



February 10, 2009 MINUTES
Regular Session
MONROE COUNTY COUNCIL
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 5:00 **February 10, 2009** 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, President
Jill Lesh, Vice President
Geoff McKim
Charles Newmann
Julie Thomas

Also Present: *Michael Flory, County Council Attorney*
Barbara Phipps, Administrative Assistant.

I. CALL TO ORDER

(Kelson) I will call to order this February 10, 2009 meeting of the Monroe County Council. We will begin with the Pledge of Allegiance.

II. PLEDGE OF ALLEGIANCE

[All stand and recite the Pledge of Allegiance.]

III. PUBLIC COMMENT

(Kelson) Thank you very much. We will now open the floor to up to 15 minutes of public comment. How many people are here to make public comment? We will go three minutes a piece.

(Lindsey Smith) Good afternoon to the Council and welcome to the newly elected members. My name is Lindsey Smith. I am the chairman of the Red Cross Heroes' campaign. This is an annual fund raiser that is done for the Monroe County-Owen County Red Cross chapter, located right here in Bloomington. The proceeds from the fund raiser go towards disaster relief and emergency services that are needed here in Monroe County. We are all familiar with what happened last year, with that major storm

that affected Monroe County. Of course it impacted all of our lives, not only through out the County, but also through out the State. Every year the Red Cross responds. Normally they are the first responders to a number of these natural and man-made disasters. We want to inform the County that we are conducting this campaign. The kick off is the 10th of March and it will go until the 28th of April. To be a hero for Red Cross an individual, a group, a business, an organization has to commit to donating \$1,000.00 to the Monroe County chapter of Red Cross for that purpose. It could be an individual donation or a group donation. Once they do that then we will of course recognize them by way of newspaper advertisements and those types of things, to identify all those people in Monroe County who contribute to this campaign. However, if people are not able to contribute \$1,000.00 certainly we will be willing to accept any amount of donation that is possible for them. Our goal this year is \$60,000.00 for the chapter. Again, that represents both Monroe County and Owen County. We hope to have great community support. Are there any questions? Thank you.

(Kelson) Thank you very much.

(Gabe Rivera) Thank you very much for the opportunity to speak. Building community it is a great idea. My name is Gabe. You can learn more about me at myspace.com/endthedrugwar. I have songs about the history of fascism, which goes all the way back to 3500 B.C. Fascism begins with the drug war and it will end when the drug war is over. Recently I got a protective order that was issued against me by the manager of Amuse, because I want to force them to help me end the drug war among other things. I was in Judge Cure's court, which is the most biased court. Judge Cure used the court room as a pulpit. She ignored four cases, two instances of perjury and two instances of intimidation. I think I can get her charged with harassing me through this court case. I made her aware of the drug war. Just so that you know, I have been making people aware of the drug war for about four years. You all let me practice freedom of speech, so I am not going to hassle you. I am going to try to get Judge Cure thrown off the bench. I will finish with a closing statement here in a second. At the moment that I make you aware that 70% of crime is being hoisted on this community by this body I can sue each and everyone of you for not taking it into full consideration, for the amount of money that that crime is creating. We know that the drug war is race driven. We have done studies here. So Judge Cure, there is no freedom of speech. You should not teach kids that, because they will be locked up by Judge Cure, believe it or not. I want to talk briefly about the drug war. I am not going to beat my head up against the wall. You can go to myspace.com/endthedrugwar. America is addicted to abusing people. It is called the inquisitorial neurosis. It comes from Rome. Step 1 of the recovery process is admitting the problem, "I as a police officer serve the interest of the drug lords by criminalizing the poor and stealing property unjustly through forfeiture. I as a judge who has sent people to jail for drugs have participated in one of the worst human rights abuses, and am complicit in doing more harm to the society that pays me than help. I would do more for society by throwing myself in jail along with the politicians who legislated unjust laws and the police who enforce those laws. I as a person that has not helped stop the war on drugs am aiding and abetting drug lords." Enough said. You guys have heard three years with that. I am going to try to play a song by John Lennon,

who is more important to me than Jesus, because his music rocks harder. Megan once said when she was in here that this place is kind of stuffy. I just learned this song. We will see if I can play it and I really appreciate the opportunity to comment. I appreciate all of you for that. [Rivera plays part of I'm only Sleeping, John Lennon] Sorry I am too nervous, but I really appreciate it, thanks.

(Kelson) Thank you. Is there any additional public comment? Hearing none we will move on to item IV.

NEW BUSINESS

IV. Resolution 2009-4 Fleet Financing Subcommittee Schedule.

(Lesh) Mr. President, I move acceptance of item IV **Resolution 2009-4 to establish the schedule for Fleet Financing Subcommittee meetings for 2009 as written in the packet.**

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

(Henegar) I second the motion.

(Kelson) We have a motion and a second. I understand that there is an amendment request.

(Thomas) I would like to make an amendment to move the meeting times to noon on the same dates as posted.

(Kelson) Is that a unanimous consent motion?

(Thomas) I assume so.

(Kelson) If there is no opposition we will do that. [pause] Is there further discussion on the calendar for the Fleet Committee? Hearing none...

(McKim) I call the question.

(Kelson) Is there any public comment? The question has been called. We will do a voice vote.

All in favor say, "Yes."

(ALL)

Opposed, "No."

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Any abstentions?

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Motion Passes

[Resolution 2009-4 Fleet Financing Schedule]

(Kelson) We will move on to item V.

V. (A) Prosecutor

(Lesh) Mr. President, I move approval of **item V (A) Additional Appropriation**

PROSECUTOR

0585-511 County User Fee/Pretrial Diversion

\$130,206.00

(Kelson) There is a motion. Is there a second?

(Henegar) I second the motion.

(Kelson) I have a written description of what happened here. At the budget hearings from 2008 the County Council approved a budget for the County User Fee Fund 0585-511 Pretrial Diversion, with the following amounts: in the 10s \$680,618.97; in the 20s \$950.00; in the 30s \$94,099.00; and in the 40s \$23,500.00. Due to a mistake in advertising the bottom line of the budget could not be approved for the full amount of the total of each of the categories, therefore this motion is for an additional appropriation of \$130,206.00 to that fund to reflect the sum of the 4 categories originally approved by the Council in 2008, with no changes to the individual total approved budgetary amounts for the four categories. The final total of the budget for the four categories will read \$799,167.97. Are there questions?

(Beth Hamlin, Prosecutor's Office) You have made my job very easy.

(Kelson) Do you have anything else to add?

(Beth Hamlin) Not a thing, no.

(Kelson) We will start with discussion from the left. Is there discussion from the left?

(Thomas) No

(Newmann) No

(Kelson) Is there discussion from the right?

(Hawk) Can you tell me if your revenue is coming in as projected when you put your budget together?

(Hamlin) I cannot say dollar for dollar, but it is pretty close. I do not have that information with me. If you would like me to email you, I could do that.

(Hawk) That would be good. I think we need to keep a close eye on all these funds that are user fee funds to see if we really are getting in the money that we anticipated meeting in these budgets.

(Hamlin) Okay.

(Kelson) Have you confirmed with the Auditor's Office that this procedure will satisfy what is needed?

(Hamlin) I believe that we spoke with a representative from the State Board of Accounts.

(Kelson) Okay. Is there further discussion? Hearing none, is there any public comment on this item? Hearing none...

(Henegar) I call for the question.

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

Roll Call –called by Barbara Phipps.

Newmann	Yes
Hawk	Yes
Lesh	Yes
Henegar	Yes
McKim	Yes
Thomas	Yes
Kelson	Yes

Motion Passes Unanimous

[Prosecutor Additional Appropriation]

(Kelson) There needs to be an additional item: V (B) 2, which would be the final report on the Child Psychiatric Fund from Mr. Arnold. Hearing no opposition it is so ordered. Please read item V (B) 1.

(Lesh) Mr. President, I move approval of item V (B) 1 Additional Appropriation

CHILD SERVICES

0843-000 Family and Children Fund

30.0017	Child Welfare Services	\$ 25,000.00
30.0023	Regional Services Allocation	\$ 12,000.00

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

(Henegar) I second the motion.

(Kelson) We have a motion and a second. Good evening, Sir.

(John Arnold, Child Services) Good evening, how are you tonight? Do you want me to explain this a little bit?

(Kelson) I think that we have been through it a couple of times last fall. I do not know if the new Councilors would like to go through it in detail, if they have specific questions.

(McKim) I followed it then.

(Thomas) Yes, no questions.

(Kelson) Okay, we all followed it as it went a long, so let's just go ahead and go to questions from the Council.

(Arnold) Okay.

(Kelson) Is there discussion from the right?

(Hawk) Since this particular part of this budget was taken over by the State several years ago. It is not a part that they are taking over this year. They did that several years ago. This is the services that the local office used to decide what to do with and now the regional office does. We did not put in place any kind of local dollars for this. So there would have been nothing from the settlement to put into this budget to cover this. If we put in place this appropriation, where do you plan for the dollars to come from?

(Arnold) I would like to explain a little bit about this. We got two allocations of \$27,500.00 each for a total of \$55,000.00, but the State did not send the 3rd and 4th allocations out to the Counties, because they said the Counties were not spending it. We spent \$15,000.00 more than our allocation in the local part of the Child Services dollars. Then also we have got about \$7,000.00 worth of bills that we did not put through last year because I could see that we ran over. So what we need this additional appropriation for is that we need to pay those \$7,000.00 of bills that we have which we did not process last year. What the State is going to do, they are going to send us a check when we get all the bills paid for the difference between what we actually spent and \$55,000.00. That is what they are doing with the Counties. If the County spent more than they received in their two quarterly allocations then they are going to send them the difference. Also, if you notice on the three year comparative financial report, which I sent you all by email a couple of weeks ago, it listed all these charges and expenditures and for the regional part we got \$21,057.00 and we only spent about \$9,000.00 and the State wants the difference between those two amounts back. So line 23 [30.0023] is so that we can send them back their money that they want. So that is why we put a \$12,000.00 appropriation for 0023. The other part is to cover additional bills that we have. I set it at \$25,000.00 in case something else turns up that we need to do. I do not know of anything more than about \$7,000.00 at this point, so that is probably all that we will need. We will be getting a check from the State for about \$22,000.00 approximately.

(Hawk) I want to make certain that we have this clear. Not one penny of local money taxes are to go to pay for these bills.

(Arnold) Right, that is why we are getting a check from the State. Initially we will pay off the \$7,000.00 and then after we have done that then we will let the State know what the amount is that we have spent and then they will send us a check. So not one penny of local tax dollars will go for these bills, that is correct, because the State has assured us that they will go through with their commitment and send us the rest of the money that they did not send us, up to the point of what we spent.

(Hawk) I will expect the Auditor's office to track that and let us know when all of that happens. Thank you John, it is a very confusing part of the budget, and I thank you for explaining it to us.

(Arnold) You are welcome.

(Kelson) Is there additional to the right?

(Henegar) I appreciate your explanation, but I am glad that I do not have to pass a quiz. No further questions.

(Kelson) I do not have anything to add is there any public comment on this item?

(Newmann) Did he ever go to the left?

(Thomas) No, he did not.

(Kelson) Is there any discussion from the left?

(Thomas) No, but actually I do not have anything. He [Councilor Newmann] looked like he had something to say. Did you?

(Newmann) No, I do not have anything.

(Arnold) Did you have a question? [To Councilor Newmann]

(Newmann) John I know that I can trust you explicitly and you would never ask for anything that was not totally legal and needed for the welfare of the children of Monroe County.

(Arnold) Thank you.

(Hawk) Do not just trust. Verify.

(Kelson) Is there any additional from the left? I am sorry about that. We return to the Council for the question.

(Henegar) 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**

Lesh **Yes**

Henegar **Yes**

McKim **Yes**

Thomas **Yes**

Kelson **Yes**

Newmann **Yes**

Motion Passes Unanimous

[Child Services Additional Appropriation]

(Kelson) We will move on to V (B) 2 **The Final Report of the Child Psychiatric Fund.**

(Arnold) At the end of January 2009 after we got our final tax settlement we had \$28,073.04. This was after subtracting a payment of \$84,326.97 for the second quarter of charges for this fund. After paying the second quarter and after everything was calculated it is \$28,073.04. However, still outstanding is the third quarter charges of \$80,912.42 and the fourth quarter charges, which we just got in a week or so ago, of \$64,522.67. This is not as much as we thought we were going to have in charges. So that is good that the charges went down. We had been running up to the \$85,000.00, so we are getting a little bit of a break here. **The total charges are \$145,435.09 that we still owe, and we only have \$28,073.04, so then the deficit is \$117,362.05 that needs to be paid from the levy excess funds.**

(Kelson) Is there any discussion on this item from the left?

(Thomas) No

(Newmann) No

(Arnold) Vic, do you think I should explain a little bit about what this is since we have new Council members that are not familiar with this issue?

(Kelson) This is our last ever time discussing this.

(Arnold) I would not guarantee that because we still have to figure out how to get these charges paid.

(Kelson) Feel free to explain.

(Arnold) And of course we have a viewing audience that might be interested to know too.

(Kelson) Feel free.

(Arnold) Back about five years ago the legislature in its great wisdom passed a law that said that if a child is in need of psychiatric hospitalization then the parents can take their child to a psychiatric hospital and then if the child is deemed to be Medicaid eligible

Medicaid will pay the bill up to 62% and then they will send the individual Counties where the children are from a bill for the remaining 38%. The legislature in its great wisdom created the Psychiatric Children's Services Fund as a tool for the Counties to pay this other 38%. This fund has its own tax levy, just like all the other funds have a tax levy. It is a challenge to budget for this fund. When we first started this fund we had big surpluses because we budgeted too much. Then after awhile we budgeted just about the right amount, but lately, the costs in the last year have just ballooned. So that is why we have this short fall here, because we did not budget quite enough. The problem is of course that we do not know that the children have been taken to these places until we actually get the bill from Medicaid until we actually get the bill from Medicaid saying what our 38% share is. We do not know before then because the parents do not have to let us know in advance when they take the kids to these hospitals.

(Kelson) Is there discussion from the right, please?

(Hawk) I regret to have to extend this any further, but. I received an email today and yesterday that said that they had sent this out in December, although it was the first time I had seen it. It said that all bills were to be paid within 30 days after the settlement had taken place. What day was settlement in January?

(Saulter) It was the 14th.

(Hawk) So we are right upon that. What that email was saying is that these funds are to be placed into the levy excess fund at that 30 day period of time; which ever happened first either the time that all bills were paid or 30 days after the settlement. So by the 14th all the money that is left in those funds is supposed to be put over in the levy access fund. Then we will appropriate out of the levy excess fund to pay the Psychiatric bills. So I would assume that Mr. Arnold would be bringing forward to us an appropriation request of levy excess for next month. All of the money that is sitting in there now would just be placed in Levy Excess, and then we will pay all of the bills [for the Child Psychiatric Fund] out of there. That is what the email says. Judge Payne sent that out in December and I got a copy of it today. It was the first that I had seen it.

(Kelson) Is there additional from the right?

(Henegar) There are children behind these statistics; these requests for money. How many kids do we have on average that goes to psychiatric hospitals? Also, where would they be? Would they be in Indianapolis? Or out of state?

(Hawk) They would be at Meadows.

(Arnold) I have to decline answering. I can go through the bills and get that for you, but we always check to make sure that they are Monroe County kids, but I would have to take a look and add up the number. As far as where the hospitals are at, they are just all over Indiana. There are a lot of different choices that the parents have. They do not have to stay in Monroe County.

(Henegar) Thank you, John.

(Kelson) Is there additional from the right? [pause] Is there discussion from the left?

(Thomas) No

(Newmann) I do not believe that there is any.

(McKim) But you would only see the bills if they were paid by Medicaid?

(Arnold) We see them; in fact here is the second quarter bill right here. Medicaid pays them and then they send us a bill for the 38% and it is all itemized the amount Medicaid pays and then our share is, and it is all itemized so that we can tell.

(Kelson) Is there any public comment on this item? Hearing none thank you very much. We will move along to item six.

(Lesh) Mr. President, I move approval of item VI part 1 to establish a New Budget Line and VI part 2 request for Additional Appropriation.

TREASURER

0101-003 County General/Treasurer

30.0008 Bank Service Fees

TREASURER

0101-003 County General/Treasurer

30.0008 Bank Service Fees \$30,000.00

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

(Henegar) I second the motion.

(Kelson) We have a motion and a second; good evening.

(Cathy Smith, Treasurer) Good evening, Council. Thank you for having me. What I am asking for is the establishment of a line to pay bank service fees. In the past, we had interest bearing checking and saving accounts, and the interest bearing checking accounts paid their own bank service fees based on the amount that of interest that they drew. This is not the case anymore. What has happened is, it is hardly any interest at all, and it does not come close to covering the service fees. So what I am asking you to do in the first item is to create a line so that we may send the banks their payment for using their checking services.

(Kelson) Is there discussion starting from the left?

(Newmann) Julie do you have anything?