None)

Any abstentions?

(Hawk)

Motion Passes

[Rules of Procedure]

(Kelson) We will move along.

(Lesh) Mr. President, I would like to move the following amendments to the agenda. First, public comment was not listed at the beginning of the meeting. So it should be added after the Election of Officers. That is II-B.

(Kelson) II-B is after the Pledge of Allegiance. It would be the next thing we do, right?

(Lesh) Sorry. And then XV will become Community Corrections.

(Kelson) Community Corrections is a request for Salary Ordinance Approval that we will slip in after the item for the County Council as item XV.

(Lesh) Item XVI will be Department Updates.

(Newmann) What was XV again?

(Lesh) XV is Community Corrections.

(Kelson) Request for Salary Ordinance Approval. It was on the table when we came in.

(Newmann) I am going to find it here on the agenda while you are talking.

(Lesh) It is brand new. XVI is the department updates and that just changes its number. XVII will be approval of minutes. XVIII will be public comment. XIX will be council comment.

(Kelson) We have a motion, is there a second?

(Henegar) Second

(Kelson) We have a motion and a second, is there discussion on these amendments to the agenda? Hearing none back to the council for the question.

(McKim) Call the question.

(Kelson) Question has been called. We will do a voice vote.

All in favor say, "Yes."

(All) Yes.

Opposed, "No."

(None)

Any abstentions?

(None)

Motion Passes

[Amendment to the Agenda]

(Kelson) We will move along.

(Lesh) Mr. President, as recommended by the Majority Caucus I nominate Vic Kelson as Council President and Jill Lesh as Council Vice President for 2009.

(Henegar) Second

(Kelson) We have a motion and a second. We will open the floor for nominations. Are there any other nominations?

(Newmann) Yes. I feel we need to have some discussion on this.

(Kelson) Is there a nomination?

(Newmann) Yes. I will nominate Jill Lesh to be the President, for this reason, that...

(Kelson) Is there a second?

(Thomas) Second

(Newmann) I cannot explain my motion?

(Kelson) After it is seconded it is on the floor for discussion.

(Thomas) I seconded it.

(Newmann) The reason I nominate Jill Lesh is because in 2010 we are going to have elections again, and we have agreed in the past as the six member caucus that we would not have those positions [up for re-election] in leadership seats. So that means that for this year, moving towards the 2010 elections, we need to have an at-large person in the Vice President's seat. Jill Lesh had the opportunity to be the president last year, but I think she is well qualified to be the president this year. Then we could have a natural progression of leadership going towards the presidency in 2010.

(Kelson) Is there any further discussion?

(Newmann) That is my logic.

(Kelson) [To Lesh] Are you willing to accept the office if you are elected?

(Lesh) Charlie I really appreciate the nomination and I am gratified by your confidence, but my schedule just will not allow it. I would love to be able to do, but I just cannot.

(Newmann) We have a Council staff and already you are willing to be the Vice President and you are willing to be on the PAC committee and the Fleet Committee. You could back off some of those and serve the Council well. We need some new leadership in this Council. Vic has been there for two years. He was the Vice President. He took that training opportunity. He had the opportunity to be President last year. I will talk more about this later on, about why Vic Kelson should not be the President of this Council, I think, in order for the Council to work effectively we need to have new leadership in 2009.

(Lesh) I appreciate all the things that you are saying, but I have consulted with my family and I cannot accept.

(Newmann) Okay.

(Kelson) Is there anyone to call the question?

(Newmann) Are we still taking other nominations?

(Kelson) Certainly.

(Newmann) Geoff McKim, are you willing [to serve as President]?

(McKim) I am not

(Newmann) You are at-large. I am sorry.

(McKim) I am at-large.

(Newmann) The other district people would be Vic Kelson, Charles Newmann, Warren Henegar, and Marty Hawk.

(Kelson) Warren Henegar is at-large.

(Newmann) Marty Hawk, I would respect the experience that she has on the Council. She is the oldest serving member. [To Marty Hawk] I don't mean that in a negative way. You have been with the Council a long time and you have shown your non-partiality and I feel that you would be able to conduct a very good meeting for us. [To the Council] So I would nominate Marty Hawk to be the Council President, leading towards 2010.

(Kelson) Is there a second?

(Hawk) Could I just state, before we even ask for a second, let's not mortify me too bad here. I love being on the Council as you well know. And I love serving Monroe County government. However, I do believe the leadership here should be decided by the majority when you met with your Democratic caucus. Just as I believe that when we decided on the Republican leadership, we should have honored what the Republican Caucus decided. I do not deign to get in the middle of your Democratic Caucus.

(Newmann) I just wanted to give you a chance at it.

(Hawk) Thank you

(Newmann) So what is our motion at this time?

(Kelson) Our motion is I would be President and Jill would be Vice President.

(Newmann) I would like to amend that motion that Vic be the President, but, based on the logic that has been submitted moving towards the election in 2010, that we have an at-large person as the Vice President. I would nominate Julie Thomas.

(Kelson) Is there a second? [pause] The motion fails for lack of a second.

(Hawk) Mr. President, I call the question on the motion.

(Kelson) The question has been called. We will do a roll call vote.

Roll Call –called by Barbara Phipps

Hawk	Yes	[Hawk verified this is to elect Kelson and Lesh as originally presented.]
Lesh	Yes	
Henegar	Yes	
McKim	Yes	
Thomas	No	
Kelson	Yes	
Newmann	No	

MOTION PASSES
COUNCIL ORGANIZATION

[Elect Vic Kelson President, Jill Lesh Vice President]

2009 COUNCIL CALENDARS

(Kelson) We will move along to Item IV Council Calendars. We need to do each resolution in turn, so that would be Resolution 2009-1, 2, 3, 4.

(Lesh) Mr. President, I move approval of **Resolution 2009-01 Council Regular Session Calendar.**

(Kelson) We have a motion. Is there a second?

(Henegar) Second.

(Kelson) We have a motion and a second. There was discussion in the work session regarding the 5:30 time. This is something that we talked about towards the end of last year, as possibly being more suitable for the interest of public participation and due to the change in the make up of the council. During the work session we discussed that an earlier time would be suitable, and so is there a motion to amend.

(Hawk) I move to amend the start time to 4:30, because we are all concerned about the amount of comp-time or overtime that it costs the County and the County tax payers when our employees have to stay over. Since the regular time for [the end of the work day] is 4:00 p.m., a 4:30 time would work for the tax payer and still leave plenty of time for public comment at the end of the meeting.

(Kelson) Let me jump in here just very briefly. This is not a critical comment about anyone. Let's refrain from commenting on the motions until they have been seconded. We will make the motion and then second them. Is there a second?

(Hawk) I understand your position; however, if we do not agree why we want to either support a second or not, how do we know whether we want to do a second?

(Kelson) Is there a second?

(Thomas) Second.

(Kelson) We have a motion and a second. Is there any discussion from the right?

(Newmann) You have another chance Marty, if you want to say anything else.

(Hawk) So where are we now? What time is the motion?

(Kelson) The Resolution is for 5:30. You have moved to amend it to 4:30. Discussion is on the motion to amend. Is there additional comment from the right?

(Lesh) Yes, I would not support the 4:30 time, but I would support 5:00 as a compromise.

(Kelson) [to Hawk] Are you willing to accept that as a friendly amendment?

(Hawk) I know it will not make a difference what I say. Nevertheless, I think that when our employees get off work at 4:00 and we ask them to hang around until 5:00, then that means they are going to end up putting in that extra hour here. They are either going to get paid for overtime or for comp-time, so it is going to cost the tax-payers money to service that, but if that is the time that works out the best for everyone then it is fine with me. I am not doing it for my benefit.

(Kelson) So was that a yes?

(Hawk) Yes it was, begrudgingly.

(Kelson) Is there second?

(Henegar) I will be glad to second it.

(Kelson) Is there additional comment from the left?

(McKim) I would support 5:00 as a compromise. I think we are balancing the concerns between the County staff and the comp-time issue also with requests from the public to start the meeting at a time at which more of the public would be able to attend. I think 5:00 is a good compromise. It makes no difference personally to me either way.

(Kelson) Is there additional comment from the left?

(Newmann) Since I am retired I have got flexibility in my time, I can be here any time. I have heard from several citizens that work for a living that they might participate in the governmental process if the times were more conducive. This was brought up to the Commissioners, [with a suggestion] for them to change [their meeting time] from their 9:00am on Friday meeting, which is not a very worker friendly time. But according to the previous Commissioner, Joyce Polling, they've tried that in the past and it did not really increase the participation. But I feel that the citizen participation out weighs what we have to allow in comp-time. Anything that we can do to get more citizen participation, through the citizen's academy that wasn't held this year, or anything else, is very valuable. I feel that is one of the highest tenets of Democracy, trying to get the citizenry involved. I am glad that this last election motivated so many people to be involved in the governmental process at the National level. Hopefully that will flow down to the local level. If we have got a half hour more for people to get in here from work, so that they can get showered, and get the concrete off their boots and get in here and participate, then that is an improvement. I will go along with that.

(Kelson) Is there additional from the left? [pause] I'm perfectly satisfied with either of these times; 5:00 is perfectly fine with me. The motion is to amend the proposed times of 5:30 for all the meetings to 5:00. Will someone call the question on the amendment?

(Henegar) I call the question on the amendment.

(Kelson) The question has been called. We will do a voice vote.

All in favor say, "Yes."

(All) Yes

Opposed, "No."

(None)

Any abstentions?

(None)

The motion is amended

[vote on starting at 5:00]

(Kelson) The next vote is on the amended motion to make the meetings at 5:00. Is there any further discussion?

(McKim) I call the question on the motion.

(Kelson) Is there any public comment on this item? [none] The question has been called. We will do a voice vote.

All in favor say, "Yes."

(All) Yes

Opposed, "No."

(None)

Any abstentions?

(None)

Motion Passes

[Regular Session Schedule]

(Kelson) [to Lesh] You can simultaneously move the Resolution and the amendment to save time.

(Lesh) Mr. President, I move approval of **Resolution 2009-02 Council Work Session Calendar with the amendment that the start time be 5:00.**

(Kelson) We have a motion and a simultaneous amendment. Is there a second?

(Henegar) I second the motion.

(Kelson) Is there discussion from left to right on this?

(McKim) Since public participation is not an issue with this one do we want to move this meeting earlier in the day? I know that there may be some councilors who have difficulty coming in at 4:30.

(Kelson) I think it is most important that we get everyone here with all the materials in place and try to start on time at 5:00.

(Newmann) I will agree with Geoff that it will not make a big difference to change it a half hour, and the work sessions are not [for conducting] legal business. They are just for the education of the council more so than the public and they are not televised.

(Kelson) Is there additional discussion from the right?

(Hawk) You know how I feel about it.

(Thomas) I call the question on the motion.

(Kelson) The question has been called. Is there any public comment on the time of our work sessions? Hearing none, we will do a voice a vote.

All in favor say, "Yes."

(All) Yes

Opposed, "No."

(None)

Any abstentions?

(None)

Motion Passes

[2009 Work Session Schedule]

(Lesh) Mr. President, I move approval of **Resolution 2009-03 Personnel Administration Committee Calendar with the amendment that the start time be 5:00.**

(Kelson) We have a motion. Is there a second?

(Henegar) I second the motion.

(Kelson) Is there any discussion on the times of the PAC meetings? There are only three of us who will be affected by this.

(McKim) Mr. President, I'd like to **amend Resolution 2009-03** to state that **the first meeting would occur on February 2, 2009** not January 27, 2009.

(Kelson) We have a motion and I understand why. Is there a second?

(Henegar) I second the amendment.

(Kelson) We have a motion and a second. The reason for the motion is that Mr. McKim is expecting to be on the PAC and he will be on vacation that week.

(McKim) Not vacation.

(Kelson) Oh, I am sorry, on a business trip, and it would be very valuable for him to be there for the organizational meeting of the PAC. I will certainly support this amendment.

(Thomas) I am sorry, was this moved to 5:00 also?

(Kelson) Yes.

(Kelson) So the motion is to amend the first meeting to February 2nd. Is there any further discussion on this item?

(Henegar) I call for the question.

(Kelson) The question has been called on the amendment. We will do a voice vote.

All in favor say, "Yes."

(All) Yes

Opposed, "No."

(None)

Any abstentions?

(None)

The motion is amended.

(Kelson) We will continue discussion on the overall motion. Is there any further discussion from the left?

(Newmann) No.

(Kelson) Is there any discussion from the right? [pause] Is there any public comment on this item? Hearing none, we will return to the council for the question.

(Lesh) I call the question on the motion.

(Kelson) The question has been called. We will do a voice vote.

All in favor say, "Yes."

(All) Yes

Opposed, "No."

(None)

Any abstentions?

(None)

Motion Passes

(Lesh) Mr. President, I move approval of **Resolution 2009-04 Fleet Financing Subcommittee Calendar with an amended start time of 5:00.**

(Kelson) We have a motion. Is there a second?

(McKim) I second the motion.

(Kelson) We have a motion and a second. Is there any discussion?

(Thomas) I am not familiar with the typical public attendance at a meeting like this, so I do not know if it is necessary to move it to 5:00.

(Hawk) We could also do it on our lunch hour.

(Thomas) Right.

(Hawk) We do not have the majority doing this.

(Thomas) I am fine with any time. I am very flexible.

(Hawk) So that we do not have any staff feeling like they have to [stay late for the meeting].

(Thomas) Right

(Kelson) May I make a proposal –since this is not a meeting like PAC, where staff comes in and makes requests—that we simply set the schedule for the first Fleet meeting and then the Fleet committee can come back with a resolution for the rest of the year.

(Henegar) Good idea.

(Thomas) Thank you.

(Hawk) We have the Fleet committee sitting here.

(Henegar) But they would have time to think about it.

(Hawk) I would prefer to do it at a lunch time.

(Thomas) Why don't we do as Vic suggested and meet the first time and we can make an amendment?

(Kelson) You can move to make the first meeting at noon if you would like to, if that would be convenient for the Fleet people.

(Hawk) What ever is good; I just do not want to keep the staff here late.

(Kelson) Is there a motion to make the first Fleet meeting at noon?

(Thomas) I am actually going to be out of town.