



**JUNE 9, 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 on June 9, 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*
Amy Gerstman, Auditor
Steve Saulter, First Financial Representative, Auditor's Office
Marilyn Stonecipher, Deputy Auditor

I. CALL TO ORDER

The meeting was called to order at 5:05 p.m. by Vic Kelson.

II. PLEDGE OF ALLEGIANCE

[All stand and recite the Pledge of Allegiance.]

III. PUBLIC COMMENT

(Gabe Rivera) I appreciate the opportunity to make public comment. My name is Gabe Rivera. You can go to get more information about me at myspace.com/endthedrugwar. The greatest moment in my life – I have a huge sign that says, “Welcome to Monroe County’s Auschwitz” and it has a picture of the Monroe County Jail building, or Justice [building]. It should be spelled j-u-s-t-u-s-s. And that would be the lawyers and the legislators, where the lawyers are

the legislators, who are making a racket with the judges who are also attorneys. So I sat there with my sign and Chris Gaal was there with his – it was a Saturday market – and Chris Gaal was there with his family. Chris Gaal wields a lot of weight in this town and for him to be allowed to be that kind of mental disruption when I've done a lot to make sure freedom of speech is preserved in the United States of America – which it isn't. Harassment laws are an affront to that. So what I think is there is a great moment in time and space where, to me this is the Empire of Satan, colonialists hell-bent on murdering poor people around the world. The main guises of the drug war, or drug laws which we support here all of us by being apathetic and silent, which go to murder children everywhere. That produces a karma for Bloomington which will make it so that your own children may be murdered as you are doing to others. Banking is an elaborate fiction to keep women prostituting themselves to the most evil men ever – weapons makers and whatnot. I suggest we all start our own bank instead: The Bank of – I'll stand with you as you say the Pledge of Allegiance. I'm not going to allow you to murder people, take away Constitutional rights, pre-detain people, force people into Hitler youth programs as Obama is doing. Anyway, it's great that I can stand here and do this. It's so sorry that none of you comprehend it. Three years in the making – courage, wisdom and truth are raining down on all and you won't get away with oppressing 215 people in a jail much longer. It will come back on you. Thank you very much.

(Randy Paul) My name is Randy Paul. Could I ask the Council President to give me a heads up when I have one minute left? You've got a tough agenda ahead of you. I want to give you an update on Area 10. I was here last month. I just have a brief kind of background on it. I have been using the Area 10 services – both Rural Transit and BT Access – now for seven years. And I've watched these drivers and employees work every single day. And I sent you an email earlier today where I talk about they are part of what we have now come to accept and talk about as the working poor in our community. And the working poor, what that really means is that I have watched drivers being forced to move just ahead of an eviction notice. I've had drivers who don't have enough money to buy diapers for their babies. I've seen drivers who working full-time qualify for government assistance. And that is a problem in our community I think we have to address. But in this case what the drivers did is to try to actually do something about it and they elected a union last Fall. The union was elected by 72% of the drivers. We ran that union election out of the living room of my house. And during that campaign, the Director of Area 10 threatened three things. She threatened to never negotiate a contract – we'd never get a contract signed. She threatened to drop the BT Access service – which is the handicapped service that services the City residents with disabilities. She threatened she was going to drop that which would cost the drivers roughly a third of their jobs. And the third point was [that] after that was done then she could pick and choose drivers that would not support the union with the remaining two-thirds of the jobs. She is fulfilling the first two threats. We've been trying to negotiate now for eight months and we've accomplished absolutely nothing. The second one is she dropped BT Access last week and it cost Area 10 – the drivers – a third of their jobs. And this was after she has vigorously held onto that contract for 20 years. And the first year a union is there she drops it. The added problem with that was another strategic plan of part of management is that when those jobs were lost last week, every single leader of the union was part of that job loss. That contract ends November 1st and we lose everybody who made this union a reality. They will walk out of the Agency November 1 and not have a job. And management will win this by default because after November 1st, there's nobody to negotiate with. When we were running the

campaign the drivers asked me what happens – what could be the worst thing that happens. And I said, “Obviously you could lose your jobs.” But I told them I didn’t think we lived in a community that would tolerate it. I didn’t think there was any way that we would let this happen and I still believe that. The problem is that I can’t – I’m unable to motivate, for example, the Herald-Times to run a story. They ran a story last Saturday about the BT Access contract but they only talked to managers. They never talked to drivers or the passengers so our story isn’t being put out there. I think if the community knew what was going on there would be some measures to stop it. What I’m asking you tonight is that the microphones you have in front of you are much louder than what I have and it is not restrained by three minutes; and virtually every time you guys talk, you create news. I can’t get it done by myself. And I think until we get some help, these drivers – a third of them lost their jobs last week, a lot more are going to lose their jobs in the weeks ahead and I can’t imagine – I just can’t imagine that would happen in this community. In the words that Martin Luther King once said – they have stuck with me almost my lifetime – is that it is not the words of your enemy that you remember, it is the silence of your friends. And I think labor has a lot of friends on this board and in this community and we desperately, desperately need to hear from them. Thanks.

(Newmann) Randy, if I might. Was there a National Labor Relations Board election?

(Paul) Yes, it was certified last Fall.

(Newmann) Okay, and then what union are they certified with?

(Paul) ASCME.

(Newmann) And management is not willing to negotiate a contract?

(Paul) Right.

(Newmann) So they are not public employees so they can’t go out on strike?

(Paul) You know, I think actually, technically they could. But when I brought that up – this is the quality of the drivers we have, they said *no* because it would hurt people like me who were handicapped and can’t get around.

(Newmann) Well, that’s what they are going to have to bite the bullet on. They are going to have leave those busses sit.

(Paul) You think so.

(Cherlyn Reynolds) Hi. My name is Cherlyn Reynolds. I am a graduate student in the Anthropology Department [at] Indiana University and I am here tonight because I am concerned about this issue with BT Access and Area 10 for two reasons. For one because I am disabled, I am legally blind and I have cognitive impairment and I use the BT Access regularly and could not get around – go to doctor appointments, go to the library, or whatever I need to do – if I did not have the BT Access because it is very hard for me to take the bus. I do take it a little bit but I

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mostly need to use the BT Access. And I am very concerned for these drivers that I know well. I've been using this service for about four years and the passengers – clients, whatever you want to call us – we come to develop a relationship with these drivers, these drivers have to know our disabilities and know what they need to do for us to help us to get around to make our lives a little bit easier. It is a wonderful service. I mean the reason why I stay in Bloomington – because I am a PhD candidate so I'm not taking classes anymore, I could finish my degree long distance. I don't because in my hometown they don't have any service like this except for private pay which I could not afford to do. And so that's why I stay here. And I'm very concerned about these drivers. I've come to know them over a period of about four years now. And to think that they are going to lose their jobs November 1st and they are going to lose their jobs because the Director of Area 10 won't negotiate for a union with them. I don't understand this. I come from a union background. My family was all union. I wouldn't be where I'm at today – I wouldn't be able to go to college. No one in my family went to college because they worked. They worked blue collar jobs and I'm the first one to not do that. And I'm trying to struggle through because this impairment just happened to me 10 years ago when I had Leukemia. When I was in the middle of doing my degree here at I.U., I developed Leukemia and I had to have a bone marrow transplant up at Indiana University. Because of that, I lost a good bit of my vision. I am legally blind. And it caused cognitive impairment. And I'm very, very thankful for this service. But they've done so much for me. I want to do something for them. I mean I can't believe that the Director of Area 10 will not negotiate with them for a union. This helps everybody. This helps the passengers. This helps the drivers. This should help the service itself – you know, Area 10. And it helps the community. It strengthens the community when we have a union, when we have people being protected. Drivers are protecting me. They make sure that I don't get out in an unsafe place, that I don't get out at the wrong place. They take care of me and so we should all be taking care of each other. And that's my first concern with this issue.

My second concern is as a taxpayer. The Director of Area 10 used tax dollars to pay for a union buster from California. I'm very surprised by that. I'm surprised that she would even be allowed to use those tax dollars to go against something that I, and probably a lot of other people, support. I mean don't we want to see workers flourish in this community and to have enough money to be able to live their lives? So that's another question I have to ask is how did that happen? Thank you very much.

IV. COMMISSIONERS

(Iris Kiesling, County Commissioner) The Curry Building is moving along famously. It should, be done probably September, maybe mid-September. I think people can move in in October. As requested by Mr. Kelson, I'm trying to get the office to arrange for you all to take a walk through sometime – maybe not this month but maybe next month so they are a little farther along and it will be safe. When we finish that and we can get people moved into the Curry Building, we will start on the courtrooms. There are two courtrooms that are supposed to be built in the Justice Building. And we are still working on the floor downstairs where the Assessor needs to go. We have some bids but people have been sick and out of town – mostly sick unfortunately – so it has been held up a little bit. But I hope to get some numbers soon so we can figure out where we are going to go and get that done sooner rather than later. Thank you.

(Kelson) When you are able to schedule that walkthrough at Curry, could you let Mr. Flory know so that he can advertise it as a quorum might be present because I suspect more than four of us will be interested in walking through.

(Kiesling) Okay, I will. That's what I've asked to do. Thank you.

V. **COMMISSIONERS, Asset Building Coalition of Monroe County, Request for Additional Appropriation Approval**

A. **Department of Education Grant on Alcohol: Monroe County Community School Corporation**

Lesh moved approval of a request for additional appropriation, Department of Education Grant on Alcohol: Monroe County Community School Corporation Fund 3031, Line 10.0001 the Executive Director, \$24,215.00, and the benefits that go with that for a bottom line of the 10s for \$33,974.00. Henegar seconded.

(Susan Forney, Executive Director, Asset Building Coalition) Basically this first item on the agenda is really a contract that the MCCSC is offering to the County through the Asset Building Coalition to pay for me to implement an initiative that they received from the Department of Education on alcohol. And as of October 1st, I will be in charge of the Communities Mobilizing for Change on Alcohol. And basically this will cover my salary and benefits to do that. Do you have any questions about that or [need] more explanation?

(Newmann) Yes, I would appreciate it if you would explain the relationship of the Asset Building Coalition with the County Department that sponsors you since you are here in front of the Monroe County Council [but] you are really not a Department of Monroe County Government. Are you part of the Youth Services Bureau, for the public's information?

(Forney) Well, we are very fortunate to be housed next to the Youth Services Bureau, in that little house in front. And so because of that, we [have] kind of been under the wing – I guess you would say, Ron – of the Youth Services Bureau. We are an independent agency really but they've just kind of taken us in as far as, you know, a place to have our offices and whatnot and we do share some things together. I don't know if that's sufficient explanation but that's how I see it.

(Newmann) Well, it raises a question for me in my mind. I know where you are at. But if you are an independent agency and you are not a County Department, why are you here talking to the Monroe County Council about funding?

(Mark Stoops, County Commissioner) Charlie, you can consider this to be under the Commissioners.

(Newmann) Okay. You know, if it is confusing to me, I'm sure it is confusing to a lot of the public. It is a good service you provide but I was just wondering why you are coming to the Monroe County Council for this request. Thank you.

(McKim) Could you just talk for a moment about what the Communities Mobilizing for Change on Alcohol Program is going to do for the community?

(Forney) Yes, I'd love to talk about that! Really this grant that the Department of Education granted to the School System is a four-tiered grant; and we, the Coalition, are taking on the broadest tier of it – the environmental tier of it. That is because it affects all aspects of our community. Specifically, our charge is to reduce access to alcohol for youth. We're going to try to find at least two policies within our broader community that can effect change that will limit youth's access to alcohol. So we are not really approaching the youth in this equation, we're approaching the means by which they get alcohol: retailers, friends, family, neighbors and whatnot. So that's our charge: to find two policies that we can strengthen that will limit their access. Is that satisfying?

(McKim) Yes, thank you. That's very useful.

(Hawk) So that contract is between which parties?

(Forney) The contract is from the MCCSC that was awarded the grant from the Department of Education – this grant on alcohol. So the MCCSC will basically cut a check to Monroe County to pay for my salary and benefits.

(Hawk) But the contract is between which parties? I'm trying to figure out which party here at the County. It's between MCCSC and who?

(Forney) The Monroe County Asset Building Coalition.

(Kelson) I believe it is with the Commissioners. Is that right?

(Hawk) That's what I'm saying.

(Unknown Male) The Commissioners are handling all the contracts.

(Kelson) Commissioners sign the contracts.

(Hawk) That's part of what I was trying to say and I agree with what Charles was saying. We have to try to figure out: *okay, this is a contract between which parties.*

(Forney) I would say then, correctly, that it is between the School System and the Commissioners.

(Hawk) Have the Commissioners signed off on this as yet? Or have they met on this as yet to sign off?

(Forney) Well, I have the contract that the School is submitting to the County for it but no one has signed. My understanding [is that] it was pending this approval this evening – that they couldn't sign it until it is okayed. Maybe I have that backwards.

(Hawk) I'm not trying to throw up any roadblocks. I just want to know if we've done the correct steps so that we get everything done. We don't want to do anything to mess up a grant.

(Forney) Sure.

(Hawk) And then you're saying it's going to carry you through 100% your salary until what time? Or is it 100% of your salary?

(Forney) Yes. It will take care of all my salary and benefits. It begins on October 1st. The CSAP grant that primarily supports my salary presently concludes the end of September. So this grant will begin October 1st for me and this first run through will go for nine months until the end of June. Then this time next year, I will be back for one more full year of the contract from the School System. So it is paying for, totally, one year and nine months for me.

(Hawk) Okay, so there's no break in between where we are going to have to try to scurry around.

(Forney) No. It was orchestrated to dovetail that way.

(Hawk) And the only thing the grant covers is your salary and your benefits and that's it.

(Forney) Correct.

(Hawk) And that's it. It doesn't cover any supplies or advertising?

(Forney) No.

(Hawk) Who covers that portion?

(Forney) Well basically if I have any expenses, they would be submitted to the School System. But really I have no budget myself. So I'm not going to be submitting any bills here because there is no money to pay.

(Hawk) Well, okay. I'm just thinking you probably have a computer.

(Forney) Correct.

(Hawk) And so who pays for the computer and for the internet access?

(Forney) Well, I have the computer that I was awarded with this current grant and it still is functional. So I had that. The computer access is part of us being connected with the YSB and the County.

(Hawk) Okay, so it's part of the County.

(Forney) Correct.

(Hawk) But as far as you know, what about printing and stamps and all those other things it takes to make something work?

(Forney) Well fortunately in-house within the Asset Building Coalition, we also have another grant – the State Incentive Grant – which is next up on the agenda and they do have within their budget some things that would help us out in that manner. Would you say that's correct, Linda?

(Linda Hannick, Asset Building Coalition) The State Incentive Grant is also working on the Mobilization for Change on Alcohol and so our strategic plan includes that we pay for things like printing any ads, coffee for someone. Part of the mobilization is that we do interviews in the community – in 14 different sectors of the community. Everyone from a housewife, to a doctor, to one of you guys and we just ask some basic questions and that's part of our work where we are going to look for trends and themes and then approach the environment that our kids are in and that the parents are operating within. So the SIG grant is set up to help with those expenses because you can't run without that.

(Henegar) As a grandfather of several kids in your category, I support it fully and wish you luck!

(Kelson) Have the Commissioners already approved this contract? Or is your vote pending ours? Or is our vote pending yours? Or do we need to amend just to make sure?

(Kiesling) That's what we were just discussing because neither of us seem to remember whether we had actually seen it at a meeting or not but I thought we had something from ABC.

(Forney) Well the contract was submitted at the time in May when we submitted all the materials – actually we were going to appear here last month but we got bumped back.

(Kiesling) So it should have gotten on our agenda and didn't.

(Forney) I brought it here to the legal office.

(Kiesling) We had a glitch. We will see it on the 19th.

(Kelson) So it has not yet been voted by the Commissioners?

(Kiesling) I don't think so but I'll go check on it.

(Kelson) Mr. Flory, it is legal for us to amend the resolution and have this be subject to the approval of the Commissioners so they don't have to come back again?

(Flory) That's fine. Actually, if [the Commissioners] don't approve the contract, your approval as to how it would be broken down is irrelevant anyway. You could even argue that having how it is going to be broken down and spent might speed approval of the contract. So you need to work together on this.

(Kelson) I think we do.

(Flory) And who goes first is not that legally important in this instance.

(Kelson) Excellent.

(Hawk) I just don't want to do anything to lose another grant.

(Kiesling) Mr. Chairman, I think we just had a glitch in organization since we lost somebody in the Legal Department in recent times, as you know, in the last two months and responsibilities have been going all over the place. So we'll get that straightened out. Sorry.

(Kelson) We've got plenty of time.

Lesh called the question.

(Stonecipher calls roll)

Kelson – yes

Newmann – yes

Hawk – yes

Lesh – yes

Henegar – yes

McKim – yes

Thomas – yes

Motion passed.

B. Monroe County Strategic Prevention Framework State Incentive Grant

Lesh moved to approve Monroe County Strategic Framework State Incentive Grant, Fund 3004-000, Line 10.0001 Program Director for \$37,000.00; Line 10.0002 Office Manager/Administrative Assistant for \$27,296.00; and Line 10.0003 Program Assistant for \$3,000.00; plus the benefits that total \$97,444.00 for the 10s; and for 20.0001 Office Supplies \$500.00; and the 30s total \$42,174.00; for a grand total of \$139,488.00. Henegar seconded.

(Forney) Yes, we were just referring to this grant. This will begin our third of four years of the Strategic Prevention Framework State Incentive Grant. This is basically just the budget appropriation for the coming year which begins July 1st, year three. Basically, this grant is addressing underage and binge drinking for 18 to 25 year olds and it's fondly referred to as *Project 1825*. Miss Linda Hannick is the Director of this grant within the Asset Building

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